A BILL TO BE ENTITLED
AN ACT TO PROTECT NORTH CAROLINA'S MILITARY FOOTPRINT BY (1)
MODIFYING THE PERMITTING PROCESS FOR WIND ENERGY FACILITIES, THE
ENDORSEMENT PROCESS FOR CONSTRUCTION OF TALL BUILDINGS AND
STRUCTURES, AND THE PROCEDURE FOR ADOPTING, AMENDING, OR
REPEALING ORDINANCES IN ORDER TO PROVIDE THE DEPARTMENT OF
MILITARY AND VETERANS AFFAIRS WITH THE RESPONSIBILITY FOR
CONSIDERATION AND REVIEW OF MILITARY-RELATED CRITERIA AND (2)
ESTABLISHING THE NORTH CAROLINA SENTINEL LANDS COMMITTEE TO
COORDINATE THE OVERLAPPING PRIORITY AREAS IN THE VICINITY OF THE
STATE'S MAJOR MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

PART I. MODIFY THE APPROVAL PROCESS FOR PERMITTING WIND ENERGY
FACILITIES

SECTION 1.(a) Article 21C of Chapter 143 of the General Statutes reads as rewritten:
"Article 21C.

"§ 143-215.115. Definitions."
In addition to the definitions set forth in G.S. 143-212, the following definitions apply to this
Article:

(1) "Major military installation" means Fort Bragg, Pope Army Airfield, Marine
Corps Base Camp Lejeune, New River Marine Corps Air Station, Cherry Point
Marine Corps Air Station, Military Ocean Terminal at Sunny Point, the United
States Coast Guard Air Station at Elizabeth City, Naval Support Activity
Northwest, Air Route Surveillance Radar (ARSR-4) at Fort Fisher, and
Seymour Johnson Air Force Base, in its own right and as the responsible entity
for the Dare County Bombing Range. Camp Butner, North Carolina National
Guard Joint Force Headquarters, and any facility located within the State that is
subject to the installations' oversight and control.

(2) "Wind energy facility" means the turbines, accessory buildings, transmission
facilities, and any other equipment necessary for the operation of the facility
that cumulatively, with any other wind energy facility whose turbines are
located within one-half mile of one another, have a rated capacity of one megawatt or more of energy.

(3) "Wind energy facility expansion" means any activity that (i) adds or substantially modifies turbines or transmission facilities, including increasing the height of such equipment, over that which was initially permitted or (ii) increases the footprint of the wind energy facility over that which was initially permitted.

"§ 143-215.116. Permit to site wind energy facilities."

No person shall undertake construction, operation, or expansion activities associated with a wind energy facility in this State without first obtaining a permit from the Department.

"§ 143-215.116A. Prohibitions; low level flight compatibility."

(a) Construction, operation, or expansion activities associated with a wind energy facility shall be prohibited in any location identified as a "Red Zone," "Orange Zone," "Yellow Zone," "Green Zone," or "Grey Zone-Rotary Operations Area" as those zones are identified on the Low Level Flight Compatibility, Figure 3-1 – March 2016 Edition of the North Carolina Military Affairs Commission Compatible Use Map Atlas.

(b) The Department shall consult with the Military Affairs Commission and the Department of Military and Veterans Affairs, at least annually, to review and ensure that the Low Level Flight Compatibility, Figure 3-1 – March 2016 Edition of the North Carolina Military Affairs Commission Compatible Use Map Atlas, is up-to-date to reflect potential development conflicts to existing military operations and to future military operations that may be considered for the military's mission, readiness, and training. The Department of Military and Veterans Affairs and the Commission may propose updates to Figure 3-1 based on the results of their review. After an update has been proposed, the agencies shall submit the proposed updated map, relevant data in support of the proposed updated map, and the compilation of public comments received pursuant to G.S. 143-215.123 to the Environmental Review Commission for the Commission's consideration of whether to recommend to the General Assembly a statutory revision to incorporate the proposed updated map.

(c) The Department is authorized to withhold from the public record any relevant data that it deems critical to national security but, when queried, shall identify where such data has been protected from inclusion in public records.

"§ 143-215.117. Permit preapplication site evaluation meeting; notice; preapplication package requirements."

(b) Permit Preapplication Package. – No less than 45 days prior to the date of the permit preapplication site evaluation meeting scheduled in accordance with subsection (a) of this section, the applicant for a wind energy facility or wind energy facility expansion shall submit a preapplication package to the Department. To the extent that any documents contain trade secrets or confidential business information, those portions of the documents shall not be subject to disclosure under the North Carolina Public Records Act. The preapplication package shall include all of the following:

(1) A narrative description of the proposed wind energy facility or proposed wind energy facility expansion, including (i) the approximate number, type, and height of wind turbines to be constructed; (ii) the total planned capacity of the facility; and (iii) a description of any ancillary facilities.

(2) A map showing the approximate location of the proposed wind energy facility or proposed wind energy facility expansion.

(3) A description of any known potential impacts of the proposed wind energy project location on civil air navigation or military air navigation routes, air traffic control areas, military training routes, special-use air space, radar, or other potentially affected military operations. The applicant may use data made
available by the Department of Military and Veterans Affairs pursuant to
G.S. 143-215.123 to satisfy this requirement.

(4) A description of species of concern, habitats that support species of concern,
critical areas of wildlife congregation, and protected lands, as those species,
habitats, and critical areas are referenced in the March 23, 2012, United States
Fish and Wildlife Service Land-Based Wind Energy Guidelines (OMB Control
No. 1018-0148) that are or believed to be present at the site of the proposed
wind energy facility or proposed wind energy facility expansion. The applicant
may use data made available by the North Carolina Wildlife Resources
Commission, the Department, or other governmental agency to satisfy this
requirement.

(5) A list of the federal, State, and local agencies from which approvals will be
obtained and the name of those approvals required in order to authorize the
construction, operation, or expansion of the proposed wind energy facility.

(6) A schedule showing the anticipated dates for commencement of construction,
testing, and commercial operation of the proposed wind energy facility or
proposed wind energy facility expansion.

§ 143-215.118. Permit application scoping meeting and notice.

(a) Scoping Meeting. – No less than 60 days prior to filing an application for a permit for a
proposed wind energy facility or proposed wind energy facility expansion, the applicant shall
request the scheduling of a scoping meeting between the applicant and the Department. The
scoping meeting shall be held no less than 30 days prior to filing an application for a permit for a
proposed wind energy facility or proposed wind energy facility expansion. The applicant and the
Department shall review the permit for the proposed wind energy facility or proposed facility
expansion at the scoping meeting.

§ 143-215.119. Permit application requirements; fees; notice of receipt of completed
permit; public hearing; public comment.

(a) Permit Requirements. – A person applying for a permit for a proposed wind energy
facility or proposed wind energy facility expansion shall include all of the following in an
application for the permit:

(1) A narrative description of the proposed wind energy facility or proposed wind
energy facility expansion.

(2) A map showing the location of the proposed wind energy facility or proposed
wind energy facility expansion that identifies the specific location of each
turbine.

(3) A copy of a deed, purchase agreement, lease agreement, or other legal
instrument demonstrating the right to construct, expand, or otherwise develop a
wind energy facility on the property.

(4) Identification by name and address of property owners adjacent to living within
one-half mile of the proposed wind energy facility or proposed wind energy
facility expansion. The applicant shall notify every property owner identified
pursuant to this subdivision by registered or certified mail or by any means
authorized by G.S. 1A-1, Rule 4, in a form approved by the Department. The
notice shall include all of the following:
a. The location of the proposed wind energy facility or proposed wind
energy facility expansion and the specific location of each turbine
proposed to be located within one-half mile of the boundary of the
adjacent property owner’s property.
(5) A description of civil air navigation or military air navigation routes, air traffic control areas, military training routes, special-use air space, radar, or other military operations that may be affected by the construction or operation of the proposed wind energy facility or proposed wind energy facility expansion.

(6) Documentation that addresses any potential adverse impact on military operations and readiness as identified by the Department of Defense Clearinghouse pursuant to Part 211 of Title 32 Code of Federal Regulations (July 1, 2012 edition) and any mitigation actions agreed to by the applicant.

(7) Documentation that the applicant has either (i) submitted Federal Aviation Administration Form 7460-1 for the turbines associated with the proposed wind energy facility or proposed wind energy facility expansion or (ii) initiated an informal review by the Department of Defense Siting Clearinghouse of the proposed wind energy facility or proposed wind energy facility expansion. If the applicant has submitted Federal Aviation Administration Form 7460-1 in order to fulfill the requirements of this subdivision, the applicant shall provide any determination reached by the Federal Aviation Administration at the time the application is submitted to the Department. If the Federal Aviation Administration has not made a determination at the time the application is submitted to the Department, the application shall include a description of the status of the applicant's engagement with the Federal Aviation Administration and the Department of Defense Siting Clearinghouse.

(8) A study of the noise impacts of the turbines to be associated with the proposed wind energy facility or proposed wind energy facility expansion.

(9) A study on shadow flicker impacts of the turbines to be associated with the proposed wind energy facility or proposed wind energy facility expansion, unless the turbines will be located in a sound or in offshore waters.

(10) A study of the impact of the proposed wind energy facility or proposed wind energy facility expansion on natural resources and uses, including avian, bat, and endangered and threatened species.

(11) An explanation of how the proposed wind energy facility or proposed wind energy facility expansion would be consistent with the criteria in subsection (a) of G.S. 143-215.120.

(12) The application fee required by subsection (c) of this section.

(13) A plan regarding the action to be taken upon the decommissioning and removal of the wind energy facility. The plan shall include an estimate of the cost to decommission and remove the wind energy facility. The plan shall also include the anticipated life of the project, an estimate of the cost to decommission and remove the wind energy facility, a description of the manner in which the facility will be decommissioned, and a description of the expected condition of the site once the wind energy facility has been decommissioned and removed.

(14) Other data or information the Department may reasonably require.

(a1) A person applying for a permit for a proposed wind energy facility or proposed wind energy facility expansion shall provide copies of the noise and shadow flicker studies required pursuant to subdivisions (8) and (9) of subsection (a) of this section to the Department of Health and Human Services for review of the potential health effects posed by the proposed facility. The Department of Health and Human Services may consult faculty from the University of North Carolina's School of Medicine or Gillings School of Global Public Health who are expert in the health impacts of noise, shadow flicker, or both in its evaluation of these studies. The Department of Health and Human Services shall provide the results of its review of the studies and its
recommendations for further action, if any, to the Department. If in the conduct of its review of either the noise or shadow flicker impact studies, or both, the Department of Health and Human Services determines that those impacts would be deleterious to human health, the Department of Health and Human Services shall notify the Department accordingly, in writing, with a recommendation that the Department deny the permit. The Department of Health and Human Services shall issue its recommendation to the Department within 60 days following receipt of a completed application.

"§ 143-215.120. Criteria for permit approval; time frame; permit conditions; other approvals required."

(a) Permit Approval. – The Department shall approve an application for a permit for a proposed wind energy facility or proposed wind energy facility expansion unless the Department finds any one or more of the following:

(1) Construction or operation of the proposed wind energy facility or proposed wind energy facility expansion would be inconsistent with or violate rules adopted by the Department, the Department of Military and Veterans Affairs, or any other provision of law.

(2) Construction or operation of the proposed wind energy facility or proposed wind energy facility expansion would encroach upon or would otherwise have a significant adverse impact on the mission, training, or operations of any major military installation or branch of military in North Carolina and result in a detriment to continued military presence in the State. In its evaluation, the Department may consider whether the proposed wind energy facility or proposed wind energy facility expansion would cause interference with air navigation routes, air traffic control areas, military training routes, or radar based on information submitted by the applicant pursuant to subdivisions (5) and (6) of subsection (a) of G.S. 143-215.119, and any information received by the Department pursuant to subdivision (2) of subsection (d) of G.S. 143-215.119.

(3) Construction or operation of the proposed wind energy facility or proposed wind energy facility expansion would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance; including national or State parks or forests, wilderness areas, historic sites, recreation areas, segments of the natural and scenic rivers system, wildlife refuges, preserves and management areas, areas that provide habitat for threatened or endangered species, primary nursery areas designated by the Marine Fisheries Commission and the Wildlife Resources Commission, and critical fisheries habitat identified pursuant to the Coastal Habitat Protection Plan.

(4) Construction or operation of the proposed wind energy facility or proposed wind energy facility expansion would have a significant adverse impact on fish or wildlife.

(5) Construction or operation of the proposed wind energy facility or proposed wind energy facility expansion would have a significant adverse impact on views from any State or national park, wilderness area, significant natural heritage area as compiled by the North Carolina Natural Heritage Program, or other public lands or private conservation lands designated or dedicated due to their high recreational values.

(6) Construction or operation of the proposed wind energy facility or proposed wind energy facility expansion would obstruct major navigation channels or
create a significant obstacle to navigation in coastal waters, as determined by
the United States Army Corps of Engineers and the United States Coast Guard.

(7) A permit for a proposed wind energy facility or proposed wind energy facility
expansion would be denied under any other criteria set out in G.S. 113A-120.

(8) Construction of the proposed wind energy facility or proposed wind energy
facility expansion would be prohibited under Article 14 of Chapter 113A of the
General Statutes, the Mountain Ridge Protection Act of 1983.

(9) The applicant is not in compliance with all applicable federal, State, or local
permit requirements, licenses, or approvals, including local zoning
requirements.

(10) That construction of the proposed wind energy facility or proposed wind energy
facility expansion would pose a significant adverse impact on human health, as
evidenced by receipt of the written notice from the Department of Health and
Human Services submitted pursuant to G.S. 143-215.119(a1).

..."§ 143-215.123. Annual review of military presence; public notice of and public
hearing on proposed updated maps.

(a) The Department of Military and Veterans Affairs shall consult with representatives of
the major military installations to review information regarding military air navigation routes, air
traffic control areas, military training routes, special-use air space, radar, or other potentially
affected military operations at least once per year and shall provide such information to the
Department. The Department of Military and Veterans Affairs shall provide relevant information
on civil air navigation or military air navigation routes, air traffic control areas, military training
routes, special-use air space, radar, or other potentially affected military operations to permit
applicants as requested.

(b) If the Department of Military and Veterans Affairs and the Military Affairs
Commission proposes to update the Low Level Flight Compatibility, Figure 3-1 map pursuant to
G.S. 143-215.116A, the Department of Military and Veterans Affairs shall, prior to submitting the
proposed updated map to the Environmental Review Commission for review, do all of the
following:

(1) Publish the proposed updated map on each agency's Web site for public review
and comment except for data deemed critical to national security as provided in
G.S. 143-216.116A(c).

(2) Hold at least one public hearing within 30 days of completing an updated map.

(3) Provide notice at least 30 days in advance of the hearing, including the time and
location of the public hearing, in (i) a newspaper of general circulation in the
county in which the hearing will take place and (ii) on the its Web site.

(4) Evaluate all of the public comments received on the proposed updated map and
prepare a compilation of the comments and the Department of Military and
Veterans Affairs' response to the comments, if any, to accompany the proposed
map when it is submitted to the Environmental Review Commission.


The Department of Military and Veterans Affairs and the Environmental Management
Commission shall adopt any rules necessary for the implementation of this Article. In adopting rules, the Environmental
Management Commission shall consult with the Coastal Resources Commission to ensure that the
development of statewide permitting requirements is consistent with and in consideration of the
characteristics unique to the coastal area of the State to the maximum extent practicable.

...."
SECTION 1.(b) This section becomes effective when this act becomes law and applies to applications for permits for a proposed wind energy facility or a proposed wind energy facility expansion submitted on or after that date.

PART II. DISCRETE MODIFICATION OF THE ENDORSEMENT PROCESS FOR THE CONSTRUCTION OF TALL BUILDINGS AND STRUCTURES

SECTION 2.(a) Article 9G of Chapter 143 of the General Statutes reads as rewritten:

"Article 9G.

"Military Lands Protection.

§ 143-151.70. Short title.

This Article shall be known as the Military Lands Protection Act of 2013.

§ 143-151.71. Definitions.

Within the meaning of this Article:

(1) "Area surrounding major military installations" is the area that extends five miles beyond the boundary of a major military installation and may include incorporated and unincorporated areas of counties and municipalities.

(1a) "Adjutant General" means the Adjutant General of the North Carolina National Guard or the Adjutant General's designee.


(3) "Commissioner" means the Commissioner of Insurance.

(4) "Construction" includes reconstruction, alteration, or expansion.

(5) "Major military installation" means Fort Bragg, Pope Army Airfield, Camp Lejeune Marine Corps Air Base, New River Marine Corps Air Station, Cherry Point Marine Corps Air Station, Military Ocean Terminal at Sunny Point, the United States Coast Guard Air Station at Elizabeth City, Naval Support Activity Northwest, Air Route Surveillance Radar (ARSR-4) at Fort Fisher, and Seymour Johnson Air Force Base, in its own right and as the responsible entity for the Dare County Bombing Range, and any facility located within the State that is subject to the installations' oversight and control.

(5a) "National Guard facilities" means Camp Butner and the North Carolina National Guard Joint Force Headquarters.

(6) "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

(6a) "Secretary" means the Secretary of the Department of Administration.

(6a)(6b) "State Construction Office" means the State Construction Office of the Department of Administration.

(7) "Tall buildings or structures" means any building, structure, or unit within a multiunit building with a vertical height of more than 200 feet measured from the top of the foundation of the building, structure, or unit and the uppermost point of the building, structure, or unit. "Tall buildings or structures" do not include buildings and structures listed individually or as contributing resources within a district listed in the National Register of Historic Places.

§ 143-151.72. Legislative findings.

North Carolina has a vested economic interest in preserving, maintaining, and sustaining land uses that are compatible with military activities at major installations, military installations and National Guard facilities. Development located proximate to military installations has been identified as a critical issue impacting the long-term viability of the military in this State. Additional concerns associated with development include loss of access to air space and coastal and marine areas and radio frequency encroachment. The construction of tall buildings or
structures in areas surrounding major military installations is of utmost concern to the State as those buildings and structures may interfere with or impede the military's ability to carry out activities that are vital to its function and future presence in North Carolina.

"§ 143-151.73. Certain buildings and structures prohibited without endorsement.

(a) No county or city may authorize the construction of and no person may construct a tall building or structure in any area surrounding a major military installation in this State, unless the county or city is in receipt of either a letter of endorsement issued to the person by the State Construction Office pursuant to G.S. 143-151.75 or proof of the State Construction Office's failure to act within the time allowed pursuant to G.S. 143-151.75.

(b) No county or city may authorize the provision of the following utility services to any building or structure constructed in violation of subsection (a) of this section: electricity, telephone, gas, water, sewer, or septic system.

"§ 143-151.74. Exemptions from applicability.

(a) Wind energy facilities and wind energy facility expansions, as those terms are defined in Article 21C of Chapter 143 of the General Statutes, that are subject to the applicable permit requirements of that Chapter shall be exempt from obtaining the endorsement required by this Article.

(b) Cellular, radio, and television towers erected to temporarily replace cellular, radio, and television towers that are damaged or destroyed due to a natural disaster shall be exempt from obtaining the endorsement required by this Article provided all of the following conditions are met:

(1) The height of the cellular, radio, or television tower that is erected to temporarily replace the cellular, radio, or television tower that is damaged or destroyed does not exceed the height of the original cellular, radio, or television tower.

(2) A disaster has been declared pursuant to Chapter 166A of the General Statutes for the area in which the damaged or destroyed cellular, radio, or television tower is located.

(3) The temporary cellular, radio, or television tower shall only remain in place until the expiration of the declared disaster.

(c) The modification, replacement, removal, or addition of antennas on cellular, radio, or television towers in an area surrounding a major military installation shall be exempt from obtaining the endorsement required by this Article provided the modification, replacement, removal, or addition does not increase the vertical height of the structure.

"§ 143-151.75. Endorsement for proposed tall buildings or structures required.

(a) No person shall undertake construction of a tall building or structure in any area surrounding a major military installation in this State without either first obtaining the endorsement from the State Construction Office or proof of the State Construction Office's failure to act within the time allowed.

(a1) No person shall undertake construction of a tall building or structure in any area located within one-quarter mile (1/4 mile) of a National Guard facility without either first obtaining an endorsement from the State Construction Office or proof of the State Construction Office's failure to act within the time allowed.

(b) A person seeking endorsement for a proposed tall building or structure in any area surrounding a major military installation in this State shall provide written notice of the intent to seek endorsement to the base commander of the major military installation that is located within five miles of the proposed tall building or structure and shall provide all of the following to the State Construction Office:

(1) Identification of the major military installation and the base commander of the installation that is located within five miles of the proposed tall building or structure.
(2) A copy of the written notice sent to the base commander of the installation identified in subdivision (1) of this subsection that is located within five miles of the proposed tall building or structure.

(3) A written "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration pursuant to Subpart D of Part 77 of Title 14 of the Code of Federal Regulations (January 1, 2012, Edition) for the proposed tall building or structure.

(c) After receipt of the information provided by the applicant pursuant to subsection (b) of this section, the State Construction Office shall, in writing, request a written statement concerning the proposed tall building or structure from the base commander of the major military installation identified in subdivision (1) of subsection (b) of this section. The State Construction Office shall request that the following information be included in the written statement from the base commander:

(1) A determination whether the location of the proposed tall building or structure is within a protected area that surrounds the major military installation.

(2) A determination whether any activities of the installation may be adversely affected by the proposed tall building or structure. A detailed description of the potential adverse effects, including frequency disturbances and physical obstructions, shall accompany the determination required by this subdivision.

(d) The State Construction Office shall not endorse a tall building or structure if the State Construction Office finds any one or more of the following:

(1) The proposed tall building or structure would encroach upon or otherwise interfere with the mission, training, or operations of any major military installation in North Carolina and result in a detriment to continued military presence in the State. In its evaluation, the State Construction Office may consider whether the proposed tall building or structure would cause interference with air navigation routes, air traffic control areas, military training routes, or radar based on the written statement received from a base commander as provided in subsection (c) of this section and written comments received by members of affected communities. Provided, however, if the State Construction Office does not receive a written statement requested pursuant to subsection (c) of this section within 45 days of issuance of the request to the base commander, the State Construction Office shall deem the tall building or structure as endorsed-eligible by the base commander.

(2) The State Construction Office is not in receipt of the written "Determination of No Hazard to Air Navigation" issued to the person by the Federal Aviation Administration required pursuant to subdivision (3) of subsection (b) of this section.

(d1) A person seeking endorsement for a proposed tall building or structure in any area located within one-quarter mile (1/4 mile) of a National Guard facility shall consult with the Adjutant General to determine whether any activities of the facility may be adversely affected by the proposed tall building or structure. A written summary of the consultation between the person and the Adjutant General, including findings and recommendations of the Adjutant General as to whether or not to endorse the proposed tall building or structure, shall be submitted to the State Construction Office and evaluated in accordance with subsections (d2) and (e) of this section.

(d2) The State Construction Office shall not endorse a tall building or structure in any area located within one-quarter mile (1/4 mile) of a National Guard facility if the State Construction Office finds any one or more of the following:

(1) As evidenced by receipt of the written summary from the Adjutant General submitted pursuant to subsection (d1) of this section, construction of the proposed tall building or structure would encroach upon or otherwise interfere
sections. The

constitute a separate violation.

The State Construction Office may consider whether the proposed tall building or structure would cause interference with air navigation routes, air traffic control areas, military training routes, or radar based on the written statement received as provided in subsection (d1) of this section. Provided, however, if the State Construction Office does not receive the written statement pursuant to subsection (d1) of this section within 45 days of the date of the consultation between the person and the Adjutant General, the State Construction Office shall construe the Adjutant General’s failure to submit the written statement as the Adjutant General having no objection to the tall building or structure.

The State Construction Office is not in receipt of the written "Determination of No Hazard to Air Navigation" issued to the person by the Federal Aviation Administration required pursuant to subdivision (3) of subsection (b) of this section.

The State Construction Office shall make a final decision on the request for endorsement of a tall building or structure within 90 days from the date on which either (i) the State Construction Office requested the written statement from the base commander of the major military installation identified in subdivision (1) of subsection (b) of this section or (ii) the date of the consultation between the person and the Adjutant General conducted in accordance with subsection (d1) of this section. If the State Construction Office determines that a request for a tall building or structure fails to meet the requirements for endorsement under this section, the State Construction Office shall deny the request. The State Construction Office shall notify the person of the denial, and the notice include a written statement of the reasons for the denial. If the State Construction Office fails to act within any time period set forth in this section, the person may treat the failure to act as a decision to endorse the State Construction Office having no objection to the tall building or structure.

The State Construction Office may meet by telephone, video, or Internet conference, so long as consistent with applicable law regarding public meetings, to make a decision on a request for endorsement for a tall building or structure pursuant to subsection (e) of this section.

§ 143-151.76. Application to existing tall buildings and structures.

G.S. 143-151.73 applies to tall buildings or structures that existed in an area surrounding major military installations upon the effective date of this Article on October 1, 2013, as follows:

1. No reconstruction, alteration, or expansion may aggravate or intensify a violation by an existing building or structure that did not comply with G.S. 143-151.73 upon its effective date on October 1, 2013.

2. No reconstruction, alteration, or expansion may cause or create a violation by an existing building or structure that did comply with G.S. 143-151.73 upon its effective date on October 1, 2013.

§ 143-151.77. Enforcement and penalties.

(a) In addition to injunctive relief, as provided by subsection (e) of this section, the Commissioner Secretary may assess and collect a civil penalty against any person who violates any of the provisions of this Article or rules adopted pursuant to this Article, as provided in this section. The maximum civil penalty for a violation is five thousand dollars ($5,000). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation may constitute a separate violation.

(b) The Commissioner Secretary shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. The notice of assessment shall be served by any means authorized under Rule 4 of G.S. 1A-1 and shall direct the violator to either pay the assessment or contest the assessment within 30 calendar days by filing a petition for a contested case under Article 3 of
Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Commissioner Secretary within 30 calendar days after it is due, the Commissioner Secretary shall request that the Attorney General institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the violation occurred. A civil action must be filed within one year of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(c) In determining the amount of the penalty, the Commissioner Secretary shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by noncompliance, whether the violation was committed willfully, the prior record of the violator in complying or failing to comply with this Article, and the action of the person to remedy the violation.

(d) The clear proceeds of civil penalties collected by the Commissioner Secretary under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(e) Whenever the Secretary has reasonable cause to believe that any person has violated or is threatening to violate any of the provisions of this Article, a rule implementing this Article, or any of the terms of any endorsement issued pursuant to this Article, the State Construction Office may, either before or after the institution of any other action or proceeding authorized by this Article, request the Attorney General to institute a civil action in the name of the State upon the request of the State Construction Office for injunctive relief to restrain the violation or threatened violation and for such other and further relief in the premises as the court shall deem proper. The Attorney General may institute such action in the superior court of the county in which the violation occurred or may occur or, in the Attorney General’s discretion, in the superior court of the county in which the person responsible for the violation or threatened violation resides or has the person’s principal place of business. Upon a determination by the court that the alleged violation of the provisions of this Article or the regulations of the State Construction Office has occurred or is threatened, the court shall grant the relief necessary to prevent or abate the violation or threatened violation. Neither the institution of the action nor any of the proceedings thereon shall relieve any party to such proceedings from any penalty prescribed for violation of this Article."

SECTION 2.(b) This section is effective when this act becomes law and applies to requests for endorsements to construct tall buildings or structures submitted on or after that date.

PART III. AUTHORIZE THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS TO REVIEW MILITARY-RELATED CRITERIA FOR PERMITTING WIND ENERGY FACILITIES

SECTION 3.(a) Article 21C of Chapter 143 of the General Statutes, as amended by Section 1(a) of this act, reads as rewritten:

"Article 21C.

§ 143-215.117. Permit preapplication site evaluation meeting; notice; preapplication package requirements.

(a) Permit Preapplication Site Evaluation Meeting. – No less than 180 days prior to filing an application for a permit to construct, operate, or expand a wind energy facility, a person shall request a preapplication site evaluation meeting to be held between the applicant and the Department of Military and Veterans Affairs. The preapplication site evaluation meeting shall be held no less than 120 days prior to filing an
application for a permit to construct, operate, or expand a wind energy facility and may be used by
the participants to:

(b) Permit Preapplication Package. – No less than 45 days prior to the date of the permit
preapplication site evaluation meeting scheduled in accordance with subsection (a) of this section,
the applicant for a wind energy facility or wind energy facility expansion shall submit a
preapplication package to the Department, Department and the Department of Military and
Veterans Affairs. To the extent that any documents contain trade secrets or confidential business
information, those portions of the documents shall not be subject to disclosure under the North
Carolina Public Records Act. The preapplication package shall include all of the following:

§ 143-215.118. Permit application scoping meeting and notice.
(a) Scoping Meeting. – No less than 60 days prior to filing an application for a permit for a
proposed wind energy facility or proposed wind energy facility expansion, the applicant shall
request the scheduling of a scoping meeting between the applicant and the Department, applicant,
the Department, and the Department of Military and Veterans Affairs. The scoping meeting shall
be held no less than 30 days prior to filing an application for a permit for a proposed wind energy
facility or proposed wind energy facility expansion.

§ 143-215.119. Permit application requirements; fees; notice of receipt of completed
permit; public hearing; public comment.
(a) Permit Requirements. – A person applying for a permit for a proposed wind energy
facility or proposed wind energy facility expansion shall include all of the following in an
application for the permit to be submitted to the Department and the Department of
Military and Veterans Affairs:

(f) Public Hearing and Comment. – The Department shall hold a public hearing in each
county in which the wind energy facility or wind energy facility expansion is proposed to be
located within 75 days of receipt of a completed permit application. The Department shall provide
notice including the time and location of the public hearing in a newspaper of general circulation
in each applicable county. The notice of public hearing shall be published for at least two
consecutive weeks beginning no less than 45 days prior to the scheduled date of the hearing. The
notice shall provide that any comments on the proposed wind energy facility or proposed wind
energy facility expansion should be submitted to the Department by a specified date, not less than
15 days from the date of the newspaper publication of the notice or 15 days after distribution of
the mailed notice, whichever is later. No less than 30 days prior to the scheduled public hearing,
the Department shall provide written notice of the hearing to:

(2) The Office of the Attorney General of North Carolina.
(3) The commanding military officer of any potentially affected major military
installation or the commanding military officer’s designee.
(4) The board of commissioners for each county and the governing body of each
municipality with jurisdictions over areas in which a potentially affected major
military installation is located.
(5) The Department of Military and Veterans Affairs.

§ 143-215.120. Criteria for permit approval; time frame; permit conditions; other
approvals required.
(a) Permit Approval. – The Department shall approve an application for a permit for a
proposed wind energy facility or proposed wind energy facility expansion unless the Department
finds any one or more of the following:
(1) Construction or operation of the proposed wind energy facility or proposed wind energy facility expansion would be inconsistent with or violate rules adopted by the Department, the Department of Military and Veterans Affairs, or any other provision of law.

(2) The Department of Military and Veterans Affairs determines that, pursuant to G.S. 143-215.120A(b), construction or operation of the proposed wind energy facility or proposed wind energy facility expansion would encroach upon or would otherwise have a significant adverse impact on the mission, training, or operations of any major military installation or branch of military in North Carolina and result in a detriment to continued military presence in the State. In its evaluation, the Department may consider whether the proposed wind energy facility or proposed wind energy facility expansion would cause interference with air navigation routes, air traffic control areas, military training routes, or radar based on information submitted by the applicant pursuant to subdivisions (5) and (6) of subsection (a) of G.S. 143-215.119, and any information received by the Department pursuant to subdivision (2) of subsection (d) of G.S. 143-215.119.

(b) Permit Decision. – The Department shall make a final decision on a permit application within 90 days following receipt of a completed application, except that the Department shall not be required to make a final decision until the Department has received both (i) a determination, issued pursuant to G.S. 143-215.120A, from the Department of Military and Veterans Affairs as to whether approve or deny a permit for the proposed wind energy facility or proposed wind energy facility expansion, and (ii) a written "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration pursuant to Subpart D of Part 77 of Title 14 of the Code of Federal Regulations (January 1, 2012 edition). If the Department requests additional information following the receipt of a completed application, the Department shall make a final decision on a permit application within 30 days of receipt of the requested information. If the Department determines that an application for a wind energy facility or wind energy facility expansion fails to meet the requirements for a permit under this section, the Department shall deny the application, and the application shall be returned to the applicant accompanied by a written statement of the reasons for the denial and any modifications to the permit application that would make the application acceptable. If the Department fails to act within the time period set forth in this subsection, the applicant may treat the failure to act as a denial of the permit and may challenge the denial as provided under Chapter 150B of the General Statutes.

"§ 143-215.120A. Evaluation of military-related criteria required from the Department of Military and Veterans Affairs; recommendation to Department of Environmental Quality.

(a) The Department of Military and Veterans Affairs shall evaluate whether the construction or operation of the proposed wind energy facility or wind energy facility expansion would encroach upon or would otherwise have a significant adverse impact on the mission, training, or operations of any major military installation or branch of military in North Carolina and result in a detriment to continued military presence in the State. In its evaluation, the Department of Military and Veterans Affairs may consider whether the proposed wind energy facility or proposed wind energy facility expansion would cause interference with air navigation routes, air traffic control areas, military training routes, or radar based on information submitted by the applicant pursuant to subdivisions (5) and (6) of subsection (a) of G.S. 143-215.119, and any information received by the Department pursuant to subdivision (2) of subsection (d) of G.S. 143-215.119.
(b) Based on its evaluation of the criteria set forth in subsection (a) of this section, the Department of Military and Veterans Affairs shall issue a determination to the Department as to whether the proposed wind energy facility or wind energy facility expansion encroaches on military missions, training or operations, which shall include findings of fact that document the basis for the determination. If in the conduct of its review, the Department of Military and Veterans Affairs determines that the proposed wind energy facility or wind energy facility following receipt of a completed application.

"Section 3.(b) This section becomes effective October 1, 2018, and applies to applications for permits for a proposed wind energy facility or a proposed wind energy facility expansion submitted on or after that date.

PART IV. AUTHORIZE THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS TO REVIEW MILITARY-RELATED CRITERIA AND ENDORSE THE CONSTRUCTION OF TALL BUILDINGS AND STRUCTURES

Section 4.(a) The Revisor of Statutes shall recodify Article 9G of Chapter 143 of the General Statutes (Military Lands Protection) as Part 12 of Article 14 of Chapter 143B of the General Statutes with the sections to be numbered as G.S. 143B-1315A through 143B-1315H, respectively.

Section 4.(b) Part 12 of Article 14 of Chapter 143B of the General Statutes, as recodified by subsection (a) of this section and as amended by Section 2(a) of this act, reads as rewritten:


§ 143B-1315A. Short title. This Article shall be known as the Military Lands Protection Act of 2013.

§ 143B-1315B. Definitions. Within the meaning of this Article:

(1) "Area surrounding major military installations" is the area that extends five miles beyond the boundary of a major military installation and may include incorporated and unincorporated areas of counties and municipalities.

(1a) "Adjutant General" means the Adjutant General of the North Carolina National Guard, or the Adjutant General's designee.


(3) Repealed.

(4) "Construction" includes reconstruction, alteration, or expansion.

(4a) "Department" means the Department of Military and Veterans Affairs.

(5) "Major military installation" means Fort Bragg, Pope Army Airfield, Camp Lejeune Marine Corps Air Base, New River Marine Corps Air Station, Cherry Point Marine Corps Air Station, Military Ocean Terminal at Sunny Point, the United States Coast Guard Air Station at Elizabeth City, Naval Support Activity Northwest, Air Route Surveillance Radar (ARSR-4) at Fort Fisher, and Seymour Johnson Air Force Base, in its own right and as the responsible entity for the Dare County Bombing Range, and any facility located within the State that is subject to the installations' oversight and control.

(5a) "National Guard facilities" means Camp Butner and the North Carolina National Guard Joint Force Headquarters.

(6) "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.
"Secretary" means the Secretary of the Department of Military and Veterans Affairs.

"State Construction Office" means the State Construction Office of the Department of Administration.

"Tall buildings or structures" means any building, structure, or unit within a multiunit building with a vertical height of more than 200 feet (200') measured from the top of the foundation of the building, structure, or unit and the uppermost point of the building, structure, or unit. "Tall buildings or structures" do not include buildings and structures listed individually or as contributing resources within a district listed in the National Register of Historic Places.

§ 143B-1315D. Certain buildings and structures prohibited without endorsement.

(a) No county or city may authorize the construction of and no person may construct a tall building or structure in any area surrounding a major military installation in this State, unless the county or city is in receipt of either a letter of endorsement issued to the person by the State Construction Office pursuant to G.S. 143-151.75 or proof of the State Construction Office's failure to act within the time allowed pursuant to G.S. 143-151.75.

(b) No county or city may authorize the provision of the following utility services to any building or structure constructed in violation of subsection (a) of this section: electricity, telephone, gas, water, sewer, or septic system.

§ 143B-1315F. Endorsement for proposed tall buildings or structures required.

(a) No person shall undertake construction of a tall building or structure in any area surrounding a major military installation in this State without either first obtaining the endorsement from the State Construction Office or proof of the State Construction Office's failure to act within the time allowed.

(a1) No person shall undertake construction of a tall building or structure in any area located within one-quarter mile (1/4 mile) of a National Guard facility without either first obtaining an endorsement from the State Construction Office or proof of the State Construction Office's failure to act within the time allowed.

(b) A person seeking endorsement for a proposed tall building or structure in any area surrounding a major military installation in this State shall provide written notice of the intent to seek endorsement to the base commander of the major military installation that is located within five miles of the proposed tall building or structure and shall provide all of the following to the State Construction Office:

(1) Identification of the major military installation and the base commander of the installation that is located within five miles of the proposed tall building or structure.

(2) A copy of the written notice sent to the base commander of the installation identified in subdivision (1) of this subsection that is located within five miles of the proposed tall building or structure.

(3) A written "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration pursuant to Subpart D of Part 77 of Title 14 of the Code of Federal Regulations (January 1, 2012, Edition) for the proposed tall building or structure.

(c) After receipt of the information provided by the person pursuant to subsection (b) of this section, the State Construction Office shall, in writing, request a written statement concerning the proposed tall building or structure from the base commander of the major military installation identified in subdivision (1) of subsection (b) of this section. The State Construction Office...
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office-department shall request that the following information be included in the written
statement from the base commander:

1. A determination whether the location of the proposed tall building or structure
   is within an area that surrounds the major military installation.

2. A determination whether any activities of the installation may be adversely
   affected by the proposed tall building or structure. A detailed description of the
   potential adverse effects, including frequency disturbances and physical
   obstructions, shall accompany the determination required by this subdivision.

(d) The State Construction Office Department shall not endorse a tall building or structure
if the State Construction Office Department finds any one or more of the following:

1. The proposed tall building or structure would encroach upon or otherwise
   interfere with the mission, training, or operations of any major military
   installation in North Carolina and result in a detriment to continued military
   presence in the State. In its evaluation, the State Construction Office
   Department may consider whether the proposed tall building or structure would
   cause interference with air navigation routes, air traffic control areas, military
   training routes, or radar based on the written statement received from a base
   commander as provided in subsection (c) of this section and written comments
   received by members of affected communities. Provided, however, if the State
   Construction Office Department does not receive a written statement requested
   pursuant to subsection (c) of this section within 45 days of issuance of the
   request to the base commander, the State Construction Office Department shall
deam the tall building or structure as eligible by the base commander.

2. The State Construction Office Department is not in receipt of the written
   "Determination of No Hazard to Air Navigation" issued to the person by the
   Federal Aviation Administration required pursuant to subdivision (3) of
   subsection (b) of this section.

(d1) A person seeking endorsement for a proposed tall building or structure in any area
located within one-quarter mile (¼ mile) of a National Guard facility shall consult with the
Adjutant General to determine whether any activities of the facility may be adversely affected by
the proposed tall building or structure. A written summary of the consultation between the person
and the Adjutant General, including findings and recommendations of the Adjutant General as to
whether or not to endorse the proposed tall building or structure, shall be submitted to the State
Construction Office Department and evaluated in accordance with subsections (d2) and (e) of this
section.

(d2) The State Construction Office Department shall not endorse a tall building or structure
in any area located within one-quarter mile (¼ mile) of a National Guard facility if the State
Construction Office Department finds any one or more of the following:

1. As evidenced by receipt of the written summary from the Adjutant General
   submitted pursuant to subsection (d1) of this section, construction of the
   proposed tall building or structure would encroach upon or otherwise interfere
   with the mission, training, or operations of National Guard Facility and result in
   a detriment to its continued presence in the State. In its evaluation, the State
   Construction Office Department may consider whether the proposed tall
   building or structure would cause interference with air navigation routes, air
   traffic control areas, military training routes, or radar based on the written
   statement received as provided in subsection (d1) of this section. Provided,
   however, if the State Construction Office Department does not receive the
   written statement pursuant to subsection (d1) of this section within 45 days of
   the date of the consultation between the person and the Adjutant General, the
   State Construction Office Department shall construe the Adjutant General's
failure to submit the written statement as the Adjutant General having no objection to the tall building or structure.

(2) The State Construction Office Department is not in receipt of the written "Determination of No Hazard to Air Navigation" issued to the person by the Federal Aviation Administration required pursuant to subdivision (3) of subsection (b) of this section.

(e) The State Construction Office Department shall make a final decision on the request for endorsement of a tall building or structure within 90 days from the date on which either (i) the State Construction Office Department requested the written statement from the base commander of the major military installation identified in subdivision (1) of subsection (b) of this section or (ii) the date of the consultation between the person and the Adjutant General conducted in accordance with subsection (d1) of this section. If the State Construction Office Department determines that a request for a tall building or structure fails to meet the requirements for endorsement under this section, the State Construction Office Department shall deny the request. The State Construction Office Department shall notify the person of the denial, and the notice shall include a written statement of the reasons for the denial. If the State Construction Office Department fails to act within any time period set forth in this section, the person may treat the failure to act as the State Construction Office Department having no objection to the tall building or structure.

§ 143B-1315G. Application to existing tall buildings and structures.

G.S. 143-151.73-G.S. 143B-1315D applies to tall buildings or structures that existed in an area surrounding major military installations on October 1, 2013, as follows:

(1) No reconstruction, alteration, or expansion may aggravate or intensify a violation by an existing building or structure that did not comply with G.S. 143-151.73-G.S. 143B-1315D on October 1, 2013.

(2) No reconstruction, alteration, or expansion may cause or create a violation by an existing building or structure that did comply with G.S. 143-151.73-G.S. 143B-1315D on October 1, 2013.

§ 143B-1315H. Enforcement and penalties.

(a) In addition to injunctive relief, as provided by subsection (e) of this section, the Secretary may assess and collect a civil penalty against any person who violates any of the provisions of this Article or rules adopted pursuant to this Article, as provided in this section. The maximum civil penalty for a violation is five thousand dollars ($5,000). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation may constitute a separate violation.

(b) The Secretary shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. The notice of assessment shall be served by any means authorized under Rule 4 of G.S. 1A-1 and shall direct the violator to either pay the assessment or contest the assessment within 30 calendar days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Secretary within 30 calendar days after it is due, the Secretary shall request that the Attorney General institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the violation occurred. A civil action must be filed within one year of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(c) In determining the amount of the penalty, the Secretary shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by noncompliance, whether the violation was committed willfully, the prior record
of the violator in complying or failing to comply with this Article, and the action of the person to
remedy the violation.

(d) The clear proceeds of civil penalties collected by the Secretary under this subsection
shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(e) Whenever the Secretary has reasonable cause to believe that any person has violated or
is threatening to violate any of the provisions of this Article, a rule implementing this Article, or
any of the terms of any endorsement issued pursuant to this Article, the State Construction Office
Department may, either before or after the institution of any other action or proceeding authorized
by this Article, request the Attorney General to institute a civil action in the name of the State
upon the request of the State Construction Office Department for injunctive relief to restrain the
violation or threatened violation and for such other and further relief in the premises as the court
shall deem proper. The Attorney General may institute such action in the superior court of the
county in which the violation occurred or may occur or, in the Attorney General's discretion, in the
superior court of the county in which the person responsible for the violation or threatened
violation resides or has the person's principal place of business. Upon a determination by the court
that the alleged violation of the provisions of this Article or the regulations of the State
Construction Office Department has occurred or is threatened, the court shall grant the relief
necessary to prevent or abate the violation or threatened violation. Neither the institution of the
action nor any of the proceedings thereon shall relieve any party to such proceedings from any
penalty prescribed for violation of this Article."

SECTION 4.(c) This section becomes effective October 1, 2018, and applies to
requests for endorsements to construct tall buildings or structures submitted on or after that date.

PART V. MODIFY LOCAL GOVERNMENT ORDINANCE-MAKING PROCEDURES
TO AUTHORIZE THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS TO
REVIEW AND COMMENT ON MILITARY-RELATED CRITERIA

SECTION 5.(a) G.S. 153A-323 reads as rewritten:

"§ 153A-323. Procedure for adopting, amending, or repealing ordinances under this Article
and Chapter 160A, Article 19.

(a) Before adopting, amending, or repealing any ordinance authorized by this Article or
Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance
or amendment. The board shall cause notice of the hearing to be published once a week for two
successive calendar weeks. The notice shall be published the first time not less than 10 days nor
more than 25 days before the date fixed for the hearing. In computing such period, the day of
publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance would result in any of the changes
listed in this subsection and those changes would be located five miles or less from the perimeter
boundary of a military base, the board of commissioners shall provide written notice of the
proposed changes by certified mail, or by any other written means reasonably designed to provide
actual notice, to the Department of Military and Veterans Affairs and the commander of the
military base or the commander's designee not less than 10 days nor more than 25 days before the
date fixed for the public hearing. Prior to the date of the public hearing, the Department of
Military and Veterans Affairs and the military may provide comments or analysis to the board
regarding the compatibility of the proposed changes with military operations at the base. If the
board does not receive a response within 30 days of the notice, the Department of Military and
Veterans Affairs and the military is deemed to waive the comment period. If the Department of
Military and Veterans Affairs and the military provides comments or analysis regarding
the compatibility of the proposed ordinance or amendment with military operations at the base, the
board of commissioners shall take the comments and analysis into consideration before making a
final determination on the ordinance. The proposed changes requiring notice are:

(1) Changes to the zoning map.
(2) Changes that affect the permitted uses of land.

(3) Changes relating to telecommunications towers or windmills, towers and tall buildings and structures, as that term is defined in Article 9G of Chapter 143 of the General Statutes.

(3a) Changes relating to wind energy facilities or wind energy facility expansions as those terms are defined in Article 21C of Chapter 143 of the General Statutes.

(4) Changes to proposed new major subdivision preliminary plats.

(5) An increase in the size of an approved subdivision by more than fifty percent (50%) of the subdivision's total land area including developed and undeveloped land."

SECTION 5.(b) G.S. 160A-364 reads as rewritten:


(a) Before adopting, amending, or repealing any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance would result in any of the changes listed in this subsection and those changes would be located five miles or less from the perimeter boundary of a military base, the governing body of the local government shall provide written notice of the proposed changes by certified mail, or by any other written means reasonably designed to provide actual notice, to the Department of Military and Veterans Affairs and the commander of the military base or the commander's designee not less than 10 days nor more than 25 days before the date fixed for the public hearing. Prior to the date of the public hearing, the Department of Military and Veterans Affairs and the military may provide comments or analysis to the board [governing body of the local government] regarding the compatibility of the proposed changes with military operations at the base. If the board [governing body of the local government] does not receive a response within 30 days of the notice, the Department of Military and Veterans Affairs and the military is deemed to waive the comment period. If the Department of Military and Veterans Affairs and the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the governing body of the local government shall take the comments and analysis into consideration before making a final determination on the ordinance. The proposed changes requiring notice are:

(1) Changes to the zoning map.

(2) Changes that affect the permitted uses of land.

(3) Changes relating to telecommunications towers or windmills, towers and tall buildings and structures, as that term is defined in Article 9G of Chapter 143 of the General Statutes.

(3a) Changes relating to wind energy facilities or wind energy facility expansions as those terms are defined in Article 21C of Chapter 143 of the General Statutes.

(4) Changes to proposed new major subdivision preliminary plats.

(5) An increase in the size of an approved subdivision by more than fifty percent (50%) of the subdivision's total land area including developed and undeveloped land."

PART VI. CONFORMING CHANGES

SECTION 6.(a) G.S. 143B-1211 is amended by adding a new subdivision to read:

"§ 143B-1211. Powers and duties of the Department of Military and Veterans Affairs.
It shall be the duty of the Department of Military and Veterans Affairs to do all of the following:

... (25) Maintain, and make available to the public, including posting to the Department’s Web site, accurate maps of (i) the zones identified on the Low Level Flight Compatibility, Figure 3-1 – March 2016 Edition of the North Carolina Military Affairs Commission Compatible Use Map Atlas, as provided in G.S. 143-215.116A, and (ii) the areas surrounding major military installations, and military training routes and military operating areas, as defined in G.S. 143B-1315B, that are subject to the provisions of Part 12 of this Article."

SECTION 6.(b) G.S. 143-135.29 is repealed.

SECTION 6.(c) This section is effective when this act becomes law.

SECTION 7.(a) G.S. 143B-1211, as amended by Section 6(a) of this act, is amended by adding two new subdivisions to read:

"§ 143B-1211. Powers and duties of the Department of Military and Veterans Affairs.

It shall be the duty of the Department of Military and Veterans Affairs to do all of the following:

... (26) Issue recommendations to the Department of Environmental Quality as to whether the Department of Environmental Quality should approve or deny an application for a proposed wind energy facility or wind energy facility expansion as provided in G.S. 143-215.120A, and otherwise assist in administration and implementation of the provisions of Article 21C of Chapter 143 of the General Statutes.

(27) Issue endorsements for the construction of proposed tall buildings or structures as provided in G.S. 143B-1315F and otherwise assist in the administration and implementation of the provisions of Part 12 of this Article."

SECTION 7.(b) This section becomes effective October 1, 2018, and applies to certifications and endorsements issued on or after that date.

PART VII. ESTABLISH NORTH CAROLINA SENTINEL LANDSCAPES COMMITTEE

SECTION 8.(a) Committee Established. – There is established the North Carolina Sentinel Landscape Committee (Committee) administratively housed within the College of Natural Resources at North Carolina State University.

SECTION 8.(b) Findings and Purpose. – The General Assembly finds that sentinel landscapes are places where preserving the working and rural character of the State's private lands is important for both national defense and conservation priorities. It is the intent of the General Assembly to direct the Committee to coordinate the overlapping priority areas in the vicinity of and where testing and training occurs on major military installations, as that term is defined in G.S. 143-215.115. Further, the Committee shall assist landowners in improving their land to benefit their operations and enhance wildlife habitats while furthering the State's vested economic interest in preserving, maintaining, and sustaining land uses that are compatible with military activities at major military installations and National Guard facilities. In its work, the Committee shall develop and implement programs and strategies that (i) protect working lands in the vicinity of and where testing and training occurs on major military installations, (ii) address restrictions that inhibit military testing and training, and (iii) forestall incompatible development in the vicinity of and where testing and training occurs on military installations.

SECTION 8.(c) Powers and Duties. – The Committee shall:
Identify and designate certain lands to be contained in the sentinel landscape of this State that are of particular import to the nation’s defense and in the vicinity of and where testing and training occur on major military installations. In this work, the Committee may seek advice and recommendations from stakeholders who have experience in this sort of identification and designation.

In designating sentinel lands as directed by subdivision (1) of this subsection, the Committee shall evaluate all working or natural lands that the Committee identifies as contributing to the long-term sustainability of the military missions conducted in this State. In its evaluation of which lands to designate as sentinel lands, the Committee shall consult with and seek input from:

a. The United States Department of Defense.

b. The North Carolina Commander's Council.

c. The United States Department of Agriculture.

d. The United States Department of the Interior.

e. Elected officials from units of local government located in the vicinity of and where testing and training occurs on the proposed sentinel lands.

f. Any other stakeholders that the Committee deems appropriate.

Develop recommendations to encourage landowners located within the sentinel landscape designated pursuant to subdivision (1) of this subsection to voluntarily participate in and begin or continue land uses compatible with the United States Department of Defense operations in this State.

Provide technical support services and assistance to landowners who voluntarily participate in the sentinel landscape program.

SECTION 8.(d) Membership. – The Committee shall consist of at least the four following members:

(1) The Commissioner of Agriculture, or the Commissioner's designee

(2) The Secretary of the Department of Military and Veterans Affairs, or the Secretary's designee.

(3) The Secretary of Natural and Cultural Resources, or the Secretary's designee.

(4) The Dean of the College of Natural Resources at North Carolina State University, or the Dean's designee.

The Committee chair shall be one of the four listed members above and the Committee chair may appoint members representing other State agencies, local government officials, and nongovernmental organizations that are experienced in land management activities within sentinel lands.

SECTION 8.(e) Transaction of Business. – The Committee shall meet, at a minimum, at least once during each calendar quarter and at other times at the call of the chair. A majority of members of the Committee shall constitute a quorum. The first Committee meeting shall take place within 30 days of the effective date of this act.

SECTION 8.(f) Reports. – The Committee shall report on its activities conducted to implement this section, including any findings, recommendations, and legislative proposals, to the North Carolina Military Affairs Commission and the Agriculture and Forestry Awareness Study Commission beginning September 1, 2016, and annually thereafter until such time as the Committee completes its work.

SECTION 8.(g) Administrative Assistance. – All clerical and other services required by the Committee shall be supplied by the membership and shall be provided with funds available.

SECTION 8.(h) Effective Date. – This section becomes effective when this act becomes law.

PART VIII. STUDY POTENTIAL CONFLICTS BETWEEN ENERGY-RELATED INFRASTRUCTURE DEVELOPMENT AND LOW LEVEL FLIGHT COMPATIBILITY
SECTION 9. The Department of Military and Veterans Affairs, in consultation with the Division of Energy, Mineral, and Land Resources in the Department of Environmental Quality, shall study the potential conflicts posed by energy-related infrastructure development within the Red, Orange, and Yellow Zones as detailed in the Low Level Flight Compatibility, Figure 3-1 – March 2016 Edition of the North Carolina Military Affairs Commission Compatible Use Map Atlas. In the conduct of its study, the Department shall evaluate on- and near-shore infrastructure development related to wind, solar, and oil and gas energy activities. The Department shall also study infrastructure that has the potential to disrupt or weaken radar operability or reliability. The Department may maintain records and documents that support the work of this study confidentially in accordance with G.S. 143B-1216. The Department of Military and Veterans Affairs shall report its findings, recommendations, and any legislative proposals to the Joint Legislative Energy Policy Commission on or before December 15, 2017.

PART IX. EFFECTIVE DATE

SECTION 10. Except as otherwise provided, this act is effective when it becomes law.