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The Carroll County Board of Supervisors held a meeting on, April 15, 2013 in the Board Meeting Room of the Carroll County Governmental Center.

Present were:           David V. Hutchins  
                              W.S. "Sam" Dickson  
                              Dr. Tom Littrell  
                              Joshua A. Hendrick  
                              Phil D. McCraw  
                              Ralph "Bob" Martin  
                              Gary Larrowe, County Administrator  
                              Nikki Shank, Assistant County Administrator  
                              Jim Cornwell, County Attorney

Mr. Hutchins called the meeting to order at 7:00 p.m.

Mr. Dickson led in invocation and pledge.

Mr. Hutchins asked that we remember those affected in Boston. He told that it seems to be getting closer to home with Christiansburg last week. He told that it is a sad situation. He told that tonight we are having a public hearing and the Board is here to listen as that is their responsibility. He told that there will be a five minute time limit. He told that there will be one person at a time and ask that there not be any comments from the audience because it is not the right way to run a meeting. He told that we can agree to disagree. He told that their job is to listen.

Mr. Cornwell told that two members have been actively working on this and he was asked to draft an ordinance on this. He told that this ordinance is a regulation of tall structures on certain ridgelines and it establishes protected mountain ridges. He told that the ridges are shown on the map that has been available. He told that if the structure is less than 40 feet in height this ordinance does not apply. He told that it also limits to no more than 100 feet on those ridgelines. He told that you will have to have a permit to build over 40 feet on the ridgelines. Mr. Cornwell told that the ordinance also has regulation such as setbacks, submit a site plan prepared by an engineer, post bond as well as other things that are listed within the ordinance. He told that sewer, water and drainage have to be adequate and all utilities must be underground. He told that they cannot blast to construct and you have to have a certificate that says that if the structure were to collapse it would do so inwardly. He told that it cannot interfere with migratory patterns of birds or other animals and it must go by the Uniform Statewide Building Code. Mr. Cornwell told that a person would go to the Building Official who would refer them to the ordinance administrator. He told that it must commence within 12 months and it has to be finished within 12 months. He told that if the administrator turns down the application there is an appeal process with the BOS and a public hearing will have to be held.

Mr. Hutchins told that we started out with windmills and as we looked at the code of Virginia you can't prohibit it so we looked at what the code allows. He told that this

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ordinance is pretty much out of the code and we are using the tools that the general assembly provides. He told that we have discussed this for months and he wants to make sure everyone has a chance to speak.

Mr. Hutchins opened the Public Hearing at 7:13 p.m.

Ms. Erica Largen presented the following: The farming roots of my family can be traced back to the 1800s and my family farm is still in production in 2012. I am a future landowner who wants to protect my land from ill-conceived restrictions so it may be fully passed down to my children.

This adapted scenic ordinance does not protect the values or welfare of Carroll County people. We are not interested in zoning restrictions on our ridge-line property for houses, barns, churches or other tall buildings. We should be using common sense in a wind turbine regulation- by addressing their unique concerns- not with zoning restrictions on property owners that have little to do with wind energy generation.

In January, with Josh and Justin we learned that VA's Dep. Environmental Quality- using permit by rule- requires **all wind turbine construction to be approved** after determining if significant environmental impacts on natural resources are likely. Those impacts must be mitigated, and the DEQ regulated the construction and operation design standards of proposed wind turbine construction to ensure safety.

It is only a point of headache and red tape to include regulation 7,8, and 9 that address ecological and operation concerns since trusted standards are already be enforced.

There are three things that are not regulated that Carroll County should address when developing a wind ordinance, Noise, Setbacks, & Decommissioning.

Noise is ignored in this ordinance. This is not surprising because it is not meant to address the realities of wind power generation.

The setbacks should not restrict (quote) "building ANY STRUCTURE unless located a distance of more than three times its height from other buildings or property lines." Height + setback restrictions should not be a meaningless number- it should be based upon sound judgment and wisdom of the realities of our landscape.

By May 10, I will have a final Project before graduation, which weighs the costs and benefits of wind regulation options in Carroll County. I hope the BOS will use the project results- unique to Carroll- in making a level-headed decision that will work to regulate wind development + protect safety and heritage of our community.

The more I learn, the more I am driven to protect the natural resources of Carroll County to sustain a vibrant economy. This vote will uphold or undermine our right to make private land-use decisions.

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This vote will define who we are as a community by how we are allowed to use our resources and what heritage we will pass to our children. I beg the Carroll County Board of Supervisors to not pass this impractical ordinance. It is vital that we act rationally to ensure an outcome we won't regret. Carroll County can do better and we owe it to our heritage and future to do so.

Mr. Brian Dixon told that he has some questions.

Mr. Hutchins told that we are here to listen and we are not going to answer any questions. He told that we will be happy to listen to you.

Mr. Dixon told that you all sent Josh over to the meeting and we haven't heard anything about it. He told that he hasn't heard anything from the Windmill Committee.

Mr. Hutchins told that Mr. Hendrick put some things together on what came out of that.

Mr. Hendrick told that there was nothing extraordinarily different. He told that Dr. Miles is with us today and he was there. He told that he did a phone presentation and a lot of the information was the same. He told that it was not new information.

Mr. Dixon asked whose idea was this ordinance.

Mr. Hutchins told that it was a request of the citizens who live there.

Mr. Dixon told that he has several here. He told that he wants to know what this meeting is about and ask if they were going to vote tonight.

Mr. Hutchins replied no.

Mr. Dixon asked when are we going to decide if we are going to have windmills or not because we have beat this horse for two years.

Mr. Hutchins told that we are here to listen and when the Board decides they want to act they will put in on a regularly scheduled meeting but we will not vote on it today.

Mr. Dixon asked if it would be a public vote.

Mr. Hutchins replied yes.

Mr. Dixon told that he feels like he is being zoned out.

Mr. Hutchins told that this is not zoning. He told that Ms. Largen repeatedly said that to tie it to zoning and that is not what it is.

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Mr. Dixon told that you said this thing started over windmills and he is the one that has been here first and now you put an ordinance against me. He told that he has offered several times to take everyone to look at it but no one has responded to him and he doesn't see how you can make a judgment without going up there. He told that is the same thing as trying to build one in California and saying no.

Mr. Martin told that he is 64 years old and he has lived at Shorts Creek for a million years and there are very few roads in the country that he hasn't been on including working at Austinville Mines while he was going to school at Va. Tech. He told that he just about has it memorized and could probably trace it with his eyes shut.

Mr. Dixon asked if he knows the whole county by heart.

Mr. Martin told that he can come as close in that area as most other people and more than most.

Mr. Dixon replied with all due respect, he doesn't think you could find Stoots Mountain.

Mr. Martin told that his great great great grandfather was Samuel Fowler that married Peggy Stoots and last time he looked that is where Stoots Mountain came from so he thinks he can discuss Stoots Mountain and that was 1826 out of Grayson County so with all due respect I can carry on a conversation about Stoots Mountain. He told that for the general public when it comes to Poplar Camp intersecting with the Interstate, Stoots Mountain continues on east on the other side of the Interstate but it becomes Poplar Camp Mountain. He told that he can certainly carry on a conversation about that.

Mr. Dixon asked from the audience when was the last time he was there.

Mr. Hutchins told that we are not going to go there.

Mr. Martin replied Saturday.

Mr. Hutchins told that we are not going to get into a debate, we are here to listen.

Mr. Martin told that he is here to listen to but when people make false accusations.

Mr. Brad Carico told that he is from Laurel Fork and he appreciates the opportunity to speak. He told that it is a wonderful thing we live in a country where we can speak. He told that he has read the ordinance and as far as public health, safety and welfare he just doesn't see it and he thinks that we need to call this what it is. He told that he was at a meeting at the high school when you all were running and everyone stood there and said lets have open government and be honest and that is what we need to be doing. He told that this is not a ridge line ordinance, we are banning windmills. He told that a couple months ago the Gazette had an online poll about supporting windmills and 90% of those who responded said yes. He told that the Board should take that into consideration and

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he thinks the best solution for this instead of the six of you deciding and he thinks that at least half of you had your mind made up is to let the people of Carroll County vote on it. He told that he has done research and he is sure that a windmill is not going to kill anybody and lets let the people of Carroll County decide. He told to put it off to November and put it on the ballot and it is zoning. He told that if the people want that then he will be at peace with it.

Mr. Andy Jones told that he lives at Stoots Mountain and these windmills is fine if we do it in the whole county. He told to put 5 or 6 in Laurel Fork, Fancy Gap, Sylvatus and if we are going to mess up the county, let's do it right. He told that he is the one that is going to suffer for it not the ones in Laurel Fork, they will not know about it and told that it will be a select few people. He told that he pays \$1800 a year in taxes and it is time to wake up and make Carroll County a place that we can leave. He told that he can walk away and leave and he can make it tough while he is doing it. He told that if you want to talk to people who live there you can talk to him.

Mr. Robert Burnette told that he is from Potrock but he has been all over Stoots Mountain hunting and he can tell you that it is nothing but a rock pile. He told that there is no difference somebody buying land and putting a McDonald's on it if they are wanting to make money on it. He told that they worked for it and so what if they make some money off of it, that is what America is about. He told that you are not going to hurt the looks of Stoots Mountain because he has been all over it and it is nothing but a rock pile. He told that it will take 100 years for some of the trees to grow back that have been cut down.

Mr. Chad Austin thanked the Board for the opportunity to speak. He asked if they have heard any tax benefits that the County will receive from the windmills.

Mr. Hutchins replied that those numbers are being looked at.

Mr. Austin told that this could reduce your taxes and it could be used to build a school. He told that we could use the revenue. He told that it would do some improvement to Stoots Mountain and the trees are already gone. He asked if any of the landowners have been asked how they feel about it or have any other polls been done. He ask why we are in such a hurry. He told that there are 30,000 people in the county and the decision is based on about 100 people. He told that we can put in a temporary ordinance until November then let the voters decide.

Mr. Tom Slusher told that he is a local land surveyor and it is a windmill ordinance regardless of how it is worded. He told that it is an effort to eliminate the possibility of building a windmill in the county. He told that he finds the ordinance discriminatory against those who own property around the mountain regarding the right to develop their land and reap a profit from that. He told that the method of determining those areas are ambiguous and there is wording to where other ridgelines could be included and that is troubling. He told that there are safety concerns with tall building regardless if they are wind turbines. He told that the ordinance says if the structure is over 100 feet it would be

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prohibited and who knows if someone would want to bring in an Atlatl and bring in big bucks and it would be prohibited. He told that this could be addressed in the building codes and not necessarily an ordinance. He told that there are government regulations everywhere you turn and this is another one that he doesn't think we need. He told that you need to take a longer look at this and the ramifications could be serious. He told that Obama is waging a war on coal right now and this is a new energy source and let's not close that door. He told that in the first paragraph it is about protecting the public health, safety and welfare but there are other things we need to look at. He told that we need to devote some energy towards the current subdivision ordinance and he sees clients putting out a lot of money. He told that we need to be pro development.

Dr. Miles thanked the Board for the opportunity. He told that he works at JMU with the center for wind energy. He told that he has some experience with this topic and he is interested in providing guidance. He told that as wind ordinances go this one is lacking and he says that objectively. He told that it doesn't address sound emission and that is critical. He told that decommission is an issue and you want to be protected, erosion and sediment is another issue that needs to be addressed. He told that there is a model ordinance and he had a hand in developing it. He advises the Board to take a look at it. He told that as it stands this is so restrictive that not a single wind turbine is ever going to get built in Carroll County. He told that with the 100 foot restriction that would eliminate even the smallest turbine that you could imagine perhaps to provide energy locally to that site. He told that the setbacks are reasonable but the 3 times the height setback is a show stopper for most projects. Dr. Miles told that turbines very rarely collapse but when they do they fold and do not collapse inwardly. He told that he wants to invite the Board to take advantage of the resources that they have at the center. He told that they can provide a community analysis and they also have resources available online. He encouraged the board to look closely to the taxation that it will bring into the county. He told that Virginia has been a stuck state for a long time due to the regulative nature of utilities. He told that he has not been on Stoops Mountain so he is not familiar with it but he does think that it would be a good site.

Mr. Hutchins told that we will be asking for some of those numbers.

With no one else to speak, the public hearing was closed at 7:49 p.m.

Mr. Hutchins told that he appreciates everyone and they will not be making a decision today. He told that they will be getting some more information.

Mr. Hendrick requested that the topic be on the agenda for May.

Mr. Hutchins asked if we could put it in June.

Mr. Hendrick told that he is yet to voice his opinion on the topic and he has poked and prodded to see how everyone else feels and he wants to tell everyone what he thinks.

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**RECESS**

The Board recessed until April 22, 2013 at 7:00 p.m.

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Chairman

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Clerk