

COUNTY OF CARTERET BOARD OF COMMISSIONERS SPECIAL SESSION

**PUBLIC HEARING REGARDING A POSSIBLE
TEMPORARY MORATORIUM ON TALL STRUCTURES**

The Honorable Carteret County Board of Commissioners sat in special session on January 2, 2014 at 6:00 PM at the *Crystal Coast Civic Center* in Morehead City (NC) for the purpose of conducting a public hearing regarding a possible temporary moratorium on wind energy facilities in Carteret County. Present were: Chairman Jonathan Robinson, Commissioners Robin Comer, Elaine Crittenton, Jimmy Farrington, Terry Frank, Greg Lewis and Bill Smith.

I. MEETING CALLED TO ORDER

Chairman Robinson called the meeting to order and thanked everyone for attending the public hearing (over 500 were present). He clarified that the purpose of the meeting was to conduct a required public hearing in accordance with NCGS 153A- 340 (h) relating to a possible temporary moratorium on tall structures, in order for the Commissioners to work with the Planning Board to strengthen the County's *Tall Structures Ordinance*.

II. PUBLIC HEARING

Chairman Robinson clarified that speakers would be allowed three (3) minutes to voice their comments. Due to the quantity of attendees, he said would call several names in advance so those speakers could make their way to the front of the room and be ready to speak when called upon. He encouraged speakers to be courteous and refrain from being redundant in their comments.

Motion- Commissioner Lewis moved to open the public hearing. Commissioner Comer seconded. Motion was carried unanimously.

Several dozen individuals spoke, and many referred to the following “Bullet Points” that they felt needed to be addressed in the County's Tall Structures Ordinance:

- Replace the three (3) main conditions that were recently removed at the Board's Tall Structures Ordinance in November 2013
- Add a good Property Value Guarantee
- Increase Setbacks to one (1) mile from property lines
- Set the Acoustical limit at 35 dBA max, 24/7
- Add meaningful Environmental tests
- Establish an Escrow Account

[For a synopsis of those comments, please see the official County [minutes](#)]

Motion- Commissioner Comer then moved to close the public hearing. Carried unanimously.

Motion- Commissioner Smith moved to approve an ordinance imposing a moratorium on the issuance of building permits for wind energy facilities in Carteret County for a period of no less than sixty (60) days. Commissioner Smith then read the following proposed ordinance:

AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR WIND ENERGY FACILITIES IN CARTERET COUNTY

WHEREAS, current Carteret County ordinances offer potentially inadequate limitations or restrictions on wind mills, wind turbines, wind farms, and similar types of wind energy facilities; and

WHEREAS, the rights and reasonable expectations of nearby property owners may be affected by the siting, construction, and maintenance of wind energy facilities; and

WHEREAS, the construction of windmills, wind turbines, wind farms, and similar types of wind energy facilities may be particularly inappropriate on specific sites in Carteret County; and

WHEREAS, the potential inadequacy of regulations and controls on the construction of wind energy facilities may deteriorate local quality of life; and

WHEREAS, Carteret County needs additional time to study the impact of the construction of wind energy facilities, as well as additional appropriate options for their regulation or control, such as revised limitations on the height and size of the structures, changes to the setback and fall zone requirements, plus new or revised rules to lessen the adverse impacts of lighting, noise, property value diminutions, and other purposes; and

WHEREAS, such controls may or may not be appropriate for all types of construction of wind energy facilities in Carteret County; and

WHEREAS, Carteret County is vulnerable to hurricanes and flooding on a regular basis, which could impact the foundations and structural integrity of wind energy facilities; and

WHEREAS, the Board of Commissioners has duly advertised this Ordinance Imposing a Moratorium on the Issuance of Building Permits for the Construction of Wind Energy Facilities in the *Carteret County NEWS-TIMES* on December 18, 2013 and convened and opened the required public hearing on January 2, 2014, all in accordance with North Carolina General Statutes Sections 153A-323 and 153A-340(h); and

WHEREAS, in order to preserve the status quo while appropriate county controls and regulations are considered and prepared, the County may adopt temporary moratoria on any county development approval required by law, pursuant to North Carolina General Statutes Section 153A-340(h).

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Carteret: THAT THERE IS hereby imposed a moratorium for a period of sixty (60) days on the issuance of building permits for the construction of any wind energy facilities.

THAT this moratorium will allow the County time to develop and consider reasonable regulations that would protect current and future residents and visitors, while providing certainty and appropriate protections for future developers of wind energy facilities in Carteret County.

THAT this is the minimum time that is needed to research the subject, develop draft regulations, present the draft regulations at public meetings, use the public comments to modify the proposals, and adopt the final version of appropriate regulations for wind energy facilities in Carteret County.

THAT this moratorium ordinance shall also apply to the issuance of building permits for any modification of an existing structure that would bring it into non-compliance with this moratorium ordinance.

THAT this moratorium ordinance shall not apply to towers or any equipment for the transmission of electricity, and shall not apply to small wind energy facilities that generate twenty-five kilowatts (25 kW) or less of electricity that is solely for the use of a single residence that is located on the same parcel as the small wind energy facility.

THAT pursuant to North Carolina General Statutes Section 153A-340 (h), this moratorium ordinance shall not apply to any project for which a valid building permit issued pursuant to G.S. 153A-357 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, or development set forth in a site-specific or phased development plan approved pursuant to G.S. 153A-344.1, or development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the county prior to the call for public hearing to adopt the moratorium.

Any preliminary subdivision plat accepted for review by the county prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

THAT the provisions of this moratorium ordinance shall apply to unincorporated areas of Carteret County, lying outside of the corporate limits or extraterritorial jurisdiction of any incorporated town. Municipalities within Carteret County may elect to allow this chapter to be effective within their corporate limits and extraterritorial jurisdiction.

THAT this moratorium ordinance is to become effective immediately upon its adoption. **THAT** this moratorium ordinance shall expire on March 2, 2014.

Commissioner Crittenton seconded. Motion carried unanimously.

Motion-Commissioner Smith moved to forward the previously mentioned Bullet Points to the Planning Board. Commissioner Comer seconded. Motion carried unanimously.

Closing: Chairman Robinson thanked everyone for attending the meeting and for their comments.

Motion-Commissioner Comer moved to adjourn. Commissioner Smith seconded. Motion carried unanimously.

ADOPTED this 2nd day of January, 2014.

Jeanette Deese, NCCCC, MMC Clerk to the Board

Jonathan Robinson, Chairman Carteret County Board of Commissioners