

NORTH CAROLINA
Environmental Quality

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November 6, 2019

MEMORANDUM

CRC-19-38

TO: Coastal Resources Commission
FROM: Ken Richardson, *Shoreline Management Specialist*
SUBJECT: Static Line Exceptions and Development Lines

While the Development Line (DL) and the Static Line Exception (SLE) are intended to allow local governments an alternative to the use of the Static Vegetation Line in determining oceanfront setbacks, there are no rules preventing communities from having both a DL and a SLE. Although both alternatives allow oceanfront construction setbacks to be measured from the existing first line of stable and natural vegetation (FLSNV) instead of the static vegetation line, there are distinct differences in the rules that make implementation of these rules complex and challenging.

Both the DL and SLE create the potential for seaward encroachment in areas with known erosion problems, however, the SLE is landward oriented, limiting seaward movement of structures to no further than the landward-most adjacent neighbor. The DL is waterward oriented, allowing structures to be sited no further seaward than the locally-created line that can represent the most seaward structure within the local jurisdiction (Tables 1-4). Aside from measuring setbacks from the existing FLSNV, there are three provisions in both rules that may be applied in manner seemingly inconsistent with the Commission's intent during the development of the rules:

1. Once a DL has been approved by the Commission, only the Town can change or re-establish the position of the DL; there is no periodic oversight by the CRC, or required long-term commitment to beach nourishment;
2. An approved DL does not restrict the placement of a new structure to its landward-most adjacent neighbor; new and replacement structures can be located waterward of adjacent neighbors if the DL allows; and



- An authorized SLE requires minimum setback of 120 feet, or 60 times the erosion rate setback factor, whichever is greater, for structures 5,000 square feet or greater. This provision provides relief from the graduated setback defined in 07H .0306(a)(5) and is contingent upon a long-term commitment to beach nourishment, with five-year review and reauthorization by the Commission.

Currently, there are approximately 1,160 structures adjacent to development lines approved by the CRC for the Towns of Carolina Beach, Kure Beach, Oak Island, and Figure Eight Island. Of those, there are approximately 937 structures adjacent to static vegetation lines. Application of SLE rules would allow 66 structures to move seaward of their current position, while the DL rules allow 888 structures to move an average of 32 feet seaward relative to their current position (Tables 1-4).

Figure 1. Distance (ft.) measured between development line and structure at Oak Island.

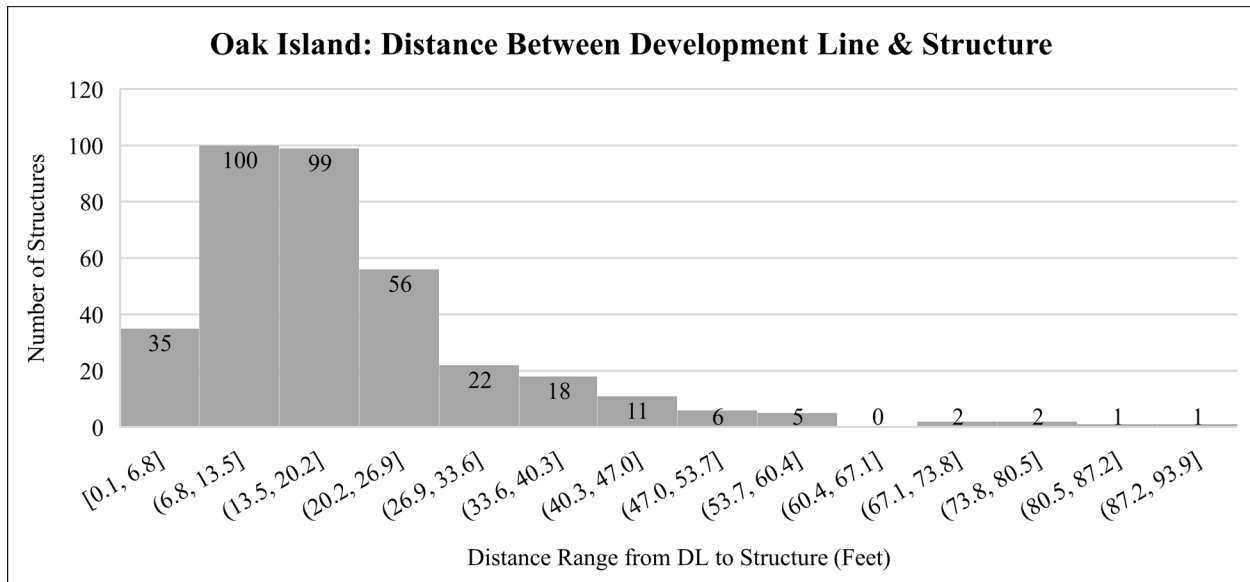


Figure 2. Distance (ft.) measured between development line and structure at Kure Beach.

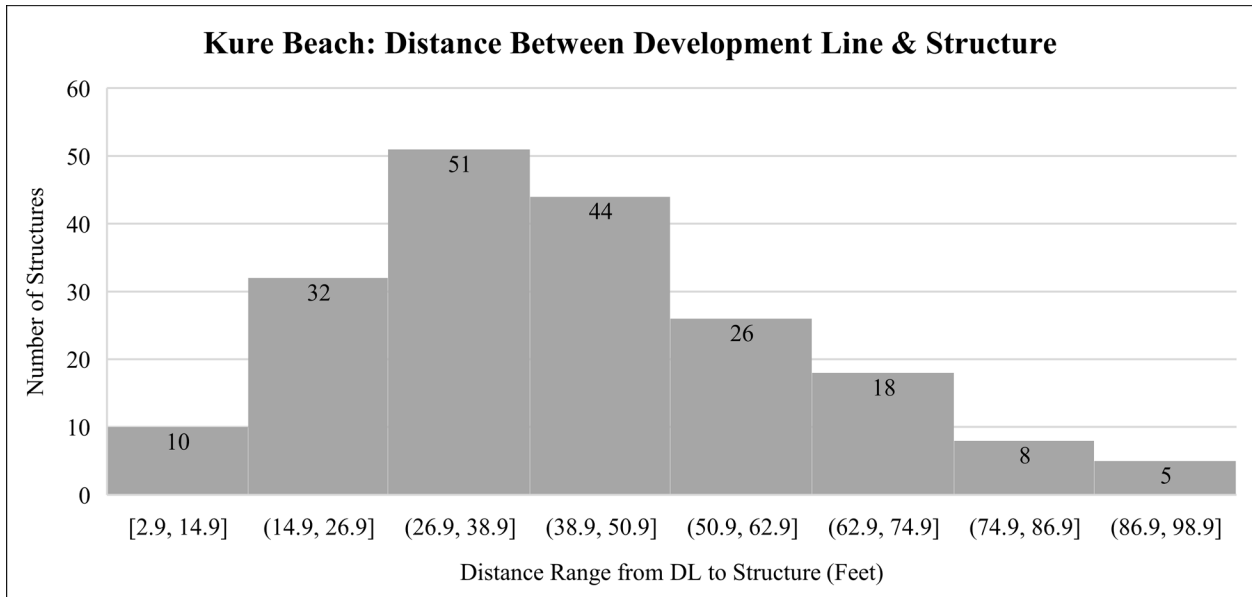


Figure 3. Distance (ft.) measured between development line and structure at Carolina Beach.

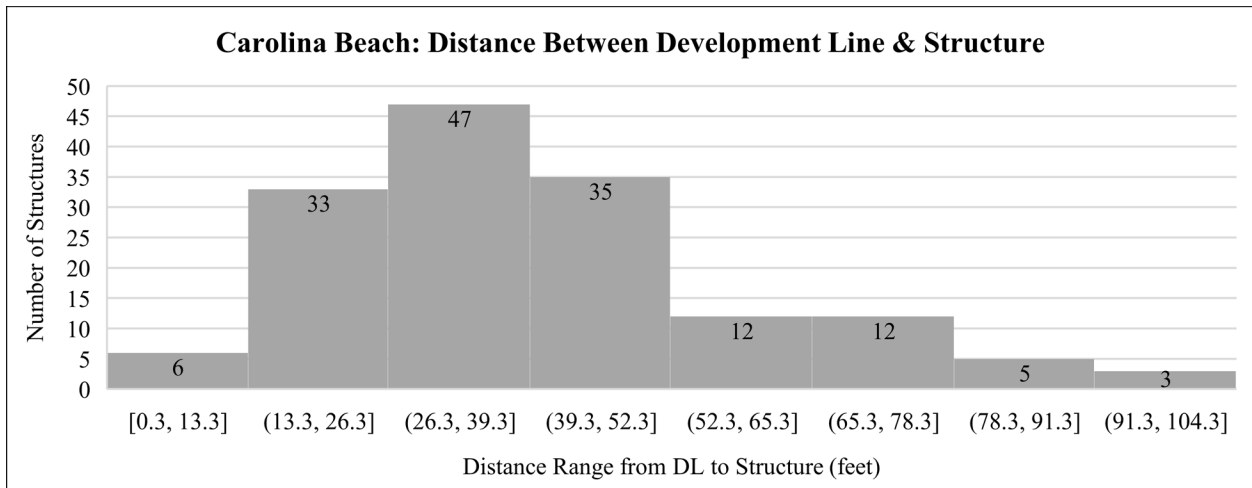
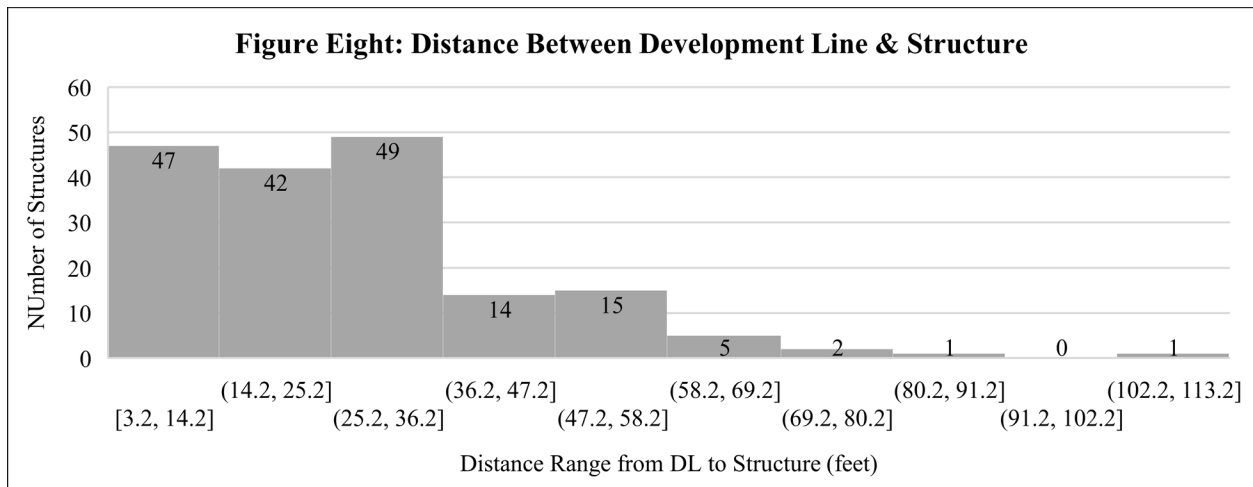


Figure 4. Distance (ft.) measured between development line and structure at Figure Eight Island.



Staff Recommendation:

Because DL rules allow for higher potential seaward encroachment than the SLE rules which also have specific review and performance criteria, utilization of both rules in the same community can create management conflicts. Staff is requesting guidance from the CRC, including consideration of clarifying rule amendments, on determining setbacks in communities with both a Static Line Exception and a Development Line.

Staff looks forward to discussing the nuances of both these beach management strategies at the upcoming meeting.

