

PLANNING COMMISSION MEETING
Piedmont Civic Center – 314 Edmond Road Northwest
Monday, November 5, 2012, 7:00 PM

MEMBERS PRESENT: Commissioner Ron Cardwell, Commissioner Eric Berger, Commissioner Steve Morris and Chairman Richard Felton

STAFF PRESENT: City Manager Jim Crosby, City Attorney Mike Segler, Community Development Director Wade Harden and Secretary Mary Ramsey

1. **CALL TO ORDER** – Chairman Richard Felton called Planning Commission meeting to order at 7:00 pm.
2. **ROLL CALL** – Secretary Mary Ramsey called roll. There was a quorum present. Approximately 135 people in the audience.
3. **CONSENT AGENDA** – **All items on the consent agenda are non-controversial and may be approved by one motion for items.**

a. Approval of the Minutes for the Planning Commission meeting on October 1, 2012.

Commissioner Ron Cardwell noted the misspelling of Ken Dougherty and asked for it to be corrected. Also noted a typo on page 3 of the minutes. Business item 6a, 1st paragraph, last sentence. The word transplant should have been transparent. Also noted a typo on page 5 of the minutes, 2nd to the last paragraph the word survived should have been surveyed.

Commissioner Eric Berger noted on page 4 of the minutes 6th paragraph, his comment should have read. An Industrial zone district might be the more appropriate place for such a usage rather than Ag. 1.

b. Approval of the Planning Commission Meeting Dates for 2013.

Commissioner Ron Cardwell made a motion to approve the Consent Agenda items. It was **seconded** by Commissioner Steve Morris

The Vote was:

AYE: Commissioner Eric Berger, Commissioner Steve Morris, and Commissioner Steve Cardwell.

NAYE: None

ABSTAIN: Chairman Richard Felton

Chairman Richard Felton noted for the record he approves the dates of the Planning Commission meeting for 2013.

4. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

None

5. HEARING OF CITIZENS -

Stewart Bashen commented that during a Public Hearing it is a requirement that the audience be able to hear. The audience can not hear what is being said. He requested that a microphone system be set up and turned on.

City Manager Jim Crosby explained that it was not possible to set up and turn on the microphone system at this point in the meeting. Access to the equipment is not available.

Chairman Richard Felton explained that the Commissioners will speak as loud as possible to ensure citizens can hear.

6. BUSINESS ITEM

- a. **CONDUCT A PUBLIC HEARING ON AN ORDINANCE TO REGULATE THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF RESIDENTIAL MINI WIND ENERGY CONVERSION SYSTEMS (MINI WECS) AND SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS) IN THE CITY OF PIEDMONT.**

Citizen Tim Bevan spoke about the height restrictions. 45 feet may or may not be adequate enough. If a person is going to invest in a Wind Energy system to add in powering their home the 45 feet may not be enough, he lives on several acres and does not feel the agricultural home should have to be the same as a smaller in town lot.

b. MOTION TO APPROVE OR REJECT RECOMMENDATION ON AN ORDINANCE TO REGULATE THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF RESIDENTIAL MINI WIND ENERGY CONVERSION SYSTEMS (MINI WECS) AND SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS) IN THE CITY OF PIEDMONT.

Commissioner Ron Cardwell made a motion to discuss item 6b. It was **seconded** by Commissioner Steve Morris.

The Vote was:

AYE: Commissioner Eric Berger, Commissioner Steve Morris, Commissioner Steve Cardwell and Chairman Richard Felton.

NAYE: None

Discussion occurred about the conditional use permit, minimum lot size, height requirements, small and mini wind energy systems. Height of the tower will be managed by the lot size and the set back requirement.

Attorney Mike Segler suggested changing the Mini Wind Energy System to 80 feet and the Small Wind Energy System to anything over 80 feet and then it would require a conditional use permit.

Chairman Richard Felton noted that with the change on tower heights, changes will need to be made in Section 5-803 where the 50 feet from property line is mentioned and let the 110% setback regulation take its place.

The following changes to the Ordinance were agreed upon :

- Strike the Word Residential from the title of the Ordinance
- In Section 5-801 replace sentence “Larger Wind Energy Conversion Systems are addressed in other sections of this Code.” With “no other Wind Energy Systems are allowed”

- Anything over 100 Kilowatt is prohibited.
- Maximum height for Mini Wind Energy Systems is 80 feet
- Small Wind Energy Systems height requirement to over 80 feet.

Commissioner Ron Cardwell made motion to approve the Wind Energy Conversion System Ordinance with the discussed changes. It was **seconded** by Commissioner Eric Berger.

The Vote Was:

AYE: Commissioner Eric Berger, Commissioner Steve Morris, Commissioner Steve Cardwell and Chairman Richard Felton.

NAYE: None

c. CONDUCT A PUBLIC HEARING ON AN ORDINANCE TO REGULATE THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN THE CITY OF PIEDMONT.

Chairman Richard Felton provided some background on the item and explained the role of the Planning Commission. He clarified the Planning Commission is not the governing body that makes the decision on if Commercial Wind Energy Systems come into Piedmont. The Planning Commission is to create an Ordinance.

Community Development Director Wade Harden gave presentation with Staff recommendations. City Staff support the development of renewable energy however recommended the Planning Commission prohibits the use of commercial wind energy systems on all lands that are within the City's jurisdiction.

Mayor Valerie Thomerson spoke on behalf of Citizens and herself. She clarified that she is not speaking on behalf of the City Council. She asked for the Commission to consider not recommending the Commercial Wind Energy Ordinance to the Council. She does not see the benefits for this type of business to come to Piedmont.

Citizen Pam Suttals spoke about the effects the Commercial Wind farms will have on property values. Studies show that property values will drop by 25% to 50% within 2 miles of the wind turbines. She believes that Piedmonts property values will drop greater then the 25 to 50% because Piedmont is a commuter city. People have other community options. She believes the wind turbines will stop the growth of the Piedmont area. Every new home being built employees 50 construction workers, and brings in permit dollars into Piedmont. Also she noted that turbines do not spend money in the Piedmont area, people do. Safety issue are to be considered, turbines can sling ice, caught on fire, and safety manuals recommend that you do not stay within 1300 feet of the turbines. She can not find a single reason to consider the Commercial Wind farm. She believes we should grow the city the right way.

Andy Moffats some of the Windmills are proposed to go on my land. If Piedmont votes this down I will be looking at Windmills no matter what, they are going up in the county.

Melissa Ashford discussed health issues with wind turbines. Low frequency noise can cause vibration on the body that can not be heard but the body can feel. Research has shown hearing loss, headaches, rise of glucose levels in diabetes, high blood pressure, depression, insomnia, suicide, to name a few.

Josh Brag from Weatherford Oklahoma currently working in the Wind Energy industry. Think of the wind turbine as a generator, they are just blades, a gear box and generator.

George Fina said if they are going up in the county we will be looking at them anyway. Wind turbines are part of the future. Enjoys the open spaces and does not want them in our area but they are part of our future.

Chris Knapp original developer on project, goal is to be an Oklahoma guy producing Oklahoma energy. Pro wind energy.

Nick Kittredge – Apex is a capitalist company here to make money. They have had made deals with land owners and do not have to deal with a lot regulations. Would like for the Planning Commission to set the bar high. This is not the right way to do it. We will not see reduced cost. They can go out to lands that are less inhabited.

Chairman Richard Felton closed the Public Hearing.

City Attorney Mike Segler clarified that Apex did not provide the Planning Commission with an ordinance to follow. He created the ordinance from several other cities and input from City Staff.

Kent Dougherty with Apex Energy spoke and was thankful to the Planning Commission for the time at the podium. Does not want to engage in a back and forth argument. Clarified that there are 20 families in the Piedmont area that have signed leases, not one family as earlier stated.

- The set backs are some of the most restrictive Apex has ever seen in work all over the country.
- In order to meet these requirements we have reduced project footprint to total number of turbine in the city are reduced to 16 turbines from 26 turbines.
- Only use 2.2 square miles of Piedmonts 43.9 square miles. Each turbine taking up on an acre to an acres and half including the access road. The actual footprint is much smaller.
- Total 2,230 acres have been leased, we are only using 1,,386 acres / parcel sizes, 59% of what is leased.
- In order to meet the ordinance set back only a total of 6 houses are between 1300 to 1500 feet of any turbine all others are 2500 feet from any tower.
- Have voluntary remove 5 turbines location from the more dense neighborhood areas.
- Only interested in the NW annex area of the City have never been interested in the greater City of Piedmont areas.

- Economic development – strong believe that project will improve the development to the area by, construction, tax benefits, permits fee and road use agreement. We will leave the road better then we have found them. It is estimated that the City of Piedmont will receive \$3.1 million annual over the life of the project and the school district will receive \$403,000 annual of the life of the project.
 - Indirect Benefits are landowner payments, salaries for 12 to 15 full time maintenance personnel and on going goods and services.
- d. **MOTION TO APPROVE OR REJECT RECOMMENDATION ON AN ORDINANCE TO REGULATE THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN THE CITY OF PIEDMONT.**

Commissioner Eric Berger made motion to discuss item 6d. It was **seconded** by Commissioner Ron Cardwell.

The vote was:

AYE: Commissioner Eric Berger, Commissioner Steve Morris, Commissioner Steve Cardwell and Chairman Richard Felton.

NAYE: None

Commissioner Steve Morris spoke to the research he has done for every positive in his research is can find a negative.

Commissioner Eric Berger explained that reducing our dependence on petroleum is something we will benefit from. There is a time and place, for everything there is a season that applies here. The highest and best use for the land is a focus for the Planning Commission. The best use for our land is residential development. We will benefit from retail and residential growth. Windmills will reduce residential growth.

Unhappy with how ordinance is worded. Would like a lower dba from 10:00 pm to 7:00 am,

no shadow flicker, eliminate the disruption of communication devices should be no disruption of anyone's TV watching or phone usage , 600 feet is too high do not like it, concerned a tornado would snap a blade and charge a long distance. Insurance is not enough, would like to see 5 million per tower. Set back would like to see it at half a mile per inhabitants. Apex started talking with landowners in 2009 but waited to speak until 2 months ago. Thankful to all of the communication from the citizens on their own concerns. Windmills are not a good fit for Piedmont; recommend that no such ordinance be adopted.

Commissioner Ron Cardwell concerned about the development going on in the county areas. If it is going to come how can we make it fit with our area. If it is good and is going to work let them start out in the county and then we can look at it again. The physical efforts and information on the internet has created hysteria. There is a lot of land that is not populated with people between here and Montana, would like to see the windmill placed in a less populated areas. Should have approached the Commission in 2009.

Chairman Richard Felton has served on Planning Commission for 4 years and has never had a turn out like this one. Thank you for the high attendance. Large number of turbines that are going out in areas that we can control, tough decision to balance. Primarily was the Planning Commission does is develop ordinances. 3 ways an agenda item is put before the Planning Commission, staff, council or the Planning Commission itself. We do not question why the agenda item is before us, we work on putting together the best ordinance possible. Recommendation is we reinforce the staff position and table the item indefinitely.

Commission Steve Morris made motion to postpone item indefinitely. It was **seconded** by Commission Eric Berger.

The Vote was:

AYE: Commissioner Eric Berger, Commissioner Steve Morris, Commissioner Steve Cardwell and Chairman Richard Felton.

NAYE: None

7. **NEW BUSINESS** - Unplanned Items

None

8. **ADMINISTRATION REPORT – (Oral) City Manager, Engineer, Community Development, and Attorney.**

None

9. **COMMISSIONER’S COMMENTS –**

Commissioner Steve Morris no comments

Commissioner Ron Cardwell – Glad Chairman Richard Felton is back!

Commissioner Eric Berger – Thank you to all the citizens for attending the meeting.

Chairman Richard Felton – Thank you for all of the attendance

10. **ADJOURN- 9:01pm**

Chairman, Richard Felton

Secretary, Mary Ramsey