

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County held their regularly scheduled meeting on Monday, August 9, 2010. This meeting was held in the Dare County Board of Commissioners meeting room located at 954 Marshall Collins Drive, Manteo, NC.

**CALL TO ORDER**                      7:00 PM

<b><u>MEMBERS PRESENT</u></b>	Elmer R. Midgett, Jr., Chairman	Ricky Scarborough, Jr.
	Beth Midgett	John Finelli
	Henry Haywood	Dan Oden

**MEMBERS ABSENT**                  David Overton

### **APPROVAL OF MINUTES**

There being no additions or deletions to be made to the minutes of the June 14, 2010 Dare County Planning Board meeting, a motion to dispense with reading them and to approve them as submitted was made by John Finelli. This motion was seconded by Beth Midgett.

Vote: Ayes – Unanimous

### **OLD BUSINESS**

**Wayne Umphlett – Mashoes – Zoning Amendment Petition to add fishing and hunting camp to the list of conditional uses – referred back to Planning Board by Dare County Board of Commissioners**

Mr. Wayne Umphlett was present for the review of this petition.

Chairman Midgett opened the floor for public comment. He asked that speakers limit their comments to three minutes. He also stated that there will be another opportunity to speak before the Board of Commissioners who will make the final decision on the proposed zoning amendment.

Mr. Hodsdon, an adjacent property owner, addressed the Board and expressed the following concerns:

1. Amount of space on the Umphlett property to accommodate a water and sewer system for the proposed development due to the amount of wetlands.
2. Drainage and sewage waste into the sound
3. Concern regarding the kind of people that the rentals will bring into the neighborhood on a semi-permanent basis.
4. Access to the Umphlett property will require people to cross approximately ½ mile on the

Hodsdon property, and in some areas as close as 10 ft.

5. No room on the site for the location of a clubhouse or swimming pool.

Mr. Hodsdon stated that the people of Mashoes are mostly concerned about the impact to the environment, how much of the Umphlett property is really buildable, and what kind of people other than people hunting and fishing will be renting the proposed cabins. He stated that he wishes Mr. Umphlett to be able to do the best thing possible with his property, and asked that the Board keep a close eye on the development of this property.

Senior Planner Donna Creef told the Board that the Dare County Board of Commissioners conducted a Public Hearing on the proposed text amendment to the MH-A district to allow fishing-hunting camps as a conditional use on July 19, 2010.

Mrs. Creef stated that at the hearing three individuals spoke in opposition to the amendment, one spoke in favor of the amendment, and Mr. Umphlett addressed the Board. She also stated there were several letters and petitions from the residents of Manns Harbor and Mashoes in opposition to the proposed amendment submitted at the hearing.

Mrs. Creef told the Board that following the hearing, the Board of Commissioners tabled the text amendment and instructed the item be put back on the Planning Board's agenda to address density, minimum lot size, a prohibition on travel trailers, and definitions of fishing-hunting camps and cabins. She stated that based on the instructions of the Board of Commissioners, she has revised the draft language to include definitions and additional conditions to establish a minimum lot size, density calculations, a prohibition on travel trailers, a minimum frontage along the Albemarle Sound, and other language designed to limit the possible proliferation of fishing-hunting camps in the MH-A zoned areas.

Mrs. Creef stated that the draft language has been reviewed and discussed with the Bobby Outten, County Manager as directed by the Board of Commissioners. She noted that Mr. Outten has indicated that the language addresses the concerns expressed at the public hearing and he is comfortable with the language.

Mrs. Creef stated that she provided a copy of the draft language to the individuals that spoke at the public hearing conducted by the Commissioners and she has received one comment regarding the use of the word "lodge" instead of "camp". After providing the definition from the Webster Dictionary for both, Mrs. Creef told the Board that she thinks that the word camp may be more appropriate because the word camp can be used to describe more than one building, whereas lodge refers to on structure.

John Finelli made a motion to recommend approval of the draft language of the MH-A zoning district for fishing/hunting camps subject to the revisions prepared and submitted by staff. This motion was seconded by Dan Oden.

Vote: Ayes – Unanimous

### **NEW BUSINESS**

#### **Shallow Bay Point Club – David Ballance – Hatteras – Site plan review**

Mr. David Ballance was present for the review of this site plan.

Senior Planner Donna Creef stated on July 19, 2010 the Dare County Board of Commissioners approved a text amendment to the R-2H zoning district to add sporting clay courses to the list of conditional uses in the R-2H district. She provided a copy of the language adopted in the Board packet, and noted that there were nine specific conditions included in the adopted language that deal with the minimum size, hours of operation, the number of target machines, the type of ammunition and sporting clays that can be used, prohibition of firearm sales and alcohol, and prohibition of the discharge of firearms within 200 yards of any occupied residential structure.

Mrs. Creef told the Board that she received a letter from Mr. Wyatt Booth, an attorney retained by one of the adjoining property owners (Mrs. Natalie Austin) expressing concern about the potential residential use of her property and the vegetative buffer or screen placed along the southern property line, and the safety and noise from the location of the southern skeet towers. She noted that the Austin property is currently vacant.

In reference to the vegetation, Mrs. Creef stated that the Ballance property is heavily vegetated and it is the intention to leave the existing vegetation on the site. She noted that although a buffer is an appropriate condition, there is nothing in the language that says a buffer is required if it adjoins vacant property. Regarding the skeet towers depicted on the site plan, Mrs. Creef stated that they will be moved from time to time based on wind conditions and as a challenge to the shooters. She stated that the surveyor depicted the skeet towers for illustrative purposes to indicate approximately where ten skeet towers may be placed without being in the wetlands.

Mr. Ballance addressed the issues raised as follows:

1. Vegetation – Existing vegetation is sufficient. He told the Board that he is 30 feet from the Austin property line and there are 100 year old oaks and some cedars and other small vegetation. He also stated that there is pampas grass set every ten feet from the beginning of

the property all the way back.

2. Location of towers – Mr. Ballance stated that they are not skeet towers, but are small machines provided by ProMatic called pigeon clay machines. He stated that the machines will be moved around to various locations on the property as needed.

The Board indicated the existing vegetation was acceptable and that the R2-H language addressing the discharge of firearms is sufficient to address Ms. Austin's concerns.

Board member John Finelli asked if people will be permitted to bring their own ammunition.

Mr. Ballance informed Mr. Finelli that he provides all of the ammunition because it has to be federally approved, and patrons are not allowed to bring in excess ammunition. He further stated that the guns and shots will be provided.

A motion to recommend approval of the Conditional Use permit was made by Ricky Scarborough, Jr., seconded by Henry Haywood with conditions as discussed.

Vote: Ayes - Unanimous

## **OTHER BUSINESS**

### **Land Use Plan Policy - Discussion**

Senior Planner Donna Creef stated that earlier this spring the Planning Board conducted a workshop with the Board of Commissioners and a subsequent discussion at one of their meetings on the draft 2009 Land Use Plan. She stated as a result of those discussions there were four issues (shoreline management, stormwater, ORV access and wastewater) identified as needing additional input from the Planning Board.

Mrs. Creef told the Board that she has gone back through the policies that were previously written for the draft plan and has added some language to address the concerns that were identified at the workshops.

The Board discussed the revisions and additions submitted by Mrs. Creef and concurred that all of the revisions were suitable except for the language on Stormwater was too much and will not be very palpable to the general public.

**Wind Turbine Ordinance**

Senior Planner Donna Creef provided the Planning Board with a draft ordinance for wind energy devices and utility-scale facilities for consideration. She asked that the Board review the draft ordinance and provide feedback for discussion at the September meeting.

**ADJOURN**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Beth Midgett, seconded by Dan Oden.

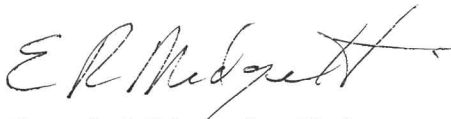
Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: September 13, 2010



Elmer R. Midgett, Jr., Chairman  
Dare County Planning Board