

LEGISLATIVE REPORT

This month's legislative report focuses on a single topic-static line setback rules for ocean front development. This explanation is fairly technical, but it is necessary for our members who sell undeveloped lots in our beach communities. Back in 2008, some new rules passed the Coastal Resources Commission (CRC). The CRC is a public body that amends and enforces the Coastal Area Management Act (CAMA). Several entities challenged the new rules. In response to those challenges, the NC legislature must rule on the proposed regulations. With the legislature focused on the budget shortfalls, the proposed rules were never heard. So the new setback rules were implemented in August when the legislature adjourned. First I want to give you some definitions to help better understand the requirements.

The state defines a static line as the first stable line of vegetation, usually sea oats in the dunes. When the state draws this imaginary line, it is permanent, regardless of any new vegetation growth or any large scale re-nourishment project.

Setbacks are imposed by the state to ensure a safe distance between a new structure and the ocean. The setback is measured from the static vegetation line inward towards the mainland.

Erosion rates are located on a map in each coastal community town hall. The most common erosion rate for beaches in our area is two feet a year. The setbacks are calculated using the local erosion rates. Here is the link to Brunswick County erosion rate maps:
http://dcm2.enr.state.nc.us/Maps/bruns_rate.htm

Total square footage for the proposed house is an important factor for the undeveloped lot. The setbacks for homes less than 5000 square feet are 30 times the local erosion rate. For example, if you are building an ocean front home with 4000 sq. ft., your local erosion rate is 2 feet; your required setback is 60 feet from the static vegetation line. Setbacks for homes between 5000 and 10000 sq. ft. are 60 times the local erosion rate. For example, if your client plans on building 7500 sq. ft. of house, the local erosion rate is 3 feet, then the setback required from the static vegetation line is 180 feet. The setbacks increase incrementally up to 90 times the erosion rate.

However, there is some good news. The new rules allow for exceptions. Beach communities like Oak Island that has long-term re-nourishment projects and funding qualify for the exceptions. To receive the exception, the town must apply to the CRC and if granted the exception only lasts 5 years, with the possibility of extension. The exception allows the town to use the actual vegetative line and not the imaginary static line imposed by the state. However, further restrictions on the new structure cannot be closer to the beach than the adjunct existing structures. In addition, the new structure cannot exceed 2500 sq. ft.

I hope this information is helpful in the marketing and selling of undeveloped lots in our Brunswick beach communities.