

**PLANNING COMMISSION MEETING**  
**Piedmont Civic Center – 314 Edmond Road Northwest**  
**Monday, October 1, 2012, 7:00 PM**

**MEMBERS PRESENT:** Commissioners Ron Cardwell, Commissioner Eric Berger, Commissioner Mike Bell, and Commissioner Steve Morris

**MEMBERS ABSENT:** 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** – Vice Chair Ron Cardwell called Planning Commission meeting to order at 7:01 p.m.
2. **ROLL CALL** – Secretary Mary Ramsey called roll. There was a quorum present. Approximately 27 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 September 4, 2012.**

Commissioner Steve Morris asked for correction to minutes from September 4, 2012 meeting. Page 1, Consent Agenda comments minutes asked for posting of Sidewalk Ordinance, it should have been the proposed Residential Tower Ordinance.

Page 7, no Second was provided with vote. Motion was seconded by Chairman Richard Felton.

Commissioner Eric Berger made a motion to approve minutes from September 4, 2012 Planning Commission meeting. It was **seconded** by Commissioner Steve Morris.

**The Vote was:**

**AYE:** Commissioner Mike Bell, Commissioner Ron Cardwell, Commissioner Steve Morris, and Commissioner Eric Berger.

**NAYE:** None

#### **4. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

None

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

John Guthrie – spoke his concerns about APEX Windfarm would like to know why he is not included in collaboration with APEX on project, if APEX is being transparent. His interests are not being served. Agreement needs to be transparent.

How are we going to protect our money, property, can not sell homes sitting next to wind turbine.

Rick Riggs Attorney with McAfee and Taft, author of letter John Guthrie is speaking about. Letter was in response to comments during the last Planning Commission meeting. APEX intentions are not to withhold information. Letter is suggestions provided to City Attorney, no intent on APEX to limit transparency.

Melissa Ashford – has questions for APEX.

- Recommended distance is 1.25 mile, house is not that far from Wind Towers.
- With Natural Gas prices falling how this will impact a wind energy farm. If APEX does not get tax credit how will that affect Piedmont?
- If the Wind farm system fails what happens to Piedmont after that.
- Gag order are in contacts, prohibit people from speaking about any issue with anyone, about noise population, health risk. What happens if a health risk arises will they compensate for that?

Quiet and open wide view was main reason we moved to Piedmont.

Pam Suttles – looking at Wind farm from a financial point of view. The 2030 plan has this area designated as mini farms 2 acres minimum properties. 7 or 8 sections are in Piedmont, each section can support over 100 5 acres tracts. That is 100 homes being built about 50 construction worker on each house. Construction workers spend money in town and Wind Farm does not spend money or bring in tax revenue. People will chose to buy homes in Deer Creek or Yukon where they do not have a Wind Farm. We will loss 20 to 25% of our growth, financially this is killer for Piedmont. There are no tax dollars to be made, the construction worker and people living in the homes will be bringing in more dollars. No win. We can not afford it.

Mark Ready – Wind farms will hurt the value of the homes. My house was just hit by tornado and we had to rebuild. We see our hard work for nothing with these Wind Farms coming up. Not a good view, red flashing lights, noise, will affect value of home. 1500 feet from property line if you are going to let these Wind Farms go up. Think about the people who have gone through the tornado.

Glenn Gray – have a farm out in Cheyenne Oklahoma and they have covered up Cheyenne with Wind Towers. They are bad on wild life, eye soar, and noise.

Guy England – Also lost house in tornado, we rebuilt where we were because we like were we are. If Wind Farm across the street from my home my property value will go down. Do not want the Wind Farm. Peaceful community, Wind Farms have no business in this community what so ever.

Nick Kidridge – for clean energy but do not want to see these Wind Farms go up in Piedmont. Still repairing our home from tornado, Windmills are great but do not want them in Piedmont area. Possible health effects, does not sound like financially it is good for Piedmont. Apex should take their business out to areas where there are no people.

Michelle England – 16 months since tornado has hit Piedmont, homes in our area that are now condemned by City and are still and dangerous to the area. Someone is going to get hurt. What is the City doing to finish cleaning up from the tornado?

Kent Dougherty with Apex - Not a business trying to take over Piedmont. We are business coming to this community because we would like to do business in Piedmont. If Piedmont does not want our business then we will respect that. We want to use a small portion of the City; we are encouraging an overlay district. We want to use a very small part.

Studies have been done and learned that there has been no impact on property values.

Health risk studies have been conducted and can not find and connection between human health risk and Wind Farms.

Flashing lights, new LED lights, new cones that will almost eliminated light on the ground.

Studying economic impact is being conducted.

Gag orders - do not have Gag orders in contracts. Landowners are in encouraged to not talk about the financial details of their contacts, other then that they can talk about Wind Energy as much as they would like to.

Maps have been provided to be transparent. Maps have been sent to City and News papers.

Simply a business trying to make a project happen here in Piedmont.

## **6. BUSINESS ITEM**

### **A. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON PROSPED COMMERCIAL ONLY WINDMILL ORDINANCE.**

Commissioner Ron Cardwell explained the Commissions role is to come up with an Ordinance and make a recommendation to City Council. City Council will take information under advisement and make a decision. We are tasked with developing this Ordinance. It is up to City Council to accept or deny the Ordinance. To be transparent we let the people speak.

Commented on no public hearing for the Residential Windmill Ordinance. Commission would like

a Public Hearing for the Residential Windmill Ordinance and then move the Ordinance onto the City Council for vote and approval. Would like a public hearing by next month so the Commercial Ordinance can go to public hearing and onto City Council. Frustrated trying to get something done and finalized.

Commissioner Ron Cardwell suggested going through Ordinance page by page.  
Attorney Mike Segler explained that this Ordinance is a work in progress.

- Page 1. No changes
- Page 2. City Manager Jim Crosby suggested changing Professional Engineer to Registered Professional Engineer through out the document.
- Page 3. City Attorney Mike Segler explained that Commission needs to make a decision if will allow Wind turbine on all agriculture zoning or consider an overlay district. All large part of Piedmont is zoned Agricultural.

Commissioner Eric Berger commented the type of Wind Farm we are looking at is more of a industrial usage such as a Wind Power Plant. An Industrial zone district might be the more appropriate place for such a usage rather than Ag. 1.

City Attorney Mike Segler commented on Section 4 it would be used by right in all agriculture districts and requires a use permit in other zoning districts.

Commissioner Ron Cardwell asked the Residential district verbiage be removed. Set back would not apply to residential district.

City Manager Jim Crosby explained that if you examine what we have zoned commercial you would never get set backs at that. Might leave it as agricultural. They can not rezone it.

Commissioner Ron Cardwell asked about site plan review procedure. We do not have a site plan review procedure that would apply to this type of project. This site plan would be very special.

City Attorney Mike Segler explained the site plan procedure would have to be developed.

City Manger Jim Crosby explained presently the City Engineer would over see that process.

Page 4 Commissioner Ron Cardwell asked about what kind of fees we would charge for this. Think \$1,000 is not enough. Would like for us to finalize number, think about starting at \$10,000 per tower.

Community Developer Wade Harden explained currently cell tower fees are \$2,500 and Oil structures are \$7,500.

Page 5 City Attorney Mike Seger spoke about volume of noise and explained Planning Commission needs to make a decision on noise. He provided two options of language in Ordinance he needs some guidance and direction on Section 7, item 2, sub section 7.

Commissioner Ron Cardwell asked Kent Daughtery with Apex how do they tell what is the actual noise coming from each Wind Tower.

Kent Daughtery with Apex explained that they test each turbine and provide documented information.

Commissioner Ron Cardwell suggested a lower decibel level and keeps it at property line. 55 decibels at property line, since the turbines are 24/7 hours per day.

Page 6 Commissioner Ron Cardwell commented on section 9, 100 feet minimum distance between the ground and any blade, as measured at the lowest point of the arc of the blades.

Commissioner Ron Cardwell commented on number 3, he wants to draft the Ordinance so that it has not shadow flicker. If the set back is a 1000 feet from a residence. APEX has explained that there is zero chance for shadow flicker at 1000 feet. Commissioner Ron Cardwell would like an additional 20% added. Requiring 1200 feet from the property line.

Page 7 Commissioner Steve Morris commented on lights. We can do the cone effect or some kind of masking.

Attorney Mike Segler suggested put approval by city staff on Section 10, sub paragraph 3.

Commissioner Ron Cardwell commented on Section 13 setbacks; in no event shall the tower be less than 1200 feet from existing residences.

Add site survey plan into Ordinance. For site plan review how do we know it is 1200 feet? How is it measured what method is used, aerial or survived. Something could be challenged there is nothing more accurate than an on the ground survey.

Page 8 Liability Insurance – City Manager Jim Crosby asked to specify the amount of Liability of Insurance.

Commissioner Ron Cardwell asks to add specific limits to Ordinance.  
Kent Daughtery explained that normally it is \$5 million per occurrence.  
Commissioner Eric Berger finds the \$5 million to be low.  
City Attorney Mike Segler will bring something back to next meeting.

Page 9 Commissioner Eric Berger asked what happens if APEX would go bankruptcy, who would tend to the removal of the towers. Would like to see a bond on each turbine.

Avoidance and Mitigation of Damages to Public Infrastructure – Roads  
City Manager Jim Crosby explained that they need to repair them to current standards.

Commissioner Ron Cardwell suggested a written agreement with APEX before they start there work to allow for flexibility, Look at route before they start.

City Manger Jim Crosby suggested looking at current state of roads and have them return to standards. Establish a route.

Kent Daughtery explained that APEX would come to the city with a transportation plan. Transportation improvement agreement. Could present a plan by December depending on how the Ordinance played out.

Commissioner Ron Cardwell asked Staff their thought on getting the revisions in place and Public hearing scheduled.

City Manager Jim Crosby explained that the work could be completed and Public Hearings Scheduled.

Commissioner Ron Cardwell asked for the square miles inside the City of Piedmont that will be affected with stats. General facts of where the area is.

**7. NEW BUSINESS - Unplanned Items**

None

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

New Community Development Director Wade Harden

**9. COMMISSIONER’S COMMENTS – Oral Comments**

Commissioner Eric Berger welcomed Wade Harden to his new position impressed with his resume.

One of the most qualified Directors we have had. Please to see you in place. Still have a few concerns about the Ordinance, still not sure 1200 feet is enough to handle shadow flicker. Disapproved of no Public Hearing, glad Public came out to speak.

Commissioner Mike Bell welcome to Wade Harden.

Commissioner Steve Morris welcome to Wade Harden glad to have you.

**10. ADJOURN- Chairman 8:56 p.m.**

Commissioner Ron Cardwell adjourn meeting at 8:56 p.m.

A handwritten signature in cursive script that reads "Ron Cardwell". The signature is written in black ink and is positioned above a horizontal line.

Commissioner, Ron Cardwell

A handwritten signature in cursive script that reads "Mary Ramsey". The signature is written in black ink and is positioned above a horizontal line.

Secretary, Mary Ramsey