



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON DAVIS
Director

CRC-17-28

September 27, 2017

MEMORANDUM

To: Coastal Resources Commission

FROM: Debbie Wilson, District Manager – Wilmington Regional Office

SUBJECT: Amendments to 15A NCAC 7K .0208 Single Family Residences Exempted

15A NCAC 07K .0208 is the Exemption which allows for the construction of single family residences within the Coastal Shoreline Area of Environmental Concern as long as the proposed development and all land disturbing activity (with the exception of a six foot wide generally perpendicular water access) is located more than 40 feet landward of normal high water or normal water level.

Currently 15A NCAC 07K .0208(d) requires that before beginning any work under this Exemption, a representative of the Division of Coastal Management shall be notified for prior authorization. Staff is recommending the attached rule language for your review to allow Local Permit Officer's (LPO's) the ability to grant the authorization. This proposed rule change will make it consistent with other exemptions authorized by Local Permit Officers.

Attachment

15A NCAC 07K .0208 SINGLE FAMILY RESIDENCES EXEMPTED

(a) All single family residences constructed within the Coastal Shoreline Area of Environmental Concern that are more than 40 feet landward of normal high water or normal water level, and involve no land disturbing activity within the 40 feet buffer area are exempted from the CAMA permit requirement as long as this exemption is consistent with all other applicable CAMA permit standards and local land use plans and rules in effect at the time the exemption is granted.

(b) This exemption allows for the construction of a generally shore perpendicular access to the water, provided that the access shall be no wider than six feet. The access may be constructed out of materials such as wood, composite material, gravel, paver stones, concrete, brick, or similar materials. Any access constructed over wetlands shall be elevated at least three feet above any wetland substrate as measured from the bottom of the decking. (c)

Within the AEC for estuarine shorelines contiguous to waters classified as Outstanding Resource Waters (ORW), no CAMA permit shall be required if the proposed development is a single-family residence that has a built upon area of 25 percent or less and:

- (1) has no stormwater collection system; and
- (2) is at least 40 feet from waters classified as ORW.

(d) Before beginning any work under this exemption, **CAMA local permit officer** or the Department of **Environment and Natural Resources Environmental Quality** representative shall be notified of the proposed activity to allow on-site review. Notification may be by telephone at (252) 808-2808, in person, or in writing to the North Carolina Division of Coastal Management, 400 Commerce Ave., Morehead City, NC 28557. Notification shall include:

- (1) the name, address, and telephone number of the landowner and the location of the work, including the county, nearest community, and water body; and
- (2) the dimensions of the proposed project, including proposed landscaping and the location of normal high water or normal water level.

(e) In eroding areas, this exemption shall apply only when the local permit officer has determined that the house has been located the maximum feasible distance back on the lot but not less than forty feet. (f) Construction of the structure authorized by this exemption shall be completed by December 31 of the third year of the issuance date of this exemption.

*History Note: Authority G.S. 113A-103(5) c;
Eff. November 1, 1984;
Amended Eff. May 1, 2015; December 1, 2006; December 1, 1991; May 1, 1990;
October 1, 1989.*