



Staff Report

Public Hearing: **October 28, 2014**

Petition: **CUP 2289**

Zoning Amendment:
None

Town/sect:
**Berry
Section 12**

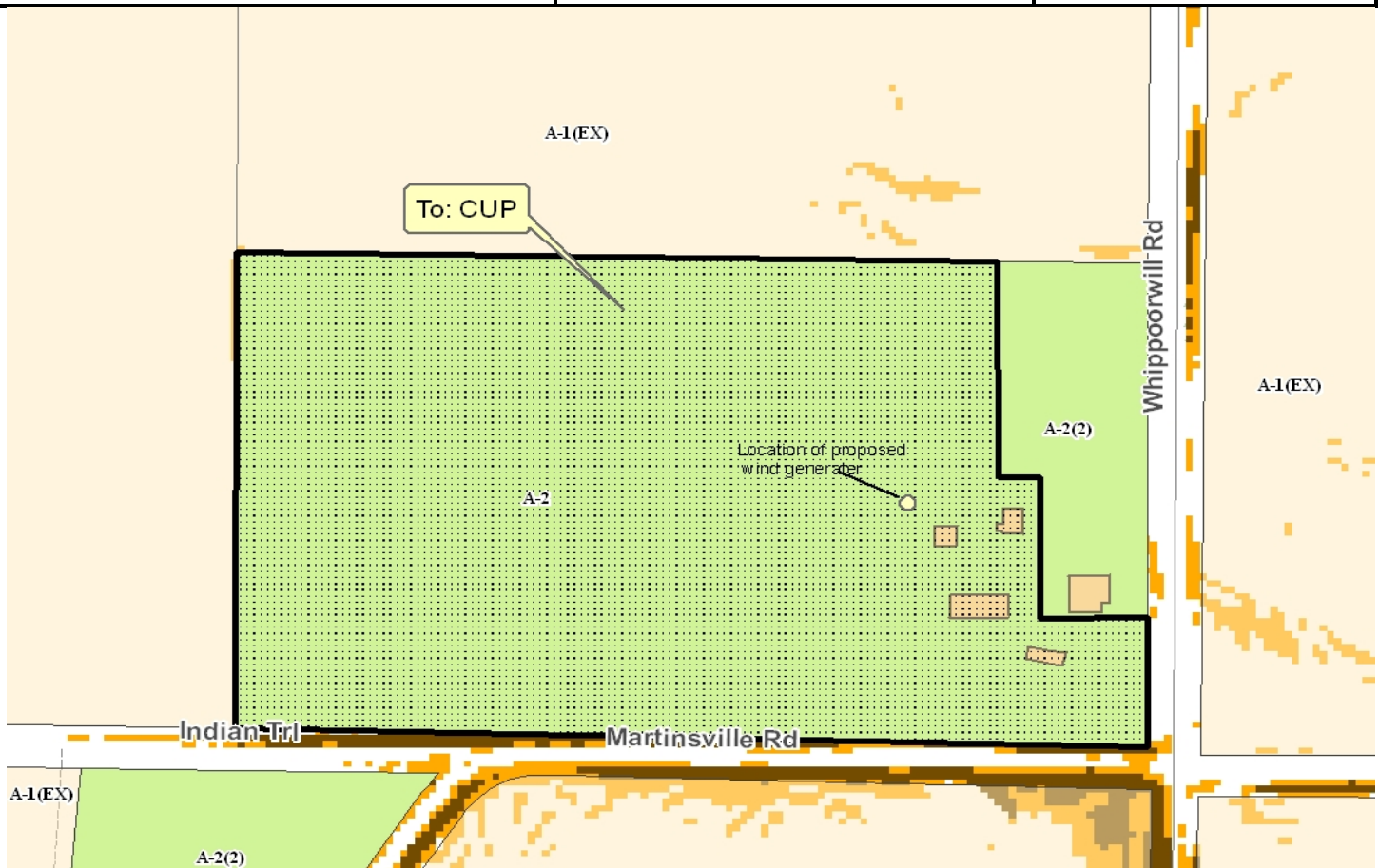
Acres: 19.67
Survey Req. No

Applicant
Paul A Cardis

Reason:
**Allow the installation of a 90-foot
tall wind turbine**

Location:
5877 Whipoorwill Road

Zoning and Land Regulation Committee



DESCRIPTION: The subject property is a 22 acre farm currently zoned A-2. The applicant is requesting a CUP for the installation of a residential wind turbine intended for electrical production, both personal use and as part of “net-metering” with the local utility.

OBSERVATIONS: By the site plans it is uncertain if the 90’ tower is at least 90’ away from closest structure. (corn crib)

TOWN PLAN: Property is within a Farmland Preservation area in the adopted town/county comprehensive plan.

RESOURCE PROTECTION: There are no mapped Resource Protection Corridors on the subject parcel.

STAFF: Appears to be consistent with County Zoning Ordinance 10.196. Per 10.196 (2) No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.

Given the minimal impacts associated with this conditional use, and the statutory limitations on local regulation of wind turbines, staff recommends approval without condition.

TOWN: Approved

Proposed Conditional Use Permit # 2289

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Given the nature of the conditional use and the limitations imposed by applicable state statutes, **staff recommends that CUP 2289 be approved without conditions.** Please note that this does not preclude the committee from adopting conditions necessary to address potential issues / concerns that may come to light during the public hearing.