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REPLY TO:
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October 1, 2020

Via Email

Braxton C. Davis, Director
Division of Coastal Management
400 Commerce Ave.
Morehead City, NC 28557

RE: Guidance from the Commission on setbacks on the oceanfront.

Dear Director Davis:

During the past year, the North Carolina Coastal Resources Commission ("Commission") has been working on revisions to its rules establishing building setbacks in the Ocean Hazard Areas. On more than one occasion, the Commission has indicated that it wants to avoid any unintended consequence of changes to its rules that might allow future development to be permitted waterward of the existing setbacks. Given its concern over the implementation of its rules, the Commission is providing this guidance to the Division of Coastal Management ("DCM") on how to apply the existing rules. Specifically, during its September 2020 meeting, by motion the Commission unanimously declared that if a community has a Static Line Exception approved in accordance with 15A NCAC 07J 1200 and a Development Line approved in accordance with 15A NCAC 07j .1300, only one may be applied within the bounds of the community's beach nourishment project. A community will not be permitted to switch between a Development Line and a Static Line Exception when reviewing individual applications for permits issued pursuant to the Coastal Areas Management Act of 1974 ("CAMA"). The Commission also stated that it was not endorsing one or the other setback line.

Please distribute this letter to DCM staff and the CAMA Local Permit Officers who are responsible for reviewing CAMA permit application. Upon receipt of this letter, the communities are required to inform DCM, by written confirmation to Director Braxton Davis, which setback line will be used by that community. Let me know if you have any questions regarding this information.

Sincerely,

Mary L. Lucasse

cc: M. Renee Cahoon, Chair NC Coastal Resources Commission, electronically