

Introduction to State Setback Policies

October 29, 2008

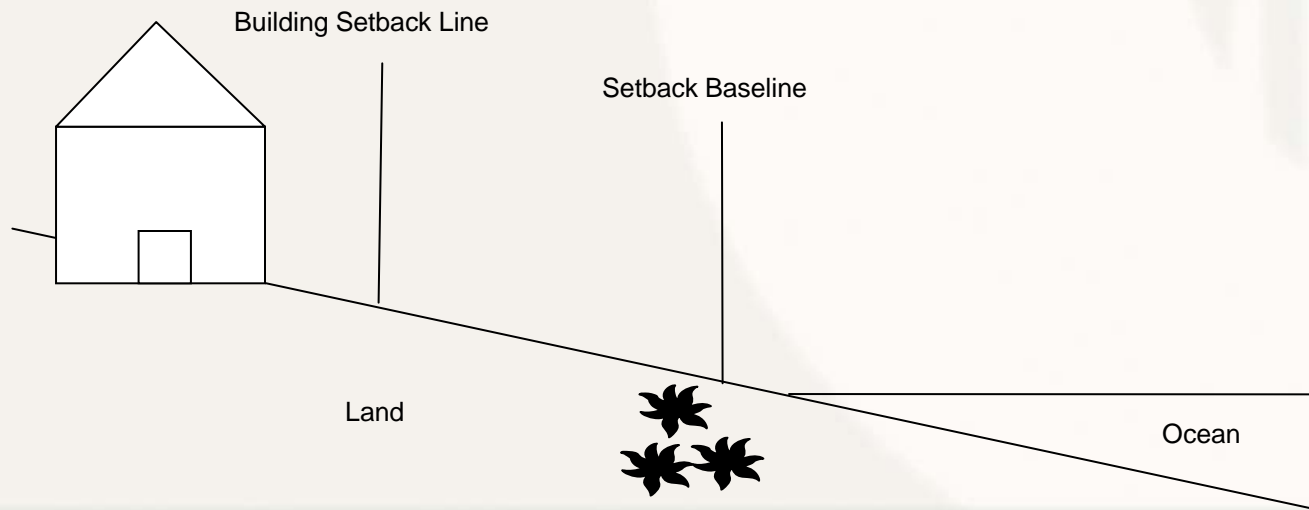


Introduction

- OCRM conducted a state setback analysis several years ago in response to congressional inquiry
- Study is now outdated; OCRM was preparing to update it over the next several months
- Texas requested similar information for state's draft setback regulations and Hurricane Ike response
- Regional setback information updated — **but not verified**
- Taking advantage of regional meeting—preliminary analysis and discussion questions

Definitions

- **Setback baseline** serves as the line landward from which the building setback line is measured. May be based on rate of erosion, a physical reference feature such as a vegetation line, or a combination of features.
- **Building setback line** indicates the minimum distance that construction may be allowed landward of the setback baseline. Distance is specified in regulations and may be based on erosion rate or a uniformly applied number.



Summary of State Setbacks

State	Setback Baseline Reference Feature	Building Setback Line (as measured from setback baseline)
AL	Primary dune crest	40 feet
FL	Seasonal high-water line	30x annual erosion rate
GA*	Ordinary high-water mark	Live native tree 20+ feet or a structure existing prior to July 1, 1979
NC	First line of stable natural vegetation	30x or 60x annual erosion rate (depends on type and size of structure)
SC*	Primary dune crest	40x annual erosion rate
TX	Depends on locality: vegetation line, mean low tide	Locally set: if no vegetation line, no more than 200 feet from mean low tide

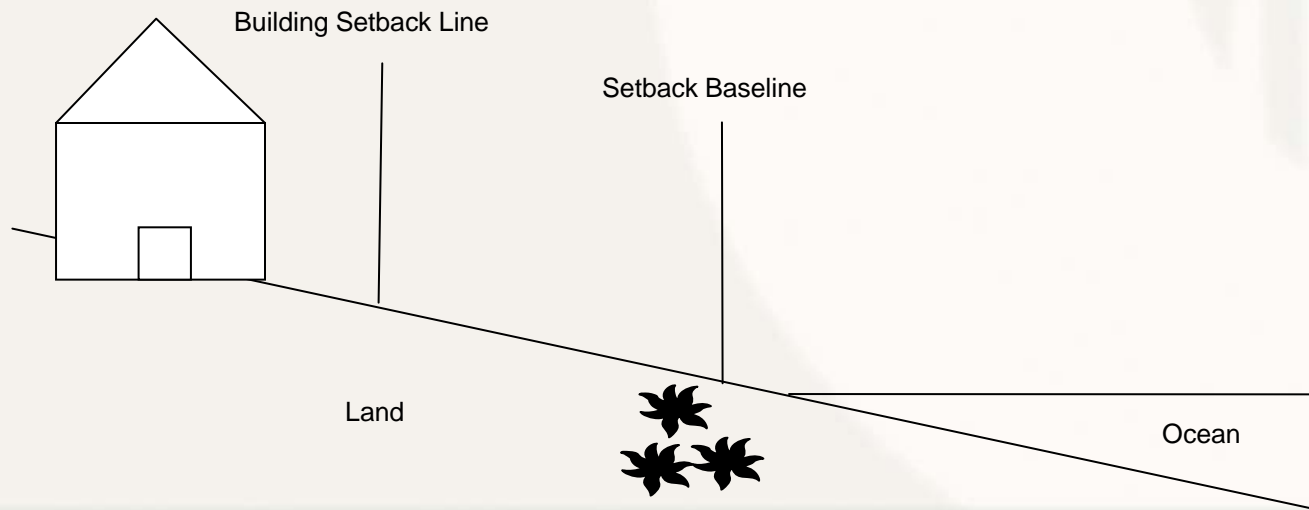
*Construction control line

Summary of State Setbacks (cont'd)

State	Local Involvement	Regulating Agency
AL	Yes	Dept. of Environmental Management
FL	Yes	Dept. of Environmental Protection
GA	Yes	Dept. of Natural Resources
NC	Yes	Dept. of Environment and Natural Resources
SC	Yes	Dept. of Health and Environmental Control
TX	Yes	General Land Office

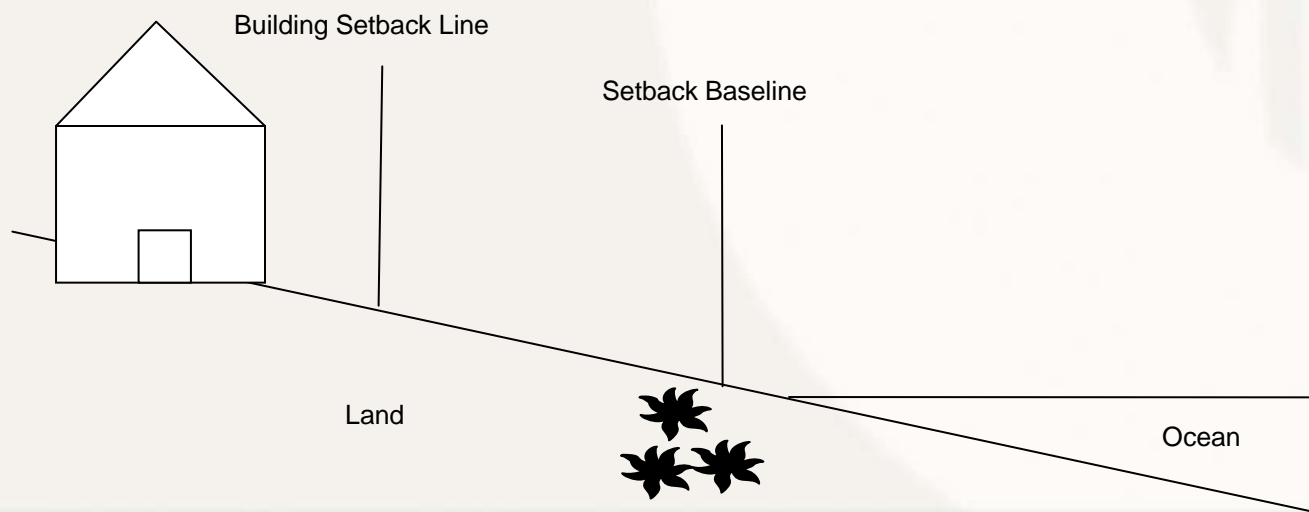
Discussion Questions

- Does your state have policies on repairing and rebuilding damaged structures that are seaward of the building setback line or the setback baseline following a storm? Are they enforced? If so, how?



Discussion Questions

- How does your state balance personal property rights and the public trust when private structures are located on public trust lands (i.e., because of chronic or episodic erosion)?



Discussion Questions

- Under what circumstances might your state move the setback baseline or the building setback line (e.g., in response to a storm or beach nourishment)?

