

PLANNING COMMISSION MEETING
Piedmont Civic Center – 314 Edmond Road Northwest
Tuesday, September 4, 2012, 7:00 PM

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Jim Crosby, City Attorney Matt Wheatley, Secretary Mary Ramsey

1. CALL TO ORDER

Chairman Richard Felton called Planning Commission meeting to order at 7:00pm

2. ROLL CALL

Secretary Mary Ramsey called roll. There was a quorum present.

2. CONSENT AGENDA – All items on the consent agenda are non-controversial and may be approved by one motion for items.

Commissioner Steve Morris commented that a motion was made during the August 6, 2012 meeting to post the new sidewalk ordinance to the City Web site. The Ordinance has not been post as of this meeting.

a. Approval of the Minutes for the Planning Commission meeting on August 6, 2012.

Commissioner Mike Bell made a motion to approve Minutes for the Planning Commission meeting on August 6, 2012. It was **seconded** by Commissioner Steve Morris.

The Vote was:

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

NAYE: None

ABSTAIN: Commissioner Ron Cardwell due to absence.

4. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

None

5. HEARING OF CITIZENS – to include those items ***not listed in the agenda***

None

6. BUSINESS ITEM

A. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON RESIDENTIAL WINDMILL ORDINANCE.

Chairman Richard Felton provided some background information on the agenda item. It was the Planning Commissions intentions to hold a public hearing on the Residential Windmill Ordinance. There was conversation with City Attorney Mike Segler if the Planning Commission is to hold public hearings. Mr. Segler communicated that since the agenda item was on open topic, has been on the agendas for the past several months, also posted on the web-site, and the public is welcome to come and speak at any time during a Planning Commission meeting and Public Hearing would be redundant.

Chairman Richard Felton explained options are to move the Residential Ordinance forward to the City Council and then amend it later with the Commercial aspects. City Attorney Mike Segler explained via e-mail there is not a significant rush to get the Residential Ordinance to the City Council, as the City has an adequate Ordinance on the books currently. Options would be to table this agenda item until the Commercial aspect is completed and then present it to the City Council as one Ordinance, or go ahead and schedule a public hearing for the next Planning Commission meeting, or send it up to the City Council and let them schedule a Public Hearing. City Attorney Mike Segler suggested tabling the item indefinitely.

Commissioner Eric Berger commented the subject matter is far to reaching to move forward without a Public Hearing. He also would not take a final vote without a Public Hearing. For the past 15 years that he has been involved with the Planning Commission no Ordinance has gone forward without a Public Hearing and he would not like to start now.

Chairman Richard Felton explained the options are to table the agenda item indefinitely until the Commercial aspects can be approved or wait until a Public Hearing can be scheduled at the next Planning Commission meeting.

Commission Steve Morris made a motion to bring the item back to the Planning Commission and schedule a Public Hearing. The motion was **seconded** by Commissioner Eric Berger.

The Vote was:

AYE: Commissioner Mike Bell, Commissioner Steve Morris, Commission Ron Cardwell, Commission Eric Berger and Chairman Richard Felton.

NAYE: none

B. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON FIRST DRAFT OF WINDMILL ORDINANCE THAT INCLUDES COMMERCIAL OPERATIONS.

Chairman Richard Felton provided background on the agenda item. Commenting that the Planning Commission has been working on a Residential Windmill Ordinance for 3 or 4 months, during the course of that work it was brought to the Planning Commission and Cities attention that there is a potential Commercial Wind Energy project that could incorporate part of the Piedmont City limits. The first draft of the Commercial Ordinance is what the Planning Commission is looking at tonight. There are several Citizens present to speak about agenda item. Chairman Richard Felton provided them with the opportunity to speak.

Citizen John Guthrie spoke and asked where actually is the Windmill project going to be located. There are two different maps circulating and asked where what areas are we talking about effecting. He is a homeowner in the area and this project is going to effect his property value, he has seen these wind turbines in operation and feels it is a do you sell now or later situation. Cannot find anyone who understands the exact boundaries of the project, are there actual boundaries? Do we have the ability to get an accurate map? We need to work for what is best for Piedmont. He suggested that the Commission go look at other Windmill Commercial farms and listen to them. It is not a plus deal. Live at 192 and Richardland, would like answers on actual project location.

Citizen Pam Suttals have sold real estate for the past 30 years and projects of this nature are devastating to property values. When appraisals are done they are done on the entire area and this will affect property values. It is her understanding that there is no benefit to the City of Piedmont so finds it hard to understand why it would be considered. Asked to see the working draft of the Commercial Ordinance.

Chairman Richard Felton clarified that Piedmont does not currently have a Commercial Wind Ordinance. APEX has made it clear that this project is in the preliminary development phase. Maps were provided the first time they were here and a secondary map was sent to the paper. Our job is to develop a Commercial Wind Ordinance.

Kent Dougherty with APEX spoke explaining that the Commercial Wind Ordinance in its first draft would not allow APEX to build the project in Piedmont; there are far too many ambiguities with regards to financing and permitting. Asked how is the best way to proceed to get comments to City Attorney Mike Segler?

Attorney Matt Wheatly explained that Attorney Mike Segler is happy to work through APEX law office to share comments.

Commissioner Ron Cardwell commented the Commercial Ordinance still has a great deal of language to the mini and small, language to what a farmer may have on his parcel. This Ordinance looks like a combination of mini up to very large. Thinks the Planning Commission should first decide if we are even going to allow Windmills in the city limits of Piedmont. There are hundreds of thousands of miles of open land in the Great Plains of the United States where these turbines can be situated, they do not have to be one mile from the City limits of Piedmont. We are a City and are to provide a quality of life where you can have provide City services not wide open country range services. Provide a quality of life where you can have residential density yet a country feel. What are we going to have if a thousand feet away we are going to allow large Windmills? Like the aspects of green renewable energy, not close minded to the idea, must consider the effects of all of the people, not just the people who will benefit from this.

Kent Dougherty, Wind Energy overlay is a tool to consider from the El Reno ordinance is an excellent tool to consider, it will help with some of the challenges you are concerned about. APEX is working on offering tours out to the Calumet project for people to see a completed project, also will be hosting an Open House on September 20' 2012 at the Methodist Church for residents to get questions answered and learn more about the project.

Chairman Richard Felton asked for Kent Dougherty to get comprehensive comments to City Attorney Mike Segler so it can be discussed at next Planning Commission meeting.

Commissioner Ron Cardwell asked if Shadow Flicker studies have been done?

Kent Dougherty explained that yes the study is always done, APEX does not want to be those guys who have sound or shadow flicker issues.

Commissioner Eric Berger explained that Planning Commission did not learn about the project much before Citizen John Guthrie did. Would have preferred APEX would have let the Commission know about the project sooner. Piedmont community will have to live with whatever the Commission decides and this is a significant decision. Large Wind Farms will affect the property values, must make decisions on what is best for Piedmont today and 30 years from now. Have gone out into the community and asked for opinions and there is a great deal of mixed opinions out there. Feels the Commission should continue to work on the matter.

Commissioner Steve Morris went through submission from APEX and some things will not be able to give on. Would like the headings of the Ordinances say Residential and the other the say Commercial. Did look at the overlay district from the El Reno Ordinance and compared it to the 2030 Comprehensive Plan and did not see any issues but need an correct map. Looking deeper into the Commercial Ordinance we need to talk about waivers for nonparticipating land owners, noise 55 dba, and compensation \$500,000 contribution to the school district, other issues are fees road conditioning fee \$125,0000 that is all of the revenue benefit to the city. Must plan for the future, have a lot more homework to do, very important issue. Have spoken to City Manager of El

Reno have driven down to Frisco Texas.

Commissioner Mike Bell commented that we need to take our time and do our due diligences. Have spoken with residence in City limits and they are for it, have spoken with residence north of town and they see money. Planning Commission needs time to continue to work on project.

Chairman Richard Felton explained the responsibility of the Planning Commission is to provide tools, the ordinances to make those decisions. It is the City Councils calls; our job is to put together the best ordinance we can for the community of Piedmont. Need to put together a Commercial Windmill ordinance and then start work with City Council. Get Kent Dougherty comments from APEX and City Attorney Mike Segler comments and work through them.

Commissioner Ron Cardwell made a motion to advise City Council to put a moratorium on construction of any Windmill farm or wind generating equipment on personal property with the City limits of Piedmont until an ordinance can be put together. It was **seconded** Chairman Richard Felton

The Vote was:

AYE: Commissioner Mike Bell, Commissioner Steve Morris, Commission Ron Cardwell, Commission Eric Berger and Chairman Richard Felton.

NAYE: none

Chairman Richard Felton asked that the two ordinances be separated out Commercial only. Documentation with Kent Dougherty comments and have City Attorney Mike Segler respond to those comments and get to commission before the next meeting so the Commissioner can do research. Also a trip out to see a Windmill project would be helpful.

Commission Ron Cardwell made a motion for staff to provide a Commercial only Windmill Ordinance. It was **seconded by** Commissioner Steve Morris.

The Vote was:

AYE: Commissioner Mike Bell, Commissioner Steve Morris, Commission Ron Cardwell, Commission Eric Berger and Chairman Richard Felton.

NAYE: none

7. NEW BUSINESS - Unplanned Items

None

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

City Manger Jim Crosby reported that the new Community Development Director will be at the next Planning Commission meeting.

9. COMMISSIONER'S COMMENTS – Oral Comments

Commissioner Eric Berger- to recap from comments earlier we do not look to the city of El Reno as a model city and do not plan to begin looking to them. Agree with Chairman Richard Felton on his comments about the role of the Planning Commission. We are concerned with the technical details and the City Council does have the last vote. However, we do have the authority to say no, we are an advisor board. The City Charter does recognize this commission as an advisor board. Promise both side will not make the decision over the Windmill project lightly. We recognize there are different interest.

Commissioner Ron Cardwell – it is a tough issue. There is a lot large land to the northwest that is isolated and therefore isolated from utilities and therefore isolated from development density. Hope we can develop something that will work. Sometimes you can please everyone. What would the City of Dallas say if this opportunity was presented to them? This is not a one size fits all. If other businesses came to Piedmont and we did not have an ordinance for them, we would first decide if we want that business in Piedmont.

Commissioner Steve Morris – Website, would like the web-site update with the ordinances. Friend of wind, think it has a lot of benefits. I will be as educated as I can be, not a light hearted decision, name will be on it. Serve the community and the City Council. Concentrated on a well thought decision.

Commissioner Mike Bell – Whatever decision is made it will be what is best for Piedmont.

Chairman Richard Felton- appreciated the public coming to the meeting and sharing their comments. Piedmont is a growing town; we are going to have tons of opportunities from developers and businesses. It is as our responsibility to make the good faith effort to do research the possibilities and look at the direction Piedmont wants to go. Have not formed an opinion yet at ground zero. Have talked with residence in my ward and so far everyone is again it.

10. ADJOURN - 8:04 pm

Meeting adjourned by Chairman Richard Felton at 8:04 pm.

Chairman, Richard Felton

Secretary, Mary Ramsey