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September 13, 2017

MEMORANDUM

CRC-17-26

**TO:** Coastal Resources Commission  
**FROM:** Ken Richardson, *Shoreline Management Specialist*  
**SUBJECT:** Rule Development, 7J .1300 Development Line Procedures

On April 1, 2016, the CRC's Development Line Procedures rules became effective, giving oceanfront communities an alternative to the Static Vegetation Line Exception. Once approved by the CRC, a development line allows a community with a static vegetation line to then measure construction setbacks from the first line of stable and natural vegetation, and site development no further oceanward than the development line. Currently, there are three communities with CRC approved Development Lines (Carolina Beach, Oak Island, Figure Eight); and one community (Kure Beach) presenting their proposal to the CRC at the September meeting in Wilmington.

Based on our experience in implementing this rule over the past year, staff has taken note of a reoccurring concern about the potential for seaward encroachment of oceanfront structures following successful beach nourishment projects. Staff has analyzed the potential for seaward movement of structures in a scenario where communities with existing Development Lines continue to maintain their large-scale beach nourishment project, promoting vegetation growth seaward. A detailed spatial analysis prepared by DCM staff, including the number of structures that can potentially move oceanward under different scenarios, will be presented at the September CRC meeting.

Challenges Faced with Drawing the Development Line

The rule (15A NCAC 07J. 1300(c)) directs communities to "utilize an adjacent neighbor sight-line approach, resulting in an average line of structures. In areas where the seaward edge of existing development is not linear, the petitioner may determine an average line of construction on a case-by-case basis." As we have seen with the communities that have requested Development Lines so far, the seaward edge of existing development is not usually linear, and may vary by tens of feet between adjacent structures. This variation has resulted in approved Development Lines that will allow large numbers of structures to be moved oceanward, sometimes significantly. Staff's understanding is that the Commission did not intend to facilitate large-scale oceanward redevelopment under the Development Line rules. For comparison, rebuilding under the Static Line Exception rule is limited to being no farther oceanward than the landward-most adjacent neighbor.

## Staff Proposal

After considering several alternatives for increased Staff involvement in the process, and for limiting the amount of potential seaward encroachment, Staff believes that our best role may be in quantifying any potential for seaward encroachment that a proposed Development Line might allow; thus, giving the Commission additional information in support of the decision-making process. My presentation in September will show the types of data we can provide on the potential impact of proposed Development Lines, and we look forward to the Commission's feedback on whether this type of information will be useful in future request