

Appendix C. CAMA-A LOCAL MANAGEMENT PROGRAM FOR THE IMPLEMENTATION AND ENFORCEMENT OF MINOR DEVELOPMENT PERMITS IN AREAS OF ENVIRONMENTAL CONCERN

ARTICLE I. GENERAL PROVISIONS

Section 20-1. Statutory authorizations

North Carolina General Statute § 113A-117, part of the Coastal Area Management Act of 1974 (CAMA), authorizes a city to adopt an Implementation and Enforcement Program and to act as the local permit-letting authority for activities related to minor development, as defined in G.S. 113A-118(d)(2) within Areas of Environmental Concern (AEC) as those are defined by the Coastal Resources Commission (CRC) and adopted in the North Carolina Administrative Code. The Town Board of Commissioners for the Town of Cape Carteret, North Carolina, initially adopted an Implementation and Enforcement Plan on April 21, 2008. This updated Implementation and Enforcement Plan (Plan) is adopted as of September 9, 2024.

Section 20-2. Purposes

(A) Intent:

The purposes of the Plan are to establish:

1. Procedures to be followed in issuing CAMA minor development permits in AECs within the Town of Cape Carteret (Town) and areas within its extraterritorial jurisdiction (ETJ) including methods of coordinating CAMA permitting with other local permits.
2. Scope and coverage of the program including the geographic extent of jurisdiction of the Town's local management program, subject to legal limitations.
3. Responsibilities and capabilities of permit-letting agencies; including the criteria for choosing the Town's Local Permit Officer(s).
4. Methods of identifying and considering projects and impacts of regional, state, and national concern where applicable.
5. Procedures to ensure that the program is consistent with the adopted Town's Land Use Plan within its ETJ.
6. How the Town's Plan relates to other governmental action in regards to the adopted Town's Land Use Plan and provides procedures for assuring consistency of action.

Section 20- 3. Geographic extent of jurisdiction

Town's Jurisdiction: The Town shall issue, administer, and enforce CAMA Minor Development

Permits in AECs (or parts of AECs), which are located within the jurisdictional boundaries of the Town including areas within its ETJ.

Section 20-4. Definitions

- (A) Areas of Environmental Concern (AECs): means areas designated through the adoption of rules by the CRC, in which development requires a minor or major development permit pursuant to G.S. 113A-118.
- (B) Coastal Area Management Act (CAMA): means the law that relates to the management program for orderly growth in the coastal area of North Carolina as adopted by the General Assembly in 1974 and found at G.S. 113A-100 through G.S. 113A-128
- (C) Coastal Resources Commission (CRC): means that commission defined in the CAMA at G.S. 113A-104.
- (D) Development: means any activity defined in the CAMA at G.S. 113A-103(5)a.
- (E) Implementation and Enforcement Plan (Plan): refers to this document which sets out the Local Management Program for the implementation and enforcement of CAMA Minor Permit requirements.
- (F) Land Use Plan: means the most recent version of the Town's Land Use Plan prepared and adopted by the Town Board of Commissioners and approved by the CRC pursuant to G.S. 113A-110.
- (G) Local Permit Officer: means the locally designated official(s) who will administer and enforce the Town's CAMA Minor Development Permit Program.
- (H) Major Development and Minor Development: means development as defined in the CAMA at G.S. 113A-118.
- (I) Town of Cape Carteret: means the local government and all the areas within the jurisdiction of the Town including the ETJ area.

ARTICLE II: ADMINISTRATION

Section 20-5. Designated Local Permit Officer

- (A) Creation of Position:
The Town of Cape Carteret shall designate one or more employee(s) to hold the position of Local Permit Officer.
- (B) Qualifications:
Any designated Local Permit Officer shall be required to complete an initial training course from the Division of Coastal Management (DCM), before his or her appointment and may not issue CAMA permits until that training has been completed. The Local Permit Officer(s) shall attend all regional work sessions held by DCM to inform and coordinate the activities of the Local Permit Officers. In addition, the Local Permit Officer shall be generally knowledgeable of other local, state or federal permit or regulatory requirements.
- (C) Appointments:
The Town shall notify DCM of the names of all designated Local Permit Officers. In order to continue to process permits in a timely fashion the Town shall immediately notify the DCM in writing when a Local Permit Officer resigns or is

for any reason unable to perform his or her duties. This notice shall indicate the method or methods by which the locality will continue to process permits in a thorough and timely fashion. Such methods can include, but are not limited to, the following:

- A. The appointment of a temporary Local Permit Officer until such time as a permanent replacement is selected. Temporary Local Permit Officers are required to have completed training by DCM before issuing or enforcing permits.
- B. The appointment of more than one Local Permit Officer(s) so that the Town always has at least one active Local Permit Officer.
- C. Execute an agreement between the Town and another appropriate agency for the assumption of the permit program.
- D. Request in writing that the DCM assume the permit functions for the Town.

Section 20-5. Duties of the Local Permit Officer

(A) General Enforcement:

The Local Permit Officer shall administer and enforce the Minor Development Permit program adopted pursuant to the CAMA by the CRC through guidelines, standards and rules. In addition, the Local Permit Officer shall:

- 1. Be familiar with existing state and federal permits required in the Town's jurisdiction and determine when a major development permit rather than minor development permit is required. The Local Permit Officer should seek guidance from DCM when appropriate.
- 2. Assist in identifying and assessing projects of greater than local concern and bring them to the attention of the DCM. Projects of regional, state, or national concern are almost certain to require other state permits and, therefore, require a major development permit from DCM.
- 3. Coordinate issuance of CAMA Minor Development Permits with other locally required permits using procedures adopted by the Town Board of Commissioners. Such locally required permits include, but are not limited to, plumbing permits, electrical permits, building permits, septic tank permits, flood plain or sand dune permits, and certifications of compliance with zoning and subdivision regulations.
- 4. Implement enforcement procedures, actions or standards adopted by the Town Board of Commissioners in the Town's current Land Use Plan.
- 5. Assist in coordinating permit-letting activities with other local jurisdictions as necessary.

(B) Records:

- 1. The Local Permit Officer shall prepare a quarterly summary of all permit applications and their disposition from the immediately preceding quarter and send it to DCM. Correct and comprehensive records of all transactions related to CAMA minor development permit requests (applications, grants, denials, other dispositions) shall be maintained by the Local Permit Officer. Such records shall be kept so long as any part of the structure or entity to which it relates remains in existence; or, in the case of denials or other instances, for a

period of ten (10) years.

2. The Local Permit Officer must, within five working days of the receipt of an application, submit a copy, by email or mail, to the appropriate DMC Field Representative or DCM District Manager for the nearest field office of DCM.
3. The Local Permit Officer shall send a copy of every CAMA minor permit decision to the appropriate DCM Field Representative or DCM District Manager for the nearest field office of DCM, by within 5 working days of the date it is issued.

(C) Location:

The Local Permit Officer shall be located in the Cape Carteret Town Hall, located at 102 Dolphin Street, and can be reached at 252-393-8384. The mailing address is:

Local Permit Officer
102 Dolphin Street
Cape Carteret, NC 28584

The DCM shall be notified immediately of any change in the location of the Local Permit Officer.

ARTICLE III: MINOR DEVELOPMENT PERMITS

Section 20-6. Minor development permit required

(A) Designation of AECs Requiring Minor Development Permit:

The following permit-letting requirements and information regarding development within AECs shall be available for review and inspection in the Town of Cape Carteret Planning Department:

1. Description of all AECs within the Town's jurisdiction that is sufficiently clear to provide notice to all property owners within those AECs that a permit must be secured before any development may proceed on that property.
2. A copy of the CAMA and adopted CRC rules for development for each type of AEC found in the Town and the statutory grounds on which a permit application may be denied or conditioned.
3. The statutory definition of development, as provided in the CAMA [G.S. 113A-103(5a)].
4. A copy of the approved CAMA minor permit application form.
5. The name and office address of the Local Permit Officer.
6. A copy of this Plan.

Section 20-7. CAMA Minor Permit Application Process

(A) Application:

An Application for a permit for minor development shall consist of a completed application using the applicable form adopted and approved by DCM and a check or money order, payable to the Town in the amount of \$100.00, or as amended in G.S. 113A-119.1. Monies so collected shall only be used in the administration of the CAMA minor permit program.

- (B) Application Review Period:
Disposition of the application by the Local Permit Officer shall be pursuant to G.S. 113A-120 and G.S. 113A-121.
- (C) General Procedure for Processing an Application:
The 25-day period for consideration of the application shall begin to run upon receipt of a complete application as determined by the Local Permit Officer. The Local Permit Officer shall return incomplete, insufficient, or unauthorized applications within a reasonable time with reasons for the rejection in writing. If after an application is deemed complete, the Local Permit Officer determines it is not complete or lacks required information, the Local Permit Officer may notify the applicant that the application is incomplete and provide the reasons it is considered incomplete in writing. Once the Local Permit Officer returns an application that has been determined to be incomplete or insufficient after it was initially accepted as complete, the time to process the application stops running. The time will begin to run again when a corrected application is returned to the Local Permit Officer. Any application received requesting a permit for an activity that constitutes major development shall be returned by the Local Permit Officer with appropriate instructions for submitting a Major Permit application to DCM. The Local Permit Officer shall assist the applicant in determining what other permits may be required for the development. The Local Permit Officer shall ordinarily make a final decision on a CAMA Minor Development Permit application only after he/she has determined that any other required local permits will be issued, the application is consistent with the applicable criteria set forth in G.S. 113A-120, the standards for development set forth in 15A NCAC, Subchapters 7H and 7M, and any other applicable rules adopted by the CRC.
- (D) Property Owner Requirements:
The property owner shall display a copy of a Minor Development Permit in full view on the site of the development.
- (E) Record Keeping Requirements:
Permit applications shall be numbered serially using a five-digit numbering system. The first two digits will indicate the year in which the application is made, and the last three digits will run serially in the order in which the applications are received. These numbers shall include the letter prefix CC to designate the permits issued by the Town. (For example, the first permit applications will be in 2024 and will be numbered CC-01-24, CC-02-24, and so on.) Along with the applications, the Local Permit Officer shall maintain a record of all evidence and all matters relevant to each Minor Development Application. Such relevant information shall include, but not be limited to applications, correspondence, public notices, public comments on the proposed development, and a copy of the final disposition. In cases involving denial or conditional approval of the application, the Local Permit Officer shall send a copy of a conditional approval or denial disposition record to the applicant, either in person or by certified mail. One copy shall be maintained by the Local Permit Officer.

ARTICLE V: AMENDMENTS OF THE PLAN AND COMPLAINT PROCEDURE

Section 20-10. Amendment to the Plan.

(A) Notice of Public Hearing:

Amendments to this Plan shall be in accordance with the notice and public hearing requirements set forth in the CAMA, specifically at G.S. 113A-117 and the CRC's rules. In addition, the following shall be required:

1. Prior to this Plan being amended, a public hearing shall be held by the Town Board of Commissioners concerning the proposed amendment to receive comments from any interested persons, agencies, or groups.
2. Notice of such public hearing shall go out at least fifteen (15) days prior to the date of the hearing; shall state the time, place and subject matter of the hearing and shall indicate the nature of the proposed action; shall state that copies of the proposed amendment are available for public inspection at the Town Hall; and shall appear at least once no less than fifteen (15) days prior to the hearing in at least one newspaper of general circulation in the affected area.
3. A complete record of the public hearing and comments shall be compiled and maintained. The record of the public hearing, written comment, and any documentation filed with the Local Permit Officer relating to the proposed amendment must:
 - a) Include a written record of the oral comments received during the public hearing (for example, a transcription of an electronic recording of the public hearing).
 - b) Include all written comments provided in response to the notice of the public hearing including those received at the public hearing.
 - c) Include any comments received during the fifteen (15) days following the hearing.
 - d) Be available to the CRC upon request.

(B) Procedure to Amend:

Requests for amendment of this plan shall be referred to the Town's Planning Board. If an amendment is recommended by the majority of the Planning Board, that recommendation shall be conveyed to the Town Board of Commissioners for final approval.

(C) CRC Approval:

Once the Town has received certification of a current Land Use Plan, the CRC through 15A NCAC 7J .0209(c) has delegated authority to the Town to administer and enforce the CAMA minor permit program.

Section 20-21. Procedure for responding to complaint that the Plan is not properly enforced and administered

(A) Citizen Complaints:

Upon receiving complaints from local citizens that the Plan is not being properly administered and enforced, the Town Board of Commissioners will investigate the situation and respond to the alleged deficiencies. If the person making the complaint is not satisfied, then he/she will be advised that he/she may take their complaint either in writing or in person to the CRC.

(B) Response to the CRC:

Upon notification from the CRC of deficiencies in administration and enforcement of the Plan pursuant to G.S. 113A-107(d), the Town Board of Commissioners will investigate the alleged problem and respond to the CRC within thirty (30) days of the date of the original notification from the CRC. If the CRC is not satisfied with the response, it may request the Town relinquish its CAMA minor permit program. The CRC and Town will work together to resolve any issues with the administration of the program.