



NORTH CAROLINA  
Environmental Quality

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Director

CRC-21-19

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## MEMORANDUM

**TO:** Coastal Resources Commission  
**FROM:** Tancred Miller, *Policy & Planning Section Chief*  
**SUBJECT:** CAMA Land Use Plans - Future Land Use Maps

The purpose of this memo is to brief the Commission on issues related to the review of permit applications for consistency with local land use plans, adopted and certified pursuant to CAMA and the Commission's 15A NCAC 07B rules.

As required under CAMA, all 20 coastal counties have locally-adopted land use plans, certified by the CRC. Although not required under CAMA, 47 municipal governments also have individual or joint CAMA land use plans. Under CAMA, municipal governments that do not have their own land use plans are "rolled in" under the county plans, which has led many municipal governments to adopt their own plans. 37 municipal governments are rolled in under county plans.

Plan policies include policy statements and the Future Land Use Map, which can be either a visual representation of the written policies, or may itself contain policies that are not stated elsewhere in the land use plan. Policies are used by a local government as a guide for local decision making, to inform local ordinances, actions, and other long-range plans, and are also used by DCM in the review of CAMA permit applications. While most policies are considered non-regulatory, those that are definitive and regulatory in their wording are considered to be "enforceable", and can be the basis to deny a permit application.

Enforceable policies are particularly significant when they exceed the CRC's regulatory use standards, or address topics for which the CRC has no use standards or authority to address, for example, building height limits or filling of 404 wetlands.

Under CAMA, § 113A-111, DCM cannot issue a permit for proposed development that is inconsistent with a CRC-approved land use plan, and CAMA does not authorize the CRC to issue a variance for development that would be inconsistent with a local land use plan. DCM's planners review permit applications for consistency with the enforceable policies within local land use plans, and advise regulatory staff of any inconsistencies. When inconsistencies with enforceable policies are discovered,



they are usually addressed through revisions to the proposed development to make it consistent with the land use plan, or by an amendment and re-certification of the land use plan to accommodate the development.

It is not always clear which policies within a local land use plan are enforceable, or intended to exceed the CRC's use standards, as policies may be intended to be guidance rather than regulatory. DCM tries to avoid misinterpreting policies as this could lead to a recommendation of denial on a permit application. There have been several occasions in recent years where staff has asked a local government to clarify whether a policy within their land use plan is intended to be enforceable. In most cases communication with the local government has resolved the question, but in other cases there have been regulatory-style policies, such as specific density limits, which have been more challenging to interpret as non-regulatory, even if that was the local government's intent. Disregarding these types of policies in issuing a CAMA permit can expose the CRC and DCM to third-party appeals.

More recent examples of the interpretation challenges involve the Future Land Use policies and Future Land Use Map, which are required elements within each community's land use plan, and are used by DCM in conducting permit reviews. As with other elements of the land use plan, interpretation challenges arise when policies clearly exceed, or may be interpreted as exceeding the CRC's use standards, whether or not that is the local government's intent.

The CRC's Land Use Planning Requirements, 15A NCAC 07B .0700, currently require local land use plans to identify policies that exceed the CRC's 7H use standards; however, 7B does not require plans to identify which policies are intended to be enforceable, i.e., to be considered by DCM during permit review. Having this information from local governments would help resolve ambiguity over the use of plan elements including the Future Land Use Map, and differences in interpretation on permit decisions and appeals.

Staff is therefore proposing to draft an amendment to 7B to require plans to identify which land use plan policies, including the Future Land Use Map, communities intend for DCM to consider as enforceable during CAMA permit reviews.

Staff is seeking the Commission's feedback, and we look forward to a discussion at your June meeting.