

News ▶

- ▶ Sports
- ▶ Editorial
- ▶ Classifieds
- ▶ Place Class Ad
- ▶ Calendar
- ▶ Obituaries
- ▶ Photo Gallery
- ▶ Weather
- ▶ Subscribe
- ▶ Contact
- ▶ Web Links
- ▶ Archives
- ▶ About Us

The Mountain Times

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News

County one step closer to making history with wind power regulations

*By Scott Nicholson
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Watauga County moved within a breath of being the first county in the state to have a wind ordinance Tuesday night.

The county planning board had unanimously recommended approval of the ordinance, making minimal changes from the original draft in order to address the viewshed from the Blue Ridge Parkway.

Language in the ordinance allows the National Park Service to make recommendations on any proposed commercial wind farm operated from the designated viewshed, as determined by state maps.

During Tuesday's public hearing on the issue, a number of people voiced support for the ordinance.

Ralph Grosswald praised the ordinance, saying the passage of the ordinance would ensure the legality of wind energy in the county. He supported the separation of small and large wind turbines in the permitting process.

Grosswald said a condition requiring on-site consumption will "greatly limit the opportunities of individual landowners in the county."

He said not all property owners had good sites for turbines and shouldn't be prevented from using a system on nearby property, and he said there was no additional impact on the community if the small turbine is off site, and size should be the sole determining factor in the regulation of small wind energy systems.

Under the ordinance, wind turbines generating 20 kilowatt hours or less of electricity are defined as "small systems."

Dr. Dennis Scanlin, a sustainable technology professor, read a letter from contractor Kevin Donovan, who said the county had an opportunity to be one of the leaders in the state to use wind energy safely and economically. He said Watauga County had some of the best sites for wind collection in the country.

Scanlin, who helped make recommendations for the original draft, said he's been studying alternative energy for 30 years.

He said he's visited numerous wind turbines and has operated a research station on Beech Mountain for four years and said the industry has been growing rapidly over the last decade.

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“Western North Carolina has some of the highest annual average wind speeds in the country and close to a million acres with wind speeds adequate for electricity production,” Scanlin said.

“Wind turbines will work well in western North Carolina and are capable of producing electricity cleanly and inexpensively. Watauga County has outstanding wind resources and, according to our research, the largest number of privately owned windy acres in the state of North Carolina. So it is appropriate that we are the first to consider an ordinance on wind turbines in North Carolina.

“I believe this ordinance provides an approach that will both stimulate the development of wind and other renewable sources of energy and, at the same time, protect our county from any harm that these technologies could cause.

“It is a democratic approach that allows the construction of small turbines with minimal red tape, but provides a very critical look at larger projects.”

Dennis Grady, representing the Appalachian State University Energy Center, said the state had encouraged counties to “break down barriers” in promoting wind energy.

He said the ordinance was comprehensive and allows local government to carefully control large-scale, commercial operations, while allowing private landowners the benefit from their property.

He said 80 percent of state residents polled said they were in favor of allowing private landowners to construct wind turbines. He said there was either no impact or a slightly positive impact on the value of properties next door.

Russell Harper, of High Country Biofuels Cooperative, spoke in support of the ordinance.

“This is our responsibility to the world,” he said, saying it was a local act to help address global warming.

Lou Zeller, of the Blue Ridge Environmental Defense League, also spoke in favor of the ordinance.

He mentioned the 1978 construction of a windmill atop Howard’s Knob in Boone, and said Watauga County was “again making history.”

He said the terms of the ordinance ensured wind turbines would have no negative impacts on the county and could serve as a model for other counties.

Brent Sommerville, director of the Appalachian Regional Initiative For Sustainable Energy, said the ordinance will help residential scale projects move through the permitting process quickly, and said other mountain counties were looking for a model ordinance to adopt.

He believed adoption of the ordinance would spur the use of wind energy across the mountain region.

Steve Owen said he worked with a lot of Appalachian communities

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and said Watauga County has “taken a pretty cautious but pretty hopeful approach.” He had a concern over restrictions on power generation and suggested an amendment that prompted energy conservation.

Joseph Montemurno said he applauded the “boldness and courage” of the county and the boards getting the ordinance in shape and added his support.

The ordinance arose from a concern that the North Carolina ridge law, regulating heights of some structures on mountain tops, didn’t apply to wind turbines or windmills.

County attorney Andrea Capua drafted a legal memorandum advising the county that it could draft its own wind turbine ordinance.

To date, there has been no case law on interpreting the ridge law.

Capua said while she believed wind turbines were exempt from the ridge law, a local ordinance could head off potential conflicts.

Planning director Joe Furman said language in the ordinance to regulate the sale of power off-grid was borrowed from the county’s high impact land use ordinance.

He said the primary use of the wind turbine for residential use should be the powering of a house, instead of selling energy to electric companies.

Furman said if a wind turbine is the primary use of the property, for the purpose of selling power off-site, then it should fall under regulations of the high impact land use ordinance.

Under that ordinance, buffer planting of trees and shrubs would be required, which might limit the appeal of using such a system.

Furman said several farms could get together and share one large structure and could sell power off-site, and he didn’t think objections over “incidental selling” of power were a concern.

He said concerns should be limited mainly to larger, commercial-scale wind farms.

The commissioners recommended by consensus that the planning staff and county attorney fine-tune language of the draft, formally append the legal memorandum to the ordinance, and consider it on Aug. 7.

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