

NC Division of Coastal Management

NC Department of Environmental Quality
Division of Coastal Management

Fiscal Analysis for 15A NCAC 07H .2800 and .0309(a) Temporary Weather Monitoring Structures

Jonathan Lucas
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Key Elements of the Proposed 07H. 2800

- **Definition:** *“Structures temporarily installed on the dry sand area of the beach as defined in G.S. 77-20(e), for the specific purpose of collecting meteorological data during approaching storms”*
- Allows (and actually requires) this development to occur on the ocean beach
- Provides conditions where an entity other than the landowner can be the project applicant
- Removes the requirement for notification of adjacent riparian landowners
- Sea Turtles and Waterbirds
 - NC Wildlife Resources Commission representative participates in site visit. Additional coordination required:
 - From April 1 to November 15 –OR–
 - Anytime in an Inlet Hazard Area
- Permit is valid for 5 years.
- Structure may remain in place for a maximum total of 14 days unless otherwise authorized by the Division of Coastal Management.
- DCM must be notified when the structure is installed and removed.
- Vehicles and heavy equipment will utilize existing vehicle access points to beach.

Proposed Changes to 07H.0309(a)

15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
- (4) beach accessways consistent with Rule .0308(c) of this Section;
- (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
- (7) temporary ~~amusement stands~~ structures consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; ~~and~~
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be ~~placed~~placed.; and
- (11) Temporary weather monitoring structures permitted by General Permit in 15A NCAC 07H .2800.

Include any structure
permissible by 07H .1900

~~In all cases,~~ With the exception of development specifically allowed by another rule in this Chapter, ~~this~~ all development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

Proposed Changes to 07H.0309(a)

15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

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- (8) sand fences;
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- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be ~~placed~~placed.; and
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Temporary weather monitoring structures as an exception to the oceanfront setback

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Proposed Changes to 07H.0309(a)

15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

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- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
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- (7) temporary ~~amusement stands~~ structures consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; ~~and~~
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be ~~placed~~ placed; ~~and~~
- (11) Temporary weather monitoring structures permitted by General Permit in 15A NCAC 07H .2800.

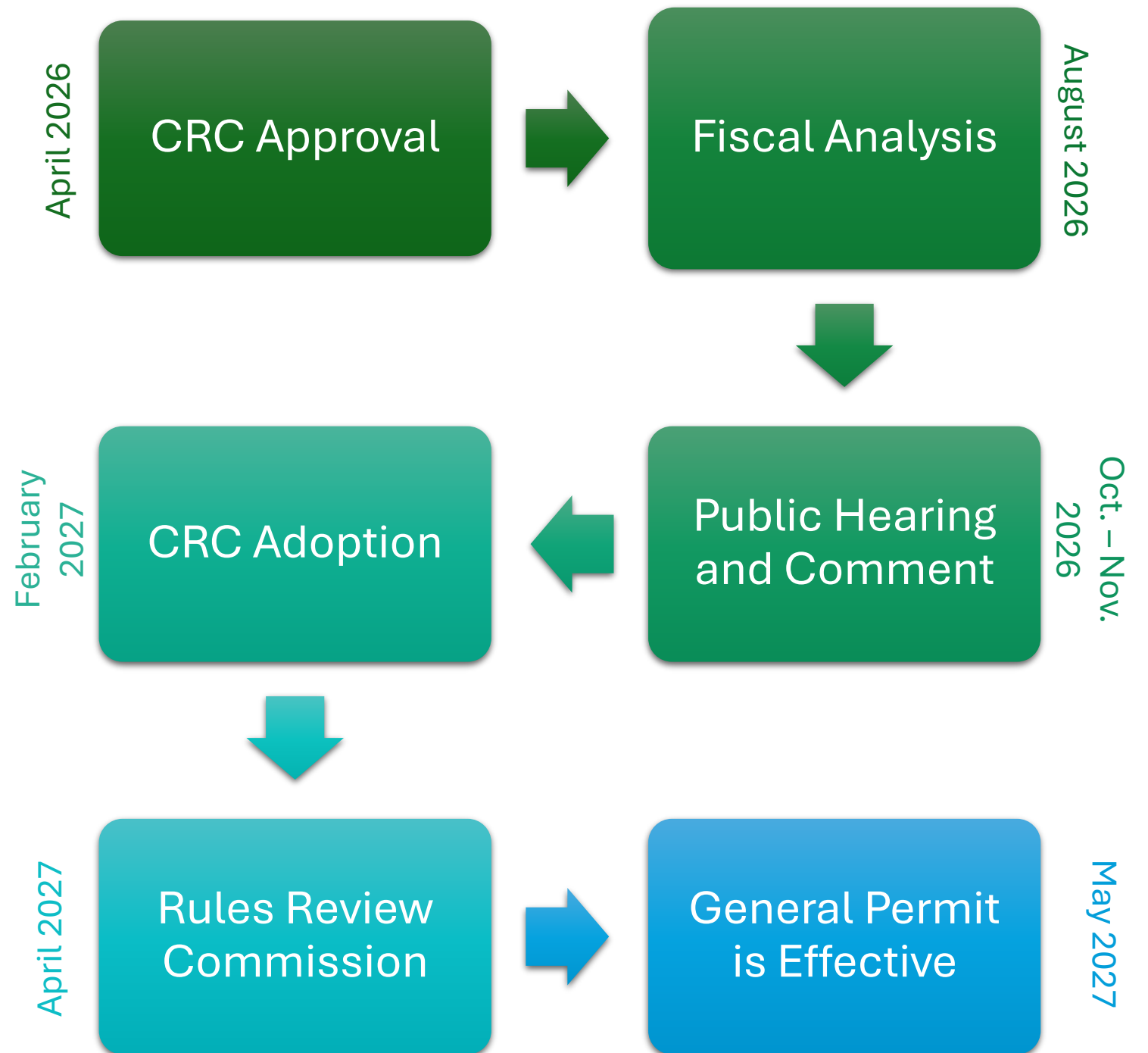
~~In all cases,~~ With the exception of development specifically allowed by another rule in this Chapter, this ~~all~~ development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

Development allowed
seaward of the vegetation
line

Fiscal Analysis – Impact of Amendments

- No significant impact to NCDOT CAMA permitting
- No significant impact to local governments on permitting.
- No significant impact to private property owners. Private entities may now be permit applicants.
- No significant impact to natural resources.
- DCM and WRC will experience an increase in staff time due to site visits and permit processing.

Rule-Making Process



Next Steps

- The fiscal analysis was approved by OSBM on July 17th
- DCM staff recommends CRC approval of the fiscal analysis for the proposed 07H .2800 and amendments to 07H .0309(a)



SECTION .2800 - GENERAL PERMIT TO ALLOW FOR TEMPORARY WEATHER MONITORING STRUCTURES WITHIN THE OCEAN HAZARD AECS

15A NCAC 07H .2801 PURPOSE

A permit under this Section shall allow the installation of temporary weather monitoring structures in the Ocean Hazard Area AECs according to the Rules in this Section. Temporary weather monitoring structures authorized by this General Permit shall not be subject to the restriction in 15A NCAC 07H .0309(a) that all exceptions to the setback requirements in 15A NCAC .0306(a)(3) shall occur landward of the vegetation line or pre-project vegetation line, whichever is applicable.

History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(6)(b); 113A-118.1

15A NCAC 07H .2802 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development.

(b) The applicant shall provide:

- (1) Information on site location, dimensions of the project area, and applicant name and address.
- (2) A copy of a deed or other instrument under which the applicant claims title to the property upon which the development will occur, or other evidence of the ownership of the property or lawful authority to make use of the property. If the applicant is not the owner, the applicant must provide written permission from the owner to carry out the project on the property.
- (3) Notwithstanding the provisions of 15A NCAC 07J .0204(b)(5), adjacent riparian landowner notification is not required.

(c) No work shall begin until an on-site meeting is held with the applicant, a Division of Coastal Management representative, and a Wildlife Resources Commission representative to inspect and mark the site of construction of the proposed development.

History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(6)(b); 113A-118.1

15A NCAC 07H .2803 PERMIT FEE

The applicant shall pay a permit fee of four hundred seventy-four dollars (\$474.00) by check or money order payable to the Department.

History Note: Authority G.S. 113A-119.1; 143B-279.19

15A NCAC 07H .2804 GENERAL CONDITIONS

(a) Temporary weather monitoring structures for the purpose of this General Permit are structures temporarily installed on the dry sand area of the beach as defined in G.S. 77-20(e), for the specific purpose of collecting meteorological data during approaching storms.

(b) This General Permit shall not be applicable to proposed development where the Division of Coastal Management has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality, air quality, coastal wetlands, cultural or historic sites, wildlife, fisheries resources, or public trust rights.

(c) The permittee shall allow the Division of Coastal Management or other representatives of the Coastal Resources Commission to make periodic inspections at any time necessary to ensure that the activity being performed under authority of this General Permit is in accordance with the terms and conditions prescribed herein.

(d) The permit set forth in this Section does not eliminate the need to obtain any other state, local or federal authorization, nor to abide by federal, state, or local laws and ordinances, nor to abide by rules or regulations adopted by any federal, state, or local agency.

History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(5); 113A-118.1; 113A-126(d)(1)(c); 113A-120(b1)(4);

15A NCAC 07H .2805 SPECIFIC CONDITIONS

(a) Temporary weather monitoring structures authorized by this General Permit shall be installed and removed within five years from the date of issuance, and may remain in place for a maximum total of 14 consecutive days from the date of installation, unless otherwise authorized by the Division of Coastal Management. All aspects of the structure shall be removed and the site returned to pre-project conditions no later than 14 days from the date of installation, or at the expiration of this permit, whichever comes first.

(b) In order to minimize adverse impacts to threatened and endangered species, installation of temporary weather monitoring structures shall not occur inside the Ocean Hazard AEC within the period of April 1 through November 15 of any year, or anytime inside an Inlet Hazard AEC without the prior approval of the Division of Coastal Management, in coordination with the North Carolina Wildlife Resources Commission and the U.S. Fish and Wildlife Service.

(c) The permittee shall notify the Division upon commencement of installation, and upon removal of the structure.

(d) Vehicle or heavy equipment entry onto the beach shall be restricted to existing public vehicular beach access points.

(e) Installation shall not alter or remove any portion of a primary or frontal dune or the dune vegetation.

(f) The structure shall not be installed waterward of normal high water, as determined by the Division of Coastal Management. Alternatively, a surveyed mean high water line provided by the applicant may serve as the waterward limit of the structure.

(g) There shall be no dredge or fill of material.

(h) The proposed structure shall not be habitable.

(i) The proposed structure shall not impede beach access or other public trust uses.

(j) The footprint of the structure shall not exceed 250 square feet.

(k) In the event of damage, the permittee shall be responsible for the removal of all remnants of all portions of the temporary weather monitoring structure.

History Note: Authority G.S. 77-20; 113-229(a); 113A-107(a)(b); 113A-113(b)(5); 113A-118.1