

Fiscal Analysis

15A NCAC 7H .0208(b)(6) & 7H .1205

Structural Boat Covers

Prepared by

Mike

Lopazanski

NC Division of Coastal Management
(252) 808-2808

October 8, 2021

Basic Information

Agency	DEQ, Division of Coastal Management (DCM) Coastal Resources Commission
Citations and Titles	15A NCAC 7H .0208(b)(6) – Piers and Docking Facilities 15A NCAC 7H .1205 – Specific Conditions
Description of the Proposed Rules	Section 7H .0208(b)(6)(D) defines the general use standards under which piers and docking facilities are authorized. Section 7H .1205 are the specific conditions that apply to the General Permit for the construction of boathouses. The proposed rule change would allow for the permitting of structural boat covers (canvas over a frame) in a manner similar to traditional boathouses.
Agency Contact	Mike Lopazanski Deputy Director Mike.Lopazanski@ncdenr.gov (252) 808-2808
Authority	113A-107(b); 113A-108; 113A-113(b); 113A-124; 113A-107(a); 113A-118.1;
Necessity	The Coastal Resources Commission is proposing to amend its administrative rules to allow the permitting of structural boat covers under similar conditions to boathouses.
Impact Summary	State government: Yes Local government: No Private entities: Yes Substantial impact: No

Description of Rule Amendment

Coastal Resources Commission rules, 15A NCAC 07H.1205 and 07H.0208(b)(6)(D), limit boathouses to a maximum of 400 square feet, restrict their siting to lots with a minimum of 75 feet of shoreline, and limit the walls of boathouses to “one half of the height of the walls as measured in a downward direction from the top wall plate or header and only covering the top half of the walls.” These rules do not allow boathouses on lots with less than 75 linear feet of shoreline, and boathouses can be no larger than 400 square feet unless the applicant can justify a larger structure through the major permitting process. In addition, side walls can extend no farther than one-half the height of the walls as measured in a downward direction from the top wall plate or header only covering the top half of the wall and the boathouse roof greatest exterior dimension must be in compliance with the maximum square footage requirements found in 15A NCAC 07H .0208 (b)(6)(B) and 15A NCAC 07H .1205(e). The rules are intended to address a range of potential concerns, including increased shading impacts, and increased visual/aesthetic impacts along a shoreline.

Structural/retractable boat covers, which rely on a fixed frame rather than being directly attached to a vessel have generated some interest among coastal riparian property owners and the Division has issued a small number of General Permits for structural covers in accordance with use standards that apply to boathouses. Although these rules do not specifically address structural boat covers, the Coastal Resources Commission believe that similarities between boathouses and structural covers warrant the application of these rules with some exceptions. For example, the solid canvas material typically used for the side “walls” of retractable covers could be replaced with a canvas screen product to reduce visual impacts in a manner that other Commission rules which allow screening within gazebos, and the Commission therefore does not intend to restrict the height of the side walls of a structural boat cover when using screened canvas.

The Commission is proposing to amend 15A NCAC 7H .0208(b)(6)(D) and 7H .1205(l) to clarify that structural boat covers will be reviewed under rules governing boathouses but will be allowed on smaller lots when using screened material for side walls. As structural boat covers are typically utilized in conjunction with boats stored on lifts, the Commission believes the shading, navigation and visual impacts associated with these covers to be less than traditional boat houses. Boathouses and structural boat covers will continue to be subject to existing square footage limitations based on shoreline length found in 15A NCAC 07H .0208 (b)(6)(B) and 15A NCAC 07H .1205(e). Staff also incorporated a clarification that wall heights are measured down to the Normal Water Level or Normal High Water level.

Impact Analysis

Private Entities:

The primary impact of the proposed rule amendments will be clarity in permitting process for riparian property owners seeking permits for the installation of structural boat covers. Over the past 10 years, the Division has permitted less than 10 structural boat and over the next expect to see approximately 50 per year coast wide. The Commission is also allowing the use of structural boat covers on shorelines less than 75 feet in length. This change will allow property owners with shorter shorelines who are precluded from constructing a boat house an option to protect vessels from the elements. Since these structures as been permitting these structures under the existing regulatory framework for boathouse (General Permit fee of \$250), the Division

anticipates no additional costs to private property owners since a structural boat cover is not a requirement but an optional accessory.

NC Department of Transportation (NC DOT):

The Division does not anticipate many requests from NCDOT for structural boat covers, however, the impact of these rule amendments will be similar to private property owners in that they will provide regulatory clarification in the permitting process.

Local Government:

The Division does not anticipate many requests from NCDOT for structural boat covers, however, the impact of these rule amendments will be similar to private property owners in that they will provide regulatory clarify in the permitting process.

Division of Coastal Management (DCM):

As these rule amendments clarify the permitting of structural boat covers under the existing regulatory framework for boathouses, the Division anticipates an increase of \$12,500 in permit fees (50 permits per year at \$250 fee). The Division will also benefit from regulatory clarity when advising property owners of rule requirements.