

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board met on Monday, December 13, 2010. This meeting was held in the Dare County Board of Commissioners meeting room located at 954 Marshall C. Collins, Drive, Manteo, NC.

**CALL TO ORDER** 7:00 PM

<b>MEMBERS PRESENT</b>	Elmer R. Midgett, Jr., Chairman	David Overton
	Beth Midgett	John Finelli
	Henry Haywood	Dan Oden

**MEMBERS ABSENT** Ricky Scarborough, Jr.

### APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the October 11, 2010 meeting of the Dare County Planning Board, a motion to dispense with reading them and to approve them as submitted was made by Henry Haywood. This motion was seconded by David Overton.

Vote: Ayes – Unanimous

**OLD BUSINESS** None

### NEW BUSINESS

#### *a. Malcolm Fearing – Roanoke Island – Zoning Amendment Petition*

Mr. Malcolm Fearing was present to represent this application for a Zoning Amendment.

Planning Director Donna Creef told the Board that Malcolm and Susan Fearing have submitted a rezoning petition seeking a reclassification of a parcel currently zoned R-2 to C-PR (Conservation Public Recreation). Mrs. Creef stated that the parcel is located at the end of Fannin Mill Road. Mrs. Creef included a table that list and compare the permitted and conditional uses in each district, a copy of the subdivision that was recently reviewed and approved and a small scale zoning map in the Board packet.

Mrs. Creef stated that based on conversations with Mr. Fearing it is the plans of him and his wife to develop this property as a campground if the rezoning classification is approved.

Mrs. Creef reminded the Board that they have the option of conducting a public hearing on the rezoning before making a recommendation to the Dare County Board of Commissioners who must conduct a public hearing before taking any action. If it is the pleasure of the Planning Board to conduct a public hearing it can be scheduled for the January meeting.

The Board concurred to conduct a public hearing on the rezoning request submitted by Mr. and Mrs. Fearing.

A motion was made by Beth Midgett, seconded by Dan Oden to schedule a public hearing for the January 11, 2010 Planning Board meeting.

Vote: Ayes – Unanimous

## **OTHER BUSINESS**

### ***a. Wind Energy Ordinance – Draft Regulations - Public Input Discussion***

Chairman Midgett asked for public input on the preparation of a Wind Energy Ordinance. He stated he would like input on developing such an ordinance. He stated he would like to know what you think and what you would put in an ordinance

Public input was received from Wesley Carter and employee of Power Solutions who install wind turbines, John Robbins, Jr., resident at 109 Puddle Lane, Manteo, NC, Mike Phelan, resident of Kill Devil Hills, Malcolm Fearing, resident of Manteo, and Willo Kelly, resident of Nags Head on Villa Dunes Drive and who serves as the Government Affairs Director for the Outer Banks Association of Realtors and Outer Banks Homebuilders Association.

The public comments rendered suggested language to possibly be included in a Wind Energy Ordinance to address the following:

1. Height
2. Possibility requiring a conditional use
3. Suitability of the site, i.e., size, amount of trees, guidelines for suitability
4. Setbacks
5. Noise buffering for mechanical apparatus that may be located at the base of the wind turbine
6. Wind loads
7. Tie downs for the tower/blades in the event of a storm
8. Maintenance of the system
9. Installation in new subdivisions and compliance with Homeowners Association requirements.

10. Aesthetics

11. Impact on wildlife

Mrs. Creef told the Board that County Manager, Bobby Outten suggested that any Wind Energy Ordinance drafted address the location/installation of prototypes. She told the Board that Northrop/Grumman and a group from Spain called Jmesa have met with some of the Town officials and county officials here in Dare and Currituck Counties and have indicated that they have an interest in the attempt to develop a utility scale wind farm out in the Atlantic Ocean sometime within the next 3 or 4 or 5 years. In doing so, they will want to install some prototypes to gather data.

Mrs. Creef told the Board that she will have draft language for the prototype for the Board's review and consideration at the January 11, 2011 meeting.

#### **OTHER BUSINESS**

Planning Director Donna Creef informed the Board that the Dare County Land Use Plan was adopted by the Board of Commissioners on December 6, 2010 and will be going to the Coastal Resources Commission on February 24, 2011.

She further informed the Board that at the Dare County Board of Commissioners meeting on December 6, 2010 there was a discussion about the zoning review process and how we could assist the public in shortening the process. One of the ideas discussed by the Board was the notification procedures and the current Zoning Ordinance Section 22-81 which includes language that says the public hearings shall be published no less than 15 days and no more than 25 days for the first time.

In discussing this at the board meeting the other day the Board of Commissioner have scheduled a public hearing to amend that section of the zoning ordinance so that language is consistent with the NC General Statutes which in effect decreases the public hearing from 15 day notification to 10 days.

Mrs. Creef noted that the Planning Board must make a motion on any zoning amendments that are put forth in front of the Board of Commissioners and must also include a finding of consistency for any motion to recommend approval.

A motion was made by Beth Midgett that the proposed amendment, Section 22-81 be recommended for adoption and find that this amendment is consistent with the policies of the 2009 Dare County Land Use Plan, and other officially adopted plans of Dare County and is in

the public interest of Dare County since this amendment revising the Zoning Ordinance to be consistent with NC General Statute 155.A-323. This motion was seconded by John Finelli

Vote: Ayes – Unanimous

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Beth Midgett, seconded by David Overton and Henry Haywood.

Vote: Ayes – Unanimous

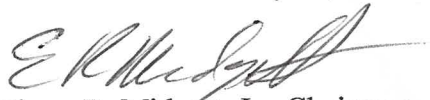
Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: January 11, 2011



Elmer R. Midgett, Jr., Chairman  
Dare County Planning Board