

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, September 14, 2020. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

The meeting was streamed live on YouTube at: <https://youtu.be/taxaGI-xiHo>.

**CALL TO ORDER** 6:00 pm

**MEMBERS PRESENT** John Finelli, Chairman  
Michael Barr Beth Midgett (remotely)  
Terry Gore II Buddy Shelton  
David Hines

**MEMBERS ABSENT** David Overton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the August 10, 2020 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Terry Gore seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

-None-

### NEW BUSINESS

#### ***Preliminary Plat Review, Payne Estates Section Four, Roanoke Island, NC***

Timothy L. Fish, PE, PLS, of M2C Geomatics and Design, PLLC, was present on behalf of the property owner, Joyce Payne Bell.

Donna Creef read her staff comments. Ms. Creef said earlier this year, the Planning Board approved a seven-lot division for Joyce Payne Bell on Roanoke Island. Ms. Bell has submitted another preliminary plat that adds an eighth lot to the division. The proposed lot has frontage on Payne Rd, a State maintained road. The lot is 25,198 square feet in area, well in excess of the required minimum lot size. There are two

existing structures depicted on the lot but the use of the structures is not noted. The structures are within the principal use setback of the R-2 zoning district.

Mr. Fish said the two buildings are storage buildings at this time and he will note the plat as requested by Staff.

Staff recommends approval of the preliminary plat.

Terry Gore made a motion to approve the preliminary plat. Buddy Shelton seconded the motion.

Vote: Ayes - Unanimous

## **OTHER BUSINESS**

### ***Continued Discussion of Travel Trailer Park Ordinance***

Donna Creef read her staff memo. Staff recommends the following changes to the Travel Trailer Park and Campground Ordinance as follows:

1. The definition of all-weather surface has been deleted. This was deleted to avoid inconsistency. The ROADS standards require gravel improved roads.
2. Section 160.22 General Standards (O). Staff added language about retail sales and laundry facilities.
3. Section 160.22 General Standards for All PARKS (W). A reference to the NC Vacation Rental Act (VRA) has been added as instructed by the Planning Board at the August 10, 2020 meeting. It was consensus of the Board to include an occupancy restriction. The VRA uses 90-days as the benchmark to be considered a vacation rental.
4. Revised Section 160.24 Additional Standards for Camping Cabins, Alternative Camping Units and Camping Tents. To reflect last month's discussion on the size limitations for these units.
5. Section 160.26 Roads and Access. To reference NCDOT standards for cul-de-sacs and turnarounds.
6. Section 160.32 Camping Spaces at Commercial Sites. As currently drafted travel trailer sites and alternative camping units can be featured at commercial sites. Camping cabins are not allowed as part of a commercial development.

7. Added Section 160.51 Storm Response Plan (for PARKS developed after date of adoption). PARK owners will notify PARK guests if an evacuation order is ordered by Dare County.

The Board discussed usage of the Vacation Rental Act as referenced in Section 160.22 General Standards for All PARKS (W). Beth Midgett asked if tying the VRA to the 90-day or less requirement puts a burden on PARK owners to be licensed brokers. Donna Creef said Staff only referenced the tenure limitation of the Vacation Rental Act. David Hines said when you bring up the word Vacation Rental Act it may imply that we adhere to the Vacation Rental Act. Mr. Hines thinks the timelines are good. Ms. Creef changed the proposed language in the draft to read as: The length of occupancy of any travel trailer, camping cabin, and alternative camping units and or camping tent shall be consistent with the timeframe established in the NC Vacation Rental Act. Chairman Finelli said the draft should state the number of days so it can be easily understood without having to read the VRA. Donna Creef said she will note 89-days in the draft.

The Board discussed 160.01 Permits. Terry Gore said an LLC or entity should be considered. Donna Creef said she will change the language to include person or entity.

The Board discussed 160.22 General Standards for all PARKS (Q). Chairman Finelli said there should be an exclusion to apply to the employees of the PARK.

The Board discussed 160.32 Camping Spaces at Commercial Sites (A). Chairman Finelli asked the Board if the minimum of twenty camping spaces is the right number for travel trailer and alternative camping units. The Board agrees with twenty minimum camping spaces for commercial sites. Chairman Finelli additionally confirmed the Planning Board is in agreement that camping cabins should be part of a group development.

The Board discussed 160.32 Camping Spaces at Commercial Sites (F). David Hines said language should read as: Camping spaces shall not be individually conveyed or sold in fee simple title, as condominiums or for interval and or fractional ownership. The Planning Board indicated consensus with adding fractional ownership to this section.

The Board discussed 160.51 Storm Response Plan. Terry Gore discussed commercially reasonable effort and how it could apply to PARK owners. Chairman Finelli said he likes the wording in the current draft. He said he does not want to place an enforcement burden on the Planning Department that already exists somewhere else in Dare County such as the Sherriff. He does not want to shift that burden. Mr. Finelli

added that Ms. Creef has stated that Travel Trailer Parks in existence before the ordinance will be grandfathered and may not be subject to this. Michael Barr thinks if you step into enforcement you also take on liability. Mr. Barr said it should be the responsibility of the PARK owner to develop a plan and not for Planning Staff to enforce it. Terry Gore proposed the language should read: Each PARK owner shall develop a storm response plan of commercially reasonable actions that will be taken before, during and after storm events. In the event, evacuation orders are issued by Dare County, the PARK owner shall make a commercially reasonable effort to notify PARK guests of the order. Beth Midgett added that it should be a recorded effort – they will have to keep notes. Donna Creef advised the Board against using language in the ordinance that implies that Dare County has a responsibility other than the mandatory evacuation. Ms. Creef said that is what Emergency Management does. She added if Emergency Management is concerned about travel trailers in the campgrounds they will advise PARK owners to have a plan to get their people out and not Dare County Planning Staff through the campground ordinance. This is not the vehicle to do that.

Chairman Finelli said the Chair would entertain a motion to amend Section 160.51 Storm Response Plan. Hearing none. Section 160.51 text will proceed unchanged from the current draft.

The Board discussed a text amendment for the C-3 Zoning District for Section 160.32 Camping Spaces at Commercial Sites. Ms. Creef said the C-3 District does not specifically outline Campgrounds and Travel Trailer PARKS as a permitted use.

David Hines made a motion to recommend approval of the Text Amendment to include PARKS as a permitted use in C-3 to include a finding of consistency with the 2009 Land Use Plan update. Michael Barr seconded the motion.

Vote: Ayes – Unanimous

Michael Barr made a motion to recommend approval of the Travel Trailer PARKS and Campground Ordinance as modified by Staff to include a finding of consistency with the 2009 Land Use Plan update. Buddy Shelton seconded the motion.

Vote: Ayes - Unanimous

This matter will proceed to the Board of Commissioners for their review at the October 5, 2020 meeting.

**ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Terry Gore and seconded by Buddy Shelton.

Vote: Ayes – Unanimous

The meeting adjourned at 7:03 p.m.

Respectfully Submitted,



Andrea DiLenge  
Planning Board Clerk

APPROVED: October 12, 2020



John Finelli  
Chairman, Dare County Planning Board