

January 19, 2023

To: Town Council Members:

From: John Finelli, ETJ Representative

Southern Shores has extra-territorial jurisdiction over the 10 commercial lots at the entrance to the Martin's Point subdivision, for planning and zoning purposes. I've been the County appointed ETJ Representative for this area for about 13 years, and have a seat on your planning board on matters pertaining to commercial zoning.

Shortly after Southern Shores incorporated in 1979, the Town exercised extra-territorial jurisdiction over Martin's Point and the surrounding waters. At that time, Martin's Point was under single ownership and unzoned. It's understandable that the Town would take such action since development in an unzoned area could adversely affect the Town. But as Martin's Point began development in 1982, it was clear that the Town no longer had architectural or zoning concerns. But the ETJ continued, and from the Martin's Point perspective, it was not a good relationship. Finally, after political pressure at the State level, the Town agreed to release the Martin's Point residential area from the ETJ in the year 2000. In my opinion, the commercial properties should have been transferred at the same time, but it didn't happen.

Last year, I had discussions with Wes Haskett, Andy Ward, Clif Ogburn and Mayor Morey about a possible transfer of these properties from the ETJ to Dare County for planning and zoning purposes. We seem to be in agreement that the interests of the Town and of Martin's Point might be best served if Dare County took over the planning and zoning responsibilities for the 10 properties in the Martin's Point commercial subdivision.

I was asked by the Mayor to conduct a survey of the property owners to see if they were in favor of the transfer or if they wanted to remain under Southern Shores for planning and zoning. So far, 60% have responded that they are in favor of the move to Dare County and none are opposed.

This matter was brought up for discussion at the Town's Planning Board meeting in December. I informed the Martin's Point property owners ahead of time. Only one of them attended the meeting, and no one spoke in opposition. Following the discussion, the Planning Board voted unanimously to forward the matter to Town Council with a positive recommendation for the transfer.

If the Town releases the commercial properties the only remaining area of the ETJ will be Jean Guite Creek. In my opinion this should remain. The powers granted to the Town by the State in this area are limited to zoning and the regulation of jet skis. At one time, the Town had a jet ski ordinance but has since rescinded it. That needs to remain an option, and the County has no interest in dividing Jean Guite Creek.

I would like for the Council to place this item on your meeting Agenda, and hopefully proceed with the transfer. I was hoping to address the Council at one of your meetings but I have a scheduling conflict as the Dare County Planning Board meets on the same dates, and I am chairman of that Board. But I'm available to discuss this at a workshop, by phone, or in person with each of you or 2 at a time.

The Chairman of the Dare County Board of Commissioners and the Dare County Planning Director are aware of my efforts and are supportive. But ultimately, it will be up to the Southern Shores Town Council to approve the transfer.

Thank you.

Sincerely,

John Finelli 261-8786

ETJ Representative