

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, June 8, 2020. This meeting was held virtually through Google Meet.

CALL TO ORDER 6:00 pm

MEMBERS PRESENT John Finelli, Chairman
Michael Barr
Terry Gore II David Overton
David Hines Buddy Shelton

MEMBERS ABSENT Beth Midgett

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the May 11, 2020 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Michael Barr seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Patricia Gale, a Vista Lake resident, spoke to the Planning Board and provided an email copy of comments to the Board. Ms. Gale said she does not feel the Conditional Use Permit submitted by Mr. Fearing is one that should be supported by this Board. She is disappointed the meeting is being held in the virtual format. She said this is a controversial topic and knows several people who are unable to get on the call. Ms. Gale said, Mr. Young, a legally blind man wanted to participate in the meeting and does not have an email, so he asked Ms. Gale to relay his feelings for him. Ms. Gale said Mr. Young is very much opposed to the Beachland Farm RV Park. Ms. Gale said she would provide contact info for Mr. Young to confirm the comment. Ms. Gale additionally stated with 50 campsites you are looking at the possibility of up to 200 people living in a very small area. Ms. Gale said the environmental impact will only be felt by them during their stay, but by the residents of Dare County forever. In addition to the environmental impact, Ms. Gale believes this will have an economic impact that could affect Dare County.

Ms. Creef said the record will be noted there were people who supported Ms. Gale's comments that were not able to get through on the virtual call.

Danny Gale, Sr., a Vista Lake resident, said his biggest fear is water levels have raised an extreme amount since he moved here. He said he is concerned if more marsh land

is taken away it will raise the water even more and become a flooding problem. He said there should be an environmental study. Mr. Gale is also concerned about septic draining into the lake. He said they put fish in the lake and he worries that the environmental impact would make them lose that.

Melissa Mann, a Meekins Drive resident, said she is a young mom of two young children and they play a lot in the Vista Lake area. She said it makes her nervous to have transient people coming in and out, with all the trafficking of children and everything going on in the world, it makes her nervous as a mom to let her kids outside to play. Ms. Mann said that is her biggest concern and says the environmental issue is a big factor for her as well. She hopes the Board will take those things into consideration.

John Robbins, III, of John Robbins Construction and Planning, spoke to the Planning Board and provided an email copy of comments to the Board. Mr. Robbins stated he is not speaking on the Vista Lake matter but is speaking about the proposed revisions to the Travel Trailer Park Ordinance. He asked the Board to take his email comments into consideration as he is working on a project and wants to make sure the design will avoid conflicts like the Board is experiencing this evening. Mr. Robbins said he doesn't foresee conflicts with the development but hopes the Board will take his email comments into consideration. He said comments he submitted will allow him to present a plan he believes will not be a burden on the Board, surrounding properties or to Dare County as a whole. Mr. Robbins said he is available for questions and assisting with ordinance revisions.

Jeanine Emery, a Vista Lake resident, said she read through the proposal and noticed there will be tents permitted and that was not her initial understanding. She said she thought it was supposed to be just travel trailers. Her concerns are noise, people partying, yelling, all kinds of lights and open fires. Ms. Emery said they have become accustomed to peace and quiet. She would like to know if there will be a fence and more information about vegetative buffers. She wants to know how high and how thick the vegetative buffers will be. Ms. Emery said she wants to know how far away the trailers will be and if the trailers will be closer to the sound or right in our back yard. She wants to know if people will be staying there all year and if there will be a manager on site year-round. Ms. Emery is also concerned about the traffic impact on the island.

Lester Page, an Inland Drive resident, spoke to the Board and provided an email copy of comments to the Board. Mr. Page said the property in question affronts the Manteo City line on two fronts. He said the Planning Board needs to work with Manteo City

officials as a certainty of pollution run-off will impact Manteo residents on Vickers Lane. He said approval of this site without input from the Manteo Planning Board would be egregious and would lead to litigation between two municipalities in the future. Mr. Page said there will be pollution run-off caused by transit trailers, so an environmental impact study needs to be made. The proposed campground is next to a fragile wetland, so it must be addressed. Mr. Page wants to know if there has been an extensive study of this conforming to EPA guidelines. He is also concerned recreational campers will be walking through adjacent Vickers Lane and Vista Lake private property. He said Dare County police may be constantly called about that. At a minimum the campground owner must construct a standard eight foot chain link fence along Vickers Lane and Vista Lake property lines. Mr. Page asked if the Planning Board will require an extensive bond to guarantee cleanup of certain pollution damage.

Linda Burgess, a Vista Lake resident, spoke to the Planning Board and provided an email copy of comments to the Board. Ms. Burgess said her home sits directly behind where Mr. Fearing wants to put his campground. She said it will be in her backyard. Ms. Burgess said we have massive flooding back here and we are going to have septic and sewage issues. She is also concerned about campfires on windy days and that the neighborhood will burn down. Ms. Burgess stated there are civil war artifacts that have been found back here. She said we've got ospreys, red wolf, and black bears. Ms. Burgess said we've got issue that people will walk through this neighborhood. She said the cops are going to be constantly called and Mr. Fearing will be constantly called. She said this is not stable for this neighborhood. Ms. Burgess said there's no way Manteo will be able to handle the traffic. She said it's all we can do to get out of Vista Lake during the tourist season as it is. Ms. Burgess said we also have concerns with permanent residents, concerns about the trash, concerns with microorganisms when there is flooding. Ms. Burgess stated she would like to know why Mr. Fearing's property is listed as residential for tax purposes when he's not paying industrial taxes on the property. Ms. Burgess said we would like to know when this particular area was zoned for industrial and why he is permitted to put an RV travel trailer park in the middle of a neighborhood that is surrounded by neighbors' homes. She said this is unacceptable for a neighborhood. Ms. Burgess said she wants a continuation where they can be heard in person.

Danny Gale, Jr, an Inland Drive resident, said he questions the need of a park like this. He said you've got three within a 15 mile radius and one in Wanchese. He said he is wondering where the Planning Committee saw the value of adding something like this into a residential community. He understands taxation and bringing in additional

tourism to the region but without a definite need what happens if this goes south in the first few months.

Deirdre Brockwell, a Burlington, NC, resident, submitted email comments to the Board.

The public comment portion of the meeting closed at 6:31 p.m.

OLD BUSINESS

-None-

NEW BUSINESS

Conditional Use Permit Application for Travel Trailer Park, Beachland Farm Campground, California Lane, Manteo, NC

Benjamin M. Gallop, Attorney at Law, Hornthal, Riley, Ellis & Maland, LLP, Dylan Tillet of Quible and Associates, and Malcolm Fearing, Property Owner, was present at the meeting.

Donna Creef addressed the Board. Ms. Creef said the site plan considered for review was the version submitted to the Planning Director on June 8, which deleted the 24' x 24' cabin from consideration.

Ms. Creef said Mr. Fearing has submitted a site plan for a travel trailer park on Roanoke Island. The site is zoned I-1, industrial. Under conditional uses, the I-1 district states that other uses are generally intended for this district but not itemized as allowed by the Board of Commissioners. Since the I-1 district does not specifically list travel trailer parks as a permitted use, Mr. Fearing's site plan is being reviewed as a conditional use permit subject to quasi-judicial review by the Board of Commissioners. Ms. Creef stated that in her role as the zoning administrator, she has determined a travel trailer park to be consistent with the I-1 district. This determination was made based on a review of the other uses permitted in the I-1 district. The provisions of the Travel Trailer Park Ordinance will apply also.

The Board was provided a copy of the I-1 district regulations.

Ms. Creef said the uses of the I-1 district includes all uses of the C-3 district (which permit all C-2 uses), builders and contractors' supplies and storage areas, construction materials and processing, food and beverage processing, concrete manufacturing, and dog agility training. Ms. Creef said the I-1 district is one of the highest intensity districts in terms of the types of land uses allowed. Based on the scope, type and intensity of

the other uses allowed in the I-1, C-3 and C-2 districts, Ms. Creef made the determination of consistency for the travel trailer park subject to review as a conditional use permit.

Ms. Creef said the travel trailer park features a total of 50 sites. The total site is 53 acres with the campground to be located on a portion of the large tract. The site plan indicates some wetland filling is proposed as part of the improvements and a copy of the wetland fill permit, once submitted, should be submitted to the Planning Department.

Ms. Creef said Mr. Fearing operates another travel trailer park on Roanoke Island and is familiar with the standards of the Travel Trailer Park Ordinance (TTPO). The proposed Beachland Farms Campground will feature an internal road, recreational amenities for its guests and bathhouse facilities. The TTPO requires the provision of bathhouse facilities although each site will be provided with on-site utilities.

Ms. Creef stated that each site meets the minimum square footage of 1500 square feet and will consist of parking areas for the camper pad and vehicle parking. A typical depiction of a campsite with details on the size of the camper pad and the parking area should be included on the site plan as well as a typical cross-section of the proposed road improvements. Other parks approved in the past five years featured gravel roads constructed to the sub-base standards of NCDOT.

The TTPO includes specific vegetative buffering standards and this buffer will be constructed as part of the preliminary site improvements. The maintenance of the buffer is addressed in the draft Conditional Use Permit (CUP). Donna Creef suggested that a solid fence be installed where the property adjoins the Vista Lake subdivision in addition to the vegetative buffer along campsites 9-12.

The Board was provided a draft of the Conditional Use Permit.

Ms. Creef said the TTPO allows travel trailers to be left in the park on a year-round basis but units must be left in a highway ready state as defined in the ordinance. This language is replicated in the Flood Ordinance and is taken from the federal floodplain guidelines. Although the units can be left in the park on a year-round basis, they cannot be used as permanent dwellings. There is also a limitation on the size of entrance landings for each unit (100 square feet maximum) and no other additions can be attached to any travel trailer. Ms. Creef said staff typically asks the park operator to provide a copy of a lease, which details all of these requirements.

The TTPO includes language that addresses the removal of debris or damaged travel trailers in the event of damage from storms. Ms. Creef said she suggests a condition about the removal of storm debris be included in the CUP as well.

Donna Creef addressed public comments received.

Ms. Creef said Mr. Fearing had previously requested a re-zoning of a residential property that was zoned R-2 to allow for a campground. Ms. Creef clarified this property we have in front of us tonight is zoned industrial and campgrounds have been determined to be a permitted use in that district subject to Board review. Ms. Creef said the decision process is different tonight because it was a legislative decision by elected officials as a rezoning request. That request was denied by the County. Tonight's decision is a Quasi-judicial decision, which follows different procedures.

Donna Creef said this property was zoned industrial by the County in 1986 based on the fact it is in close proximity to the Town of Manteo's wastewater treatment plant, which is an industrial use.

Ms. Creef said free market forces determine whether there are three campgrounds in fifteen miles. The County does not have a role in it.

Ms. Creef said the Corp of Engineers has certain conditions under which a permit for wetland filling will be issued. There are three to four criteria. It is allowable by federal law and the County cannot supersede federal law.

Ms. Creef said this property does not adjoin the Town of Manteo. The Town of Manteo will not be involved in this decision making process.

Ms. Creef said fencing outlined in the CUP will help with foot traffic and trespassing in the adjoining neighborhoods. She clarified if campers are trespassing on private property it is a matter for police.

Ms. Creef said the Planning Board should discuss open air fires and campfires with the applicant tonight.

Ms. Creef said septic issues will be approved through appropriate procedures established by the State of North Carolina and the Dare County Environmental Health Department. If the wastewater permit is issued, it will be issued by those agencies.

Ms. Creef said there will not be vehicular traffic going through Vickers Lane or Vista Lake. The site is accessed by other roads that do not affect those two developments.

Ms. Creef addressed flooding concerns. Ms. Creef said if we didn't develop new projects because of the potential for flooding there wouldn't be any construction in Dare County. Ms. Creef said Mr. Fearing is required to apply for a stormwater permit to address the stormwater on his site and that is the standard we have to operate under the review of this Travel Trailer Park Ordinance.

Donna Creef asked Dylan Tillet of Quible and Associates PC about the status of the stormwater management permit. Mr. Tillet said they will pursue a low-density stormwater permit for this campground. That will limit the fill grade to no greater than twelve percent. He said they will be utilizing permeable pavement in areas where they can. Mr. Fearing said the Stormwater permit has not been applied for. He said he did not want to move forward with the stormwater permit until we saw what considerations would be added to the site plan.

Benjamin Gallop asked Donna Creef and Dylan Tillet if the proposal meets the standards currently in the TTPO. Ms. Creef said yes, except for some of the typical cross-sections that need to be on a site-plan. Mr. Tillett said to the best of his knowledge the proposal meets all of the development standards of the TTPO.

Mr. Fearing addressed the Board. Mr. Fearing said they are committed to many of the things the respondents addressed. He said they are willing to put a continuation of the fence across the two lots in front of Ms. Burgess's property. Mr. Fearing said the intent of the project is the same as what they did in Wanchese. We do not tolerate any mischief on our property. He said there will be no open fires. Mr. Fearing said transient campers will be located on the western portion of the property to reduce traffic impact on the adjoining properties. Mr. Fearing additionally stated he is not aware of Civil War battles or artifacts on the property.

Chairman Finelli asked Board members for comments or questions of the applicant or staff.

Michael Barr said he would like to see a drainage plan.

Terry Gore asked Donna Creef if staff have heard from the Town of Manteo on this matter. Ms. Creef said no. Mr. Gore asked Mr. Fearing if they have had any instances of bonfires or partying at the Wanchese campground. Mr. Fearing said not to his

knowledge. Mr. Fearing said they do not allow bonfires. Mr. Gore asked Mr. Fearing if they have had any issues where children were harmed or potentially kidnapped. Mr. Fearing said not to his knowledge. Mr. Gore asked Mr. Fearing if he was concerned about the property values of the seven homes he owns adjacent to the north side of the proposed campground. Mr. Fearing said absolutely not. Mr. Gore asked Mr. Fearing to tell the Board how the Wanchese campground has had a positive economic impact on the community and what their plan is for using permeable surfaces.

David Hines asked when the pictures were taken that were submitted to the Board in email comments. Donna Creef said she believes the pictures were taken during Matthew, Michael, Dorian or one of the more recent storms.

David Overton asked the applicant to explain their drainage plan. Dylan Tillet said the current parcel drains and slopes toward the west. He said the point of a low density stormwater permit means they will not channelize the flow and to continue draining in that same direction. The existing drainage to this site and where that runoff will go will be the same as the proposed development. The site will be graded to positively drain in that direction. Mr. Overton also asked if there will be a change to the DOT standard or changes to the traffic pattern to widen Bowerstown Road (S.R. 1129) to ensure safe traffic flow. Mr. Fearing said there is a State Boat Ramp on California Ln. (S.R. 1345), which connects to Bowerstown Road. He said he has taken his 27 foot boat down that road. Mr. Fearing added there was a Land Transfer Station and tractor trailers used that access as well.

Buddy Shelton said he has personally viewed the site and thinks that many of the concerns can be addressed. Mr. Shelton said he understands the adjoining property owners being concerned but this area impacts less people than almost anywhere else you could pick to put a campground.

Chairman Finelli asked Mr. Fearing if he has read the draft CUP and if he can work with the conditions asked by Planning Staff. Mr. Fearing said he has read the draft CUP and finds the requests of staff to be reasonable. Chairman Finelli asked Mr. Fearing if the number of bathroom and lavatory facilities listed on the site plan is based on his experience with other campgrounds. Dylan Tillet responded. He said the TTPO was reviewed with staff during the design of this project to meet the minimum facility requirement and what was suitable for this development. Chairman Finelli asked if fire-rings or any kind of open fires will be allowed. Mr. Fearing said they will not allow it in this campground.

Chairman Finelli asked if Planning Board members or staff had additional comments or questions.

Donna Creef said after review of her notes of the draft CUP, she recommends that under condition 9 of the draft CUP there should be language included to require a solid fence, six feet in height along the northeast boundary of campsites 9-12. It should be clearly marked on the site plan.

Ms. Creef said language from the TTPO should be added to the CUP for removal of storm debris and storm damaged travel trailers.

Ms. Creef and Chairman Finelli discussed adding no open fires to the CUP.

David Overton asked to provide for a third solid waste container location.

Buddy Shelton made a motion to recommend approval of the conditional use permit application subject to the following conditions:

1. Typical illustrations of a campsite and of the road improvements shall be placed on the site plan.
2. The dumpster area shall be revised to reflect the location of three solid waste containers.
3. Condition 9 of the draft CUP is to be amended to include language requiring a solid fence, six feet in height along campsites 9-12.
4. A condition prohibiting open campfires in the park is added to the CUP.
5. A condition concerning the removal of damaged RVs is added to the CUP. This condition repeats the language in the Travel Trailer Park Ordinance.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

Donna Creef said the tentative date for review of this CUP by the Dare County Board of Commissioners is July 20, 2020. The item will be subject to quasi-judicial review, which requires sworn testimony and other rules of procedure specific to quasi-judicial items.

Ms. Creef said she would email those who spoke at public comment when the meeting will occur.

Mr. Gallop stated they prefer the meeting with the Board of Commissioners be held in-person not via technology.

OTHER BUSINESS

Continued Discussion of Travel Trailer Park Ordinance

Donna Creef addressed the Board. Ms. Creef said the Travel Trailer Park Ordinance (TTPO) was written for a subdivision and mobile home park. She said it doesn't reflect current conditions or the way campgrounds operate today. Ms. Creef has added definitions and language to the draft TTPO for camping cabins, tents, and alternative camping units.

The Board was provided a draft copy of the revised Travel Trailer Park Ordinance.

Ms. Creef said the current ordinance provides a license and inspection process from Dare County Health Department. Ms. Creef noted the Health Department has never been involved with travel trailer parks beyond the authorization of wastewater systems. Ms. Creef suggested these provisions be removed from the TTPO. Ms. Creef said the Health Department is in agreement with that suggestion.

The Board discussed the requirement for a road standard. Chairman Finelli said it is common in ordinances that have a road standard to have a 20 foot wide road for two-way traffic and a 12 foot wide road for one-way traffic.

The Board agrees there should be a road standard. Michael Barr said a 12 foot wide road for one-way traffic concerns him because some travel trailers will not be able to maneuver on a 12 foot wide road. Noah Gillam recommends a 20 foot wide road for two-way traffic. He said that would allow ample room for passing and maneuvering of travel trailers.

Chairman Finelli asked staff to add a 20 foot wide road standard to the draft TTPO.

The Board discussed bathroom requirements. Chairman Finelli said most ordinances he's looked at base their requirement on the number of sites. Mr. Finelli said looking at other ordinances he found the requirement to be based on as few as eight sites or as

many as twenty. Chairman Finelli recommends 15 – 20 sites per bathroom. David Hines said he agrees with 15 – 20 sites per bathroom but no less than 15.

Chairman Finelli asked staff to add a requirement of 20 sites per bathroom to the draft TTPO.

The Board discussed cabin size requirements. The current TTPO draft limits size to 400 square feet. Buddy Shelton thinks the Board should consider a larger size. Buddy Shelton is in favor of increasing the size requirement to 600 square feet to include outdoor deck space. Noah Gillam agrees 400 square feet is too small. He said staff agrees that 600 square feet plus 100 square feet for outdoor deck space is adequate.

Chairman Finelli asked staff to add a cabin size requirement of 600 square feet maximum for enclosed space and 100 square feet for deck space to the draft TTPO.

The Board discussed setback requirements between units. Buddy Shelton recommends a five foot setback. David Overton recommends 10 foot setbacks. Noah Gillam said fire codes will need to be considered and he said a 10 foot minimum setback is adequate.

Chairman Finelli asked staff to add a 10 foot minimum setback requirement between units in the TTPO and to check for additional requirements from the Fire Marshall.

ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 8:04 p.m.

Respectfully Submitted,



Andrea DiLenge
Planning Board Clerk

APPROVED: July 13, 2020



John Finelli

Chairman, Dare County Planning Board

