



## **Dare County Planning Board Meeting**

**Dare County Board of Commissioners Meeting Room  
954 Marshall C. Collins Drive  
Manteo, NC 27954**

**January 10, 2022**

### **Agenda**

- I. Call to order **6:00 PM**
- II. Roll call  
John Finelli, Chairman  
Beth Midgett  
David Overton  
Terry Gore II  
Buddy Shelton  
David Hines  
John DeBoy
- III. Approval of minutes for the December 13, 2021 meeting
- IV. Public Comment
- V. Old Business
  - a. None
- VI. New Business
  - a. None
- VII. Other Business
  - a. Discussion of the Division of Coastal Management Completeness Review of the Draft Land Use Plan.
- VIII. Adjournment



## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, December 13, 2021. 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.

**CALL TO ORDER**                      6:00 pm

### ADMINISTERED OATH OF OFFICE

The Oath of Office was administered to new Planning Board member, John DeBoy, for District 2, Nags Head, Kill Devil Hills, Colington.

### INTRODUCTION OF NEW PLANNING BOARD MEMBER

Chairman Finelli introduced and welcomed John DeBoy to the Planning Board.

**MEMBERS PRESENT**            John Finelli, Chairman  
   Beth Midgett                      Buddy Shelton  
   Terry Gore                         David Hines  
   John DeBoy

**MEMBERS ABSENT**            David Overton

### APPROVAL OF MINUTES

There was a correction to the minutes of the November 8, 2021 meeting of the Dare County Planning Board. The word a was removed from the third sentence of the first paragraph on page two. Terry Gore made a motion to approve the minutes as corrected. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

### AMENDED AGENDA

Chairman Finelli amended the agenda to reflect a change in order to New Business. The Julia Taft Zoning Map Amendment and the HB MOS, LLC, Preliminary Plat Review were considered before the Old North End Subdivision Preliminary Plat Review. By consensus, the Board agreed to handle the three agenda items out of sequential order.

### PUBLIC COMMENT

Adjoining property owner, Ralph and Karen Wilson, of Waynesburg, PA, provided email comments to the Planning Board regarding their opposition to the Zoning Map Amendment from R2-A to R-3 to convert an existing commercial building into residential apartments for 48651 NC HWY 12, Buxton, NC. A copy of the comments is available upon request from the Planning Board Clerk.

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## **OLD BUSINESS**

-None-

## **NEW BUSINESS**

### ***Zoning Map Amendment, R2-A to R-3, Application to Convert Existing Commercial Building into Residential Apartments, Julia Taft, 48651 NC Hwy 12, Buxton, NC***

Julia M. Taft, Applicant, was present at the meeting

Planning Director, Donna Creef, addressed the Board. She explained Ms. Julia Taft had submitted a zoning map amendment application to rezone 48651 NC 12 Hwy in Buxton. The parcel is currently classified as R-2A and Ms. Taft seeks to rezone the property to R-3. Ms. Creef clarified that the R-2A district does not permit multifamily structures but the R-3 zoning district allows multifamily structures at a density of ten units per acre.

Ms. Creef stated there is an existing building on the property that has been historically used as a child care facility. Ms. Taft owns several businesses on Hatteras Island and intends to remodel the existing structure on the site to provide year-round employee housing.

Ms. Creef added that the residential development policies of the 2009 Land Use Plan are applicable to this request. Policy LUC #4 specifically addresses the use of multifamily structures as an appropriate alternative for year-round housing.

Ms. Creef said notice was sent to adjoining property owners and email comments were received from Ralph and Karen Wilson. A copy of the comments was provided to the Board.

Ms. Taft addressed the Board. She said she has been a business owner on Hatteras Island for 20 years and discussed the challenges she faces with keeping full-time staff due to a lack of year-round employee housing. Ms. Taft additionally stated she owns other properties for summer-staff and they will not be housed at this property as she intends this property to be for families. Ms. Taft plans to house six full-time employees and their families at this property that are employed year-round by Ms. Taft.

Terry Gore made a motion to recommend approval of the Zoning Map Amendment to the R-3 zoning districts and a finding of consistency with the policies of the 2009 Dare County Land Use Plan.

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David Hines seconded the motion.

Vote: Ayes – Unanimous

This item will be forwarded to the Board of Commissioners for their consideration.

***Preliminary Plat Review, 4 Lot Subdivision, HBMOS, LLC, Parcel No. 014690000, NC 12 HWY, Avon, NC***

Ray Meekins, P.L.S., of Seaboard Surveying & Planning, Inc. was present on behalf of the property owners.

Donna Creef explained this project is for a 4 lot subdivision on 2.58 acres of land. The smallest lot is 21,074 square feet. The property is split by a canal with the portion on the west zoned R-2A and the east side if the canal zoned C-2.

Ms. Creef noted that the Subdivision Ordinance allows parcels less than three acres in area to be developed with access easements subject to review by the Fire Marshal to ensure adequate emergency vehicle access. A copy of the plat was forwarded to Mr. Kovacs and a copy of the Fire Marshals comments was provided to the Board at their seats.

Ms. Creef said the property is being developed under the minor subdivision exception provisions and therefore the use of lots 1-3 will be restricted to residential use. Ms. Creef also recommended access to lot 1 be restricted to the easement and not from Old Main Road.

Ms. Creef stated the amount of land disturbance is less than one acre so a state stormwater permit is not required.

Mr. Meekins provided a hand-out to the Board at their seat that addressed the Fire Marshals comments regarding the turn-around.

The Board discussed the Fire Marshals concerns. Their discussion centered on the turn-around and fire hydrant requirement.

Buddy Shelton made a motion to recommend approval of the preliminary plat subject to the following conditions:

1. A fire hydrant shall be located within 400 feet of lot 3 and a revision of the turnaround to meet NC fire code.
2. The final plat and covenants shall include land clearing restrictions on the vegetative buffer located on lots 1-3.
3. A street name shall be indicated on the final plat and a street name sign installed by the developer before final plat submission.
4. Access to lot 1 shall be from the access easement and not Old Main Road.
5. Lots 1-3 shall be restricted to residential use only. This restriction shall be noted on the final plat and in the covenants.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This item will be forwarded to the Board of Commissioners for their consideration.

***Preliminary Plat Review, Old North End Subdivision, 56 Lot Subdivision, Old North End, LLC, Parcel No. 024225000, Airport Road, Manteo, NC***

David Ryan, P.E. of Creative Engineering Solutions, PLLC and Jeff Malarney of Malarney & McCown, PLLC and Derek Hatchell, Applicant, were present at the meeting.

Planning Director, Donna Creef, addressed the Board. She explained this project is for a 56 lot subdivision on 25 acres of land. The property is zoned R-1 Residential and will be developed with single family dwellings in a scale that is consistent with the adjoining subdivisions in the neighborhood. The smallest lot is 15,000 square feet.

Ms. Creef said the parcel will be accessed from Airport Road along Culpepper Street which will be improved with a 20' paved road. A new 50' right-of-way with a paved 20' wide road will be installed to access the lots off of Culpepper Street. Ms. Creef noted that this street will need to be named on the final plat. No individual lot will have direct access from Airport Road. There are a series of paper streets off Airport Road that will be used to access the proposed subdivision and serve as part of the stormwater system. Ms. Creef clarified these streets were intended for access to the site at the time the Evansville Subdivision was recorded in 1946.

A copy of the Evansville plat was provided to the Board.

Ms. Creef said a stormwater application has been filed with the State. The application is for a low-density stormwater permit which will apply a 24% lot coverage limitation on

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each lot. The reduced coverage amount supersedes the R-1 zoning lot coverage limitation of 30%. The application indicates a total of 2,950 square feet of impervious coverage per lot is allowed. Ms. Creef noted that language needs to state Dare County cannot waive this requirement and that the County's higher lot coverage limit will not apply.

Ms. Creef said engineered foundation plans for lots 31-42 will be required at the time of construction. Lots 48-51 may need engineered foundations depending on the layout of the proposed site improvements. Ms. Creef stated a note on the final plat should be included to address this requirement and similar language included in any homeowner documents.

Ms. Creef also briefed the Board about a vegetative easement. She explained that a 10' wide vegetative buffer has been designated along the rear of the lots that adjoin Daphne Park and Brakewood Subdivisions and also the rear of lots 46-56 along Airport Road. There will also be a vegetative area between the paved road improvements and the rear of lots 56-80 of the Evansville Subdivision. Ms. Creef explained the intent of the buffer is to avoid the area from being clear-cut and remain in its natural state to the greatest extent practicable. Clearing of the underbrush would be acceptable but the large majority of the mature vegetation should remain intact. The final plat and homeowners' documents need to include appropriate language to ensure longevity of this vegetative buffer. Ms. Creef clarified there is no requirement in the Subdivision Ordinance for the provision of these areas and the developers have done so at her request.

Ms. Creef additionally noted that all staging of equipment and materials will occur on the Old North End, LLC property and not along the Airport Road right-of-way. Construction activities should occur in a manner consistent with the Dare County Noise Ordinance.

Draft conditions were provided to the Board.

The Board discussed the preliminary plat. Their discussion centered on the Fire Marshal's comments regarding secondary access and ownership of the paper streets.

A copy of the Fire Marshals comments was placed at their seats.

The Board also discussed the lot coverage 24% versus 30% requirement.

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Chairman, John Finelli made a motion to approve the preliminary plat and construction plans subject to the following conditions:

1. All supplementary State and Federal permits shall be secured before construction activities can begin at the site. This includes stormwater, erosion control and wetland fill permits. The wetland delineation plat shall be approved by the Army Corps of Engineers.
2. The final plat and covenants shall include language indicating the lot coverage restrictions of the NC stormwater permit. The information shall note that Dare County cannot waive this state requirement.
3. The final plat and covenants shall include language establishing the vegetative retention easement along the rear of the lots as depicted on the approved preliminary plat. The language should indicate the vegetation shall not be clear-cut and that mature vegetation shall remain intact and undisturbed. The removal of underbrush is satisfactory.
4. Equipment and materials shall not be staged or stored along Airport Road or its right-of-way during construction activities.
5. A street name for the new road shall be indicated on the final plat and street signs installed. Road maintenance of the new road and Culpepper Street shall be the responsibility of the property owners until such time that the roads are accepted into the NC secondary road maintenance program.
6. A second access along the existing paper streets for fire apparatus shall be constructed as discussed in the comments from the Fire Marshal dated December 6, 2021. This fire apparatus road does not need to be paved.
7. Fire hydrants shall be installed consistent with the NC fire code as discussed in the comments from the Fire Marshal dated December 6, 2021.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

***Request for Extension of Special Use Permit No. 3-2020, Waves Retreat Cluster Home Development Project, HWY 12 Retreat, LLC, Waves, NC***

Donna Creef explained that the developer has had health issues and requests an extension be granted for an additional 24 months to Special Use Permit No. 3-2020.

David Hines made a motion to approve the request for extension of Special Use Permit No. 3-2020. Buddy Shelton seconded the motion.

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Vote: Ayes – Unanimous

**OTHER BUSINESS**

-None-

**ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:08 p.m.

Respectfully Submitted,

Andrea DiLenge  
Planning Board Clerk

APPROVED: January 10, 2022

John Finelli  
Chairman, Dare County Planning Board



ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
BRAXTON DAVIS  
Director



December 15, 2021

**TRANSMITTED VIA ELECTRONIC MAIL**

Donna Creef  
Planning Director  
Dare County  
954 Marshall C. Collins Drive  
P.O. Box 1000  
Manteo, NC 27954  
[donnac@darenc.com](mailto:donnac@darenc.com)

RE: 2021 Dare County Land Use Plan – Completeness Review

Dear Ms. Creef:

This letter is in response to the initial draft of the 2021 Dare County Land Use Plan (draft plan) received by the NC Division of Coastal Management on June 25, 2021.

The completeness review below has been conducted per 15A NCAC 7B.0801. Certain information deficiencies were revealed which must be addressed before the draft plan can be considered complete for state review. The completeness review is organized on 15A NCAC 7B.0702 Land Use Plan Elements. Comments are in *italics*.

**COMPLETENESS COMMENTS**

For completeness, the following is to be included in the draft plan:

1. Matrix that shows the location of the required elements as set forth in this rule. *The submitted matrix has been altered from the matrix supplied by DCM and does not show all of the specific rule requirements in 15A NCAC 7B. 0702. Indicate the location of required elements on the matrix supplied by DCM (See Attachment). You may make notes on the right hand side of the matrix under "Page Reference(s)/Policy Citations" but the left side is fixed.*
2. Discussion of the following data and trends...Permanent population growth trends using data from the two most decennial Censuses. *On Page 8, include permanent population numbers for 2000 for unincorporated Dare County in Table 2.*
3. Discussion of the following data and trends...current permanent and seasonal population estimates. *For the current seasonal population estimate, reference the 2020 data provided on Page 16 in the matrix.*





*Also update the 2<sup>nd</sup> paragraph on Page 9 since this information is not provided on Page 4 as indicated.*

4. Discussion of the following data and trends...key population characteristics including age and income. *On Page 8, Table 3 and Page 14, Table 9, provide key population characteristics specific to unincorporated Dare County.*
5. Discussion of the following data and trends...thirty-year projections of permanent and seasonal population in five-year increments. *On Page 16, Table 14, provide the projections of seasonal population in five-year increments to include 2045 and 2050.*
6. Estimate of current housing stock, including permanent and seasonal units, tenure, and types of units (single-family, multi-family and manufactured) ...*On Page 13, Table 7, include the tenure status information specific to unincorporated Dare County.*
7. Description of employment by major sectors and community economic activity... *On Page 13 and Page 14, Table 10 provide a description of employment by major sectors and community economic activity specific to unincorporated Dare County.*
8. A description of natural features in the planning jurisdiction to include...Areas of Environmental Concern (AEC) as set forth in Subchapter 15A NCAC 07H...*On Pages 35 to 38, clarify the location of AECs as they relate to unincorporated Dare County.*

*On Page 36, the Coastal Shorelines description mentions waterbodies designated as Outstanding Resource Waters (ORW). Clarify whether or not these waters exist in unincorporated Dare County in the plan.*

*On Page 38, for all of the Natural and Cultural Resource Areas discussed, clarify that while natural and cultural resources occur in unincorporated Dare County, resource areas designated as AECs are not located in unincorporated Dare County.*

9. A description of natural features in the planning jurisdiction to include...Environmental Management Commission (EMC) water quality classifications and related support designations...*On Pages 40 to 41, describe the classifications and related support designations as they relate to unincorporated Dare County. The NC Division of Water Resources (DWR) Surface Water Classifications Map can assist you in identifying classifications specific to unincorporated Dare County. Here is the link: <https://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/classifications>*

*As a general resource, this page provides a number of links to information on Water Quality: <https://deq.nc.gov/about/divisions/water-resources/planning/classification-standards>*

10. A description of natural features in the planning jurisdiction to include... Division of Marine Fisheries (DMF) shellfish growing areas and water quality conditions. *On Page 42, provide a description of all shellfish growing areas in unincorporated Dare County. These include: G-5, G-*





7, H-1, H-2, H-3, H-4, H-5, H-6, I-2, I-4, I-15 and I-16. A map of the growing areas is available at: <http://portal.ncdenr.org/web/mf/shellfish-closure-maps>

Also include a description of the water quality conditions within these shellfish growing areas. Reports of Sanitary Survey are available for each growing area on NC Digital Collections.

For example, the most recent report for I-4, I-15, and I-16 is available at: <https://digital.ncdcr.gov/digital/collection/p16062coll9/id/201312/rec/7> or you can contact the DMF Shellfish Sanitation Office at 252-726-6827.

11. A description of natural features in the planning jurisdiction to include... a description of flood and other natural hazard areas... On Page 44, describe other natural hazard areas, such as wildfire hazard areas, that are located in unincorporated Dare County; essentially the other natural hazard areas included in the Outer Banks Regional Hazard Mitigation Plan 2020. (See comment 62).
12. A description of natural features in the planning jurisdiction to include... a description of non-coastal wetlands, including forested wetlands, shrub-scrub wetlands and freshwater marshes. On Page 46, provide a description of non-coastal wetlands as they relate to unincorporated Dare County. To assist in identifying wetland locations, mapping is available from the US Fish and Wildlife Service's National Wetlands Inventory at: <https://www.fws.gov/wetlands/>.
13. A description of natural features in the planning jurisdiction to include... a description of water supply watersheds or wellhead protection areas. On Pages 40-41, clarify that there are no water supply watersheds in unincorporated Dare County and reference the Page in the matrix.

Also, describe the wellhead protection areas in unincorporated Dare County. This information can be found in the Dare County Wellhead Protection Plan at: <https://www.darenc.com/departments/water-department/studies-reports>

14. A description of natural features in the planning jurisdiction to include... a description of primary nursery areas. On Page 41, describe primary nursery areas as they relate to unincorporated Dare County. Division of Marine Fisheries designated primary nursery areas can be found at: <https://deq.nc.gov/about/divisions/marine-fisheries/rules-proclamations-and-size-and-bag-limits/rules/maps-current-rules>

and the NC Wildlife Resources Commissions designated primary nursery areas can be found at: <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2010%20-%20wildlife%20resources%20and%20water%20safety/subchapter%20c/15a%20ncac%2010c%200.0503.pdf>

15. A description of natural features in the planning jurisdiction to include... a description of environmentally fragile areas, such as wetlands, natural heritage areas, areas containing endangered species, prime wildlife habitats, or maritime forests... On Pages 45-46, describe the environmentally fragile areas in unincorporated Dare County specific to those containing endangered species and prime wildlife habitats. Information specific to endangered species for Dare County is provided at the US Fish and Wildlife Service at: [https://www.fws.gov/raleigh/species/cntylist/nc\\_counties.html](https://www.fws.gov/raleigh/species/cntylist/nc_counties.html) The Natural Heritage Program





*provides a Biodiversity and Wildlife Habitat Assessment in a map viewer available at: <https://ncnhde.natureserve.org/content/map>*

16. A description of natural features in the planning jurisdiction to include... a description of additional natural features or conditions identified by the local government... *On Page 46, the plan discusses mineral resources such as sand mining and productive agricultural lands, but it is not clear where these items are located in unincorporated Dare County. Clarify. (See comment 63).*
17. A discussion of environmental conditions within the planning jurisdiction to include an assessment of the following conditions and features... Status and changes of surface water quality; including: Impaired streams from the most recent Division of Water Resources (DWR) Basin Planning Branch Reports. *On Page 42, provide discussion based on the most recent Basin Planning Branch Reports specific to unincorporated Dare County. Copied pages from the basinwide plans in the Appendix and website references are in addition to not in lieu of discussion in the plan that is specific to unincorporated Dare County.*

*The most recent reports include the 2014 Tar-Pamlico River Basinwide Water Quality Plan and the 2007 Pasquotank River Basinwide Water Quality Plan.*

*The Tar-Pamlico River basin area to be address in the plan is 03020105 which includes Avon to Hatteras and extends to a portion of mainland Dare. The amount of unincorporated Dare County included within the Tar-Pamlico River Basinwide Plan has increased significantly since the previous land use plan when only a small portion of the mainland was included and the remainder was part of the Pasquotank River Basinwide Plan. Provide discussion specific to unincorporated Dare County. Also, on Page 42, update the narrative to address the current 2014 Tar-Pamlico River Basinwide Plan, not the 2004 basin plan. The Appendix has pages from the current 2014 Tar-Pamlico Basinwide Plan. The basin plan is provided at: <https://deq.nc.gov/about/divisions/water-resources/water-planning/basin-planning/river-basin-plans/tar-pamlico>*

*The Pasquotank River basin areas to be addressed in the plan include 03-01-51 Roanoke Island and some mainland Dare, 03-01-55 Rodanthe, Waves, Salvo and some mainland Dare, and 03-01-56 Martins Point and Colington. The Appendix only includes copied pages for 03-01-55. The basin plan is provided at: <https://deq.nc.gov/about/divisions/water-resources/water-planning/basin-planning/river-basin-plans/pasquotank>*

*Though not yet finalized, the DRAFT 2021 Pasquotank River Basin Water Resources Plan is also available. While you are not required to use the DRAFT, it does a good job of summarizing current water quality issues.*

18. A discussion of environmental conditions within the planning jurisdiction to include an assessment of the following conditions and features... status and changes of surface water quality; including: ... Clean Water Act 303(d) list ... *Provide discussion specific to unincorporated Dare County from the most recent Clean Water Act 303(d) list.*

*For this plan, the 2018 Final 303(d) List Integrated Report is applicable, but you may use the 2020 Final 303(d) list Integrated Report that was recently approved by the EPA on June 23, 2021. The copied pages from the 2012 Integrated Report for the Tar-Pamlico basin in the Appendix are not*





*the most recent 303(d) list. Integrated Reports are updated every two years, which means information in the basinwide plans specific to the 303(d) is often not the most recent.*

*The 2018 Integrated Report File is available at: <https://deq.nc.gov/about/divisions/water-resources/planning/modeling-assessment/water-quality-data-assessment/integrated-report-files>*

*The webpage also provides a map of listed areas.*

19. A discussion of environmental conditions within the planning jurisdiction to include an assessment of the following conditions and features...Status and changes of surface water quality; including: ... other comparable data... *The matrix references Page 43, where the plan addresses flood zones not water quality data. Is there other surface water quality data to be included in the plan that is not already covered/required? If so, provide in the plan and provide a Page reference in the matrix, and if not, mark as "n/a" in the matrix.*

*If you are referring to the <https://mywaterway.epa.gov> website that is referenced on Page 42, this appears to be a very user friendly interface for existing data rather than a new data source. For example, the impaired information appears to be from the 2020 Integrated Report. The EPA site appears to be a helpful tool for education/outreach - when an impairment category is identified a pop-up defines the impairment and what can be done to address the impairment.*

20. A discussion of environmental conditions...to include an assessment of ...Current situation and trends on permanent and temporary closures of shellfishing waters as determined by the Report of Sanitary Survey by the Shellfish Sanitation and Recreational Water Quality Section of the DMF. *On Page 41, provide discussion and assessment of the current situation and trends on permanent and temporary closures of shellfishing waters as determined by the applicable Reports of Sanitary Survey (See comment 10). Provided maps are in addition to not in lieu of discussion in the plan.*

21. A discussion of environmental conditions...to include an assessment of...Areas experiencing chronic wastewater treatment malfunctions. *The matrix indicates n/a. If there are no areas experiencing chronic wastewater treatment malfunctions indicate this in the plan and reference the Page in the matrix.*

*How does a n/a statement reconcile with recent reports about the Outer Banks/Kinnakeet Associates, LLC's wastewater treatment plant that serves the Kinnakeet Shores area?*

22. A discussion of environmental conditions...to include an assessment of...Areas with water quality or public health problems related to non-point source pollution. *On Page 30, provide discussion and assessment of areas in unincorporated Dare County that are experiencing water quality or public health problems related to non-point source pollution. If there are none, indicate this in the plan and reference the Page in the matrix.*

23. A discussion of environmental conditions...to include an assessment of...Areas subject to recurrent flooding, storm surges, and high winds. *Discussion is provided on Pages 42 to 45. Update the matrix.*

24. A discussion of environmental conditions...to include an assessment of...Areas experiencing significant shoreline erosion as evidenced by the presence of threatened structures or public facilities. *Discussion of the areas is located on Pages 39 and 40. Update the matrix.*



25. A discussion of environmental conditions...to include an assessment of...Environmentally fragile areas defined in Part (c) (2) (A) (ix)... or areas where resource functions are impacted as a result of development. *On Pages 46 to 47, provide discussion and assessment of environmentally fragile areas in unincorporated Dare County where resource functions are impacted as a result of development. If there are none, indicate this in the plan and reference the Page in the matrix.*

*Also, Page 48 does not include this discussion, remove from matrix.*

26. A discussion of environmental conditions...to include an assessment of...natural resource areas that are being impacted or lost as a result of incompatible development. *On Pages 46 to 47, provide discussion and assessment of natural resource areas in unincorporated Dare County that are being impacted or lost as a result of incompatible development. If there are none, indicate this in the plan and reference the Page in the matrix.*

*Also, Page 48 does not include this discussion, remove from matrix.*

27. MAP of existing land use patterns. *On Page 63 for Rodanthe, Waves, Salvo the public roads are not shown in "yellow" as they are on the other maps. Update the map and acreage calculation on Table 15 as needed to be consistent with other maps.*

28. MAP of existing land use patterns. *The Map on Page 70 for Mainland is not readable in the printed document nor in the digital version for the varied uses in Stumpy Point, Manns Harbor, Mashoes and East Lake. The print version is too small and the digital version does not provide dynamic zoom for clarity. Provide a larger, readable version of the required map or zoomed in views.*

29. Estimates of the land area allocated to each (existing) land use category. *On the matrix, indicate Page 21 only.*

30. Characteristics of each existing land use category. *On Page 16, describe the "Federal Jurisdiction" category that is used on the Mainland Existing Land Use Map and included in Table 15 on Page 21 as "Oth Fed". Also, clarify that public road rights-of-way are included in the "Public" existing land use category.*

31. MAP of historic, cultural and scenic areas designated by a state and or federal agency or by the local government. *On Page 71, update the map consistent with the listing available from the NC State Historic Preservation Office for unincorporated Dare County*

*<https://www.ncdcr.gov/about/history/division-historical-resources/nc-state-historic-preservation-office/architectural-0>*

*Also update the map to include the National Outer Banks Scenic Byway*  
*<https://www.fhwa.dot.gov/byways/byways/12834/maps>*

32. A description of historic, cultural and scenic areas. *On Page 31, update the description for unincorporated Dare County to include the applicable listings from the NC State Historic Preservation Office and the scenic byway.*





33. A description of existing public and private water supply systems to include...Documented overflows, bypasses or other problems that may degrade water quality or constitute a threat to public health as documented by the DWR. *On Pages 47 to 50, describe any documented overflows, bypasses or other problems associated with the water supply systems as documented by the DWR. If there are none, indicate this in the plan and reference the Page in the matrix.*
34. A description of future water supply needs based on population projections. *On Page 50, provide description of future water supply needs based on population projections. This would be both the permanent and seasonal projections from Pages 15 and 16. Reference the Page number in the matrix.*
35. MAP of the existing and planned public and private wastewater service areas. *On Page 94, the map is missing some of the smaller private wastewater system service areas, including some mentioned in the Future Land Use Maps section. The systems are shown on a map provided by the NC Division of Water Resources and can be identified from the "NPDES Wastewater Discharge Permits" and "Non-Discharge Permits Layers". Downloadable permit information is available for each system.*

*NC DEQ Division of Water Resources Map Locator*

<https://experience.arcgis.com/experience/689283d17bf342c2a96364fbab09a5d8>

*Also, as described on Pages 51 and 124, indicate the service area that extends into unincorporated Dare County from the Town of Manteo's central wastewater treatment plant on the map.*

36. A description of existing public and private wastewater systems to include existing condition. *On Page 51, describe existing condition for all systems.*
37. A description of existing private wastewater systems to include existing capacity. *On Page 51, describe existing capacity for all private systems.*
38. A description of existing public and private wastewater systems to include documented overflows, bypasses or other problems that may degrade water quality or constitute a threat to public health as documented by DWR. *On Page 51, provide information concerning any documented overflows, bypasses or other problems that may degrade water quality or constitute a threat to public health as documented by DWR for the public and private wastewater systems. If there are none, indicate this in the plan and reference the Page in the matrix.*

*Do recent reports about the Outer Banks/Kinnakeet Associates, LLC's wastewater treatment plant that serves the Kinnakeet Shores area include these issues?*

39. A description of existing public and private wastewater systems to include future wastewater system needs based on population projections. *On Page 51, provide description of future wastewater system needs based on population projections. This would be both the permanent and seasonal projections from Pages 15 and 16. Reference the Page number in the matrix.*
40. A MAP of the existing and planned multimodal transportation systems and port and airport facilities. *Include a map of the airport facilities in unincorporated Dare County and reference the Page number in the matrix.*



41. A description of the impact of existing transportation facilities on land use patterns. *On Page 52, provide a description of the impact of existing transportation facilities on land use patterns within unincorporated Dare County.*
42. A description of the existing public stormwater management system. *On the matrix, reference Pages 55 and 56.*
43. Identification of existing drainage problems and water quality issues related to point-source discharges of stormwater runoff. *On the matrix, reference Page 56.*
44. Policies that exceed the use standards and permitting requirements found in Subchapter 7H, State Guidelines for AECs. *On Page 103, indicate that the County has no policies that exceed the use standards and permitting requirements found in Subchapter 7H, State Guidelines for AEC's and reference the Page in the matrix.*
45. Concerning the Land Use Compatibility Management Topic, *on Pages 112 and 183, LUC Policy 3, the statement describes a situation but is missing the policy direction. Is the policy to continue to coordinate with the municipalities? Clarify in the policy statement.*
46. Descriptions of land uses and development associated with the future land use map designations. *On Page 157, describe how the larger areas of federal lands on the Outer Banks within unincorporated Dare County are being handled that are not shown on the maps.*
47. A description of the actions that will be taken by the local government to implement policies that meet the CRC's management topic goals and objectives, specifying fiscal year(s) in which each action is anticipated to start and finish. *Provide fiscal year(s) and reference Page in matrix. This can be a timeframe conversion of the priority schedule on Page 104.*

## TECHNICAL CORRECTIONS

48. *Update the Organizational Matrix and Table of Contents as needed. A number of page references in the matrix are incorrect, being off a few pages.*
49. *On Table of Contents, Section One Map Supplement, indicate Existing "Land" Use Maps and Historic "and Cultural" Sites.*
50. *On Table of Contents, Section Two, Future Land Use, indicate Future Land Use "Categories" consistent with the narrative.*
51. *On Table of Contents, Appendices, Appendix E, indicate 2020-2029 "NCDOT" STIP Information.*
52. *On Page 8, Table 2, provide a note clarifying the use of an asterisk beside the Mainland information.*
53. *On Page 32, Table 16, clarify that the building permit data is specific to unincorporated Dare County.*





54. On Page 34, Table 19, clarify that the top right header is correct... is it parcels less than (<) 1 acre in size or greater than (>) one acre in size?
55. On Page 93, for the map indicating water meters, the legend information is missing. Update the map.
56. Remove the highway map labeled Page 94. It is a duplicate of Page 95.
57. On Page 103, last paragraph, clarify that there are five management topics, not six. Local Areas of Concern policies are optional/no longer required as a CRC Management Topic.
58. On Page 182, 2021 Implementation Action Plan, Policy PA#7, Implementation 1., strike the second line since it is repeated as Implementation 2.
59. On Page 188, 2021 Implementation Action Plan, Policy ICC#4, remove repeat statement.
60. On Page 191, 2021 Implementation Action Plan, Policy NH#3, Implementation 1., strike "ocean beaches" consistent with narrative on Page 134.

#### ADDITIONAL COMMENTS

61. Note: DCM's State Review comments are separate from this Completeness Review. DCM's State Review will include, but will not be limited to, a substantive review of the policies and implementation actions in the plan.
62. Consider integrating *Outer Banks Regional Hazard Mitigation Plan 2020* efforts into the land use plan. For example, consider integrating relevant actions in the hazard mitigation plan with land use plan policies and implementation actions, such as, a policy and/or implementation action to become a FIREWISE community to address wildfire hazards or an action to update the County's comprehensive stormwater management plan to address coastal hazards. (See comment 11).
63. On Page 46, consider identifying Submerged Aquatic Vegetation (SAV) in the background discussion as additional natural features. This would provide background information related to LI Policy 7. (See comment 16).

Information on SAV can be obtained from the NC Division of Marine Fisheries at: <https://deq.nc.gov/about/divisions/marine-fisheries/habitat-information/coastal-habitat-types/submerged-aquatic-vegetation>

with mapping provided at: <https://deq.nc.gov/about/divisions/marine-fisheries/public-information-and-education/maps#descriptive-boundaries-for-coastal-joint-inland-waters>.



DCM staff will be glad to meet with you at your convenience to discuss these comments. If you have any questions or concerns related to these comments, please do not hesitate to contact me at [charlan.owens@ncdenr.gov](mailto:charlan.owens@ncdenr.gov).

Sincerely,



Charlan Owens, AICP  
District Planner, Coastal Management

Attachment: DCM Organizational Matrix

cc: Tancred Miller, Policy and Planning Section Chief, NC Division of Coastal Management

