



**EDENTON-CHOWAN
INSPECTIONS AND PLANNING DEPARTMENT**
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**Chowan County Planning Board
November 19, 2013
Chowan County Public Safety Center
305 West Freemason Street
7:00 pm**

Planner Landin Holland called the roll; Patti Kersey, Lou Sarratt, Bobby Winborne, Jim Leggett, Allen Nixon and Mike Williams were present.

Mr. Leggett asked if there were any corrections or additions to the minutes of the October 22, 2013 meeting. Mr. Sarratt moved that the minutes be approved as submitted. Mr. Williams seconded the motion. The motion carried unanimously. (6-0)

Mr. Leggett stated that Apex Clean Energy was present to discuss the proposed amendments to the Wind Energy standards of the Chowan County Zoning Ordinance.

Mr. Holland stated that he had been speaking with Apex about the project for roughly two months. He stated that Apex was requesting text amendments to the zoning code at this time and that they were not present to talk about the project specifics or site. He stated that at this time they are asking for universal changes to the zoning ordinance that will essentially affect any medium or large scale wind farm that would potentially locate within Chowan County. He stated that he would like to walk through each of the proposed changes to the zoning ordinance.

He stated that height was the first and foremost change that would be made if the amendments were approved. He stated that currently the maximum allowed height was 250 feet and that the new maximum height would be 600 feet for a large scale wind farm. He stated that Apex did not think that the turbines will reach 600 feet but that they would like to have that window there in case they need to go up to 600 feet. He stated that for a medium scale wind farm the maximum height would be 250 feet. He stated that another change relating to height was that for a large scale wind farm operation you must have a minimum of 500 continuous acres involved with the project site.

He stated the second change addresses the removal of non-functioning equipment. Currently the Ordinance outlines a standard of 6 months after operation. Apex is requesting that be increased to 1 year.

The next change involves terms of bonding or securities relating to the decommissioning of the site. Currently Chowan County establishes that bond amount at 125% of total project cost. Apex is requesting that the bond be set at the estimated cost of removal minus salvage value.

The next change relates to coordination with state and federal permits. Currently the Ordinance states that you had to have everything in line before the permit is issued. (FAA, DOT, etc.) Apex is asking that be conditioned upon the project approval.

The last change involves material versus non-material project design changes. The current ordinance does not address that. Apex is asking that minor changes not require an additional review and approval by the Planning Board and that minor changes can be made at staff level.

Mr. Holland stated that he would like to give Tyson Utt with Apex an opportunity to speak and address any Board concerns.

Mr. Utt stated that a main concern was that if the turbines would be visible from downtown Edenton. He presented images that would show how the turbines would look from different locations in the town and county. He stated that the tree line would block the view of the turbines in most locations.

Ms. Kersey asked if any research had been done on the visibility at night.

Mr. Utt stated that they had not but that 1/3 to 1/4 of the turbines would have the red beacon light that the FAA requires. He stated those lights would project up into the air and not onto the ground although they would be visible.

Mr. Leggett asked for any further questions from the Board.

Mr. Sarratt what would establish the real cost in the decommissioning of the turbines.

Mr. Utt stated that it was man hours and labor more than anything else. He stated that the same guys that install the turbines would decommission them.

Mr. Winborne asked if they had ever been involved with a decommissioning.

Mr. Utt stated that they had not. He stated that they had engineers that make those assessments and that is the data that they rely upon in determining the cost of decommissioning.

Mr. Nixon moved to recommend approval of the text amendments as presented. Mr. Williams seconded the motion. (the motion carried 5-1 with Ms. Kersey voting against approval of the amendments)

Mr. Leggett stated that the next item of business was the Riversound Phase II presentation by Tom Credle.

Mr. Holland stated that years ago there was discussion of a Phase II of the Riversound development. Those plans were never approved or platted and recorded at the courthouse. Those plans are no longer valid but the rezoning that was approved at the time is still in place. He stated that the property was rezoned to CU-R25 from A-1 in conjunction with Phase I of the development. He stated that there was a group of concerned citizens that live near the development that are asking that the property in Phase II be rezoned back to A-1 in order to establish the density which existed prior to the project coming on line.

Mr. Credle spoke on behalf of the concerned citizens. He stated that their concern was their neighborhood. He stated that they had collected 75 signatures in support of the rezoning. He presented a slideshow that detailed their concerns and reasons for wanting to rezone the Phase II property. (attached)

Mr. Holland stated that at this time Mr. Credle and the citizens group were asking the Board's opinion on whether or not they thought the County should move forward on requesting that the Phase II property be rezoned back to A-1.

Mr. Sarratt stated that he thought that it was reasonable to consider rezoning the property back to A-1. He asked who owned the property and if the County would be in a legal situation by having the property rezoned.

Mr. Holland stated that the County was within its rights to initiate a rezoning. He stated that he did think that there would be a legal battle with the property owners trying to protect their investment.

Mr. Sarratt stated that he was in favor of the rezoning in light of the history with the Phase I part of the development.

Mr. Holland stated that before any motion was made he wanted to make the Board aware that Ms. Kersey was involved in the petition but did not have any financial stake in the project or the request. He stated that it was up to the Board whether or not to recuse Ms. Kersey from the vote.

Mr. Williams stated that he remembered the damage done to the roads in the area when Phase I was under construction. He asked whose responsibility it was to repair the damage done to the roads.

Mr. Holland stated that the roads were DOT roads. He stated that he has been told that if they could go back, the condition that the roads be repaired would have been included in the approval.

Mr. Sarratt moved to make a positive recommendation that the Board of Commissioners consider making a rezoning request to rezone Phase II of Riversound from CU-R25 to A-1. Mr. Winborne seconded the motion. The motion carried 5-0. (with Ms. Kersey being recused)

There being no further business, the meeting was adjourned.