

Wind opponents make case

BY ANNE ADAMS • STAFF WRITER

MONTEREY — Despite unanimous opposition last Thursday to Highland New Wind Development's request for an exemption on height for 400-foot wind turbines here, county supervisors kept the possibility of an industrial wind utility alive by tabling any action on the request.

Supervisors and planning commission members held a public hearing on the height request, and more than 120 attended. None spoke in favor of the request; 33 residents and landowners came to the podium asking officials to deny it.

The four members of the planning commission present (planner Tony Stinnett did not attend) disagreed on the issue. A motion by planner Lisa Kodger to deny the request was not seconded by her peers. A motion by Harry Sponaugle to approve followed, and was seconded by Jacob Hevener after his remarks brought audible discontent from the audience. Sponaugle's motion to send the request to supervisors with a favorable recommendation ended in a tied vote — Sponaugle and Hevener in favor; Kodger and commission chairman Dave Johnston opposed. Supervisors then voted to table the request pending further information. The board has 90 days from the hearing to vote on the height exemption (until Jan. 18, 2005).

Planners did not hold a public hearing on HNWD's request for a conditional use permit for the project, and voted 3-1 to pass it on to the board without a recommendation. Supervisors have until about next August to hold a public hearing and vote on the permit.

As Thursday's hearing got under way, supervisors' chairman Robin Sullenberger clarified his board would accept any form of

comment from its constituency, whether written or verbal, and reminded speakers to limit comments that night to the only subject before the two boards: HNWD's proposed zoning amendment change to exempt wind turbines from current height limits, and alternative language drafted by county attorney Melissa Dowd to exempt structures more than 200 feet high only with approval from supervisors or the board of zoning appeals.

With new hearing procedures in place, HNWD's owners, H.T. "Mac" McBride and his family, were invited to speak first. Harrisonburg attorney John Flora, speaking on behalf of the company, said they felt the current language in Highland's zoning ordinance on height exemptions was subject to several interpretations, and had, therefore, proposed adding an exemption for wind turbine towers. Dowd had drafted new language for the ordinance that added wind turbines and communications towers as structures exempted only with approval from the Federal Aviation Administration and the county. Flora told officials HNWD supports that language without objection. "Your action tonight," he said, "paves the way for a proper board of supervisors decision on our conditional use permit."

The county's new hearing procedures stipulate the next round of speakers would be those in favor of the request, followed by those with questions, then those opposed. "Since there's no one here speaking in support, or asking questions," said Sullenberger, "I guess we move on to part three."

For more than an hour, those opposed to HNWD's request spoke calmly but passionately about why a commercial "wind farm" was wrong for Highland, and particularly Allegheny Mountain at the county's westernmost

border. Their concerns ranged from detrimental effects on property values and real estate sales, to negative impacts on view sheds, tourism, military operations, migratory birds, and Highland's quality of life in general. Again and again, landowners said, a decision now would be premature since there is not enough information before county officials to make an informed decision. Each speaker's remarks elicited a round of applause from those attending.

Highland resident Randy Richardson, a real estate broker here for 20 years, said the proposed change to the ordinance did not address ridgeline development and was "just too open-ended." Richardson said turbines would result in declining property values. "I do believe we need an ordinance (change)," he said. "I just don't think this is it." He said officials should wait until Highland completes its comprehensive plan review before altering language. Richardson said one of the supervisors gave a handout to members of the Monterey Lions Club recently calling those opposed to the project "CAVE" people — Citizens Against Virtually Everything. Richardson said that acronym should stand instead for "Citizens Aware of Viewshed Economies."

Sandy Bratton, who lives on the Highland/Bath border, spoke on behalf of her family. They own Sapling Ridge, property in view of the proposed utility site. Bratton has been one of several residents collecting petition signatures, and said she's found "overwhelming opposition" to the proposal. Those opposed, she said, represent a wide age range, and include "come-heres" and natives, but they are "all people who love Highland County." Bratton said 486 signatures are from residents or landowners, and 168 from people with a special interest in Highland County. "You have a

responsibility to look at this," she told officials, explaining there are 654 people adamantly opposed who signed petitions so far, and more will be added. "Read every name. Follow the wishes of the overwhelming majority on this issue tonight," she said.

Blue Grass resident Betty Mitchell also urged the board to wait until the comprehensive plan review is completed. She said denying the request now is "not the same as saying no forever. Say no for the time being, for our community to have time to consider the lifelong implications." She asked officials not to let the issue divide the community. "Bring us together for a facilitated discussion," she said. "If it's worth having, it's worth waiting for."

Supervisors requested the guidance of the Central Shenandoah Planning District Commission on commercial wind plants before an application was submitted. CSPDC senior planner Darryl Crawford told officials after months of research that they should give considerable thought and time to the issue. He advised the county to create an amendment to the comprehensive plan to address wind energy as a land use, following procedures in place for learning how Highlanders feel about this sort of development. Several speakers at the hearing discussed Crawford's findings, saying if the board makes a decision now, it would be "putting the cart before the horse."

Blue Grass resident Nancy Witschey cited Crawford's advice, saying he had told them from a land use perspective, the project will have an effect for years to come. The comprehensive plan review has just begun, she said. "No change should be made to the ordinance until you create a policy statement (on industrial wind)."

Landowner Robert Maupin echoed her remarks, saying that changing the ordinance now to

accommodate one application means placing Highland County on a “slippery slope from which it will never recover.”

Warm Springs resident Peter Mennen spoke on behalf of his family’s Mennen Environmental Foundation. Mennen has a home in the Bay area of California. “Just outside near my house is a tremendous wind turbine development,” he said. “You really can’t appreciate the impact (visually and from sound) of a large group of turbines.” Mennen called them an “appalling blight” on the landscape. “The size is astronomical,” he said, beyond what people who haven’t seen them can comprehend. He compared this first application for a wind utility in Highland to “the camel getting its nose under the tent,” and said with all the other applicants waiting in the wings, “It’s a mighty big camel.”

“I’ve been visiting Highland County for over 40 years,” he added. “We’re moving out here. It’s a part of our world now.” As a fan of alternative energy sources, Mennen explained his home in California has 48 solar panels producing twice as much electricity as he needs. But this kind of turbine farm, he said, brings a “whole legion of problems you don’t see. They break down,” he said. “They break down a lot.” Mennen also expressed his concern about the migratory birds, which follow the highest ridges. He said his wife has gotten in touch with a law firm specializing in environmental issues. “If we feel the need to become a part of this issue we will,” he said. “Just a heads up.”

Mill Gap resident Pat Lowry, who was born and reared in Highland, said he was not opposed to seeing more development here, but was opposed moving from rural to industrial “in one fell swoop.” He said he and his wife had learned from the military that the Defense Department is finding fewer and fewer places to fly low on military training routes. The site of the proposed wind facility, he explained, is on the center line of one of those routes and the military “is not happy about

this.” Lowry said he believed national security needs were far more important than HNWD’s request for a wind facility. “I ask you to reject any change to the height ordinance, ask McBride to withdraw his application, and have military training routes shown on the comprehensive plan maps to avoid confusion in the future,” he concluded.

Wesley Woods, whose family has been Mill Gap property owners for 200 years, described his expertise as a real estate appraiser. He said he has studied this issue in depth, and concluded the project will have a negative impact on real estate values. He offered to share that research with officials and residents.

Another real estate broker, Jim Brown, spoke as a Blue Grass landowner. “I consider the destruction of view sheds very detrimental to property values,” he said. Brown explained values depended on stability and trends, and that this project “is creating a lot of instability. It’s a major departure (for Highland).” He said he has several clients interested in buying property here who have put their plans on hold, waiting to see whether the county will allow the plant.

Landowner Chuck Neely told officials that changing the ordinance now puts Highland at risk. “Say no for now,” he said. “You control this process, not the applicant. Highland deserves that.”

Williamsville landowner Asher Brand explained he and some hunting friends have purchased about 1,000 acres along the river there, and have donated about \$350,000 in property rights to the public in the form of easements. “Structures over 200 feet high will fly in the face of our efforts,” he told the boards.

Debora Ellington of Forks of the Water, a 20-year county resident, said she believes a wind facility will have a detrimental effect on her tourist-related business there. Citing more than 50 percent growth since 2000, Ellington said her clientele comes largely in the form of return tourists, who visit the county for its scenic views and

beauty.

Tom Reynolds, a Georgia resident who has purchased Monterey property, drove nine hours to attend the hearing. As a businessman with expertise in building and restoration, he explained that zoning regulations are used by potential buyers so they can know how a community expects to develop. “I plan to relocate my family here,” he said. “Before I made this purchase, I checked the zoning ... I certainly never imagined this. I have an above-average sense of scale, and this is off the scale.”

Tom Brody, who owns Bear Mountain Retreat on Allegheny Mountain near the proposed facility, said some have called him a NIMBY because of his opposition — Not In My Back Yard. “Well hell,” he said. “It’s in my front yard.” Brody cited the work he and his wife had done to promote Highland with their business, and said the project would severely compromise and threaten his livelihood.

A relatively new resident, Sean Simmons, told officials he and his wife bring a different perspective. “We chose to come (to Highland) specifically because of what you have here,” he said. “There’s no other place in Virginia as beautiful as Highland County.” Simmons noted there were no other heavy industry uses in the county, and said it would be wise for officials to “step back and think this through. We’ve seen too many instances where counties are reactionary.”

Long-time New Hampden resident John Simmons talked about the project’s effect on migratory birds, citing recent evidence of thousands of bats killed by a similar facility in West Virginia.

An attorney, David Bailey, spoke on behalf of his clients, “Friends of Highland County,” a group of county landowners opposed to the project. He said the Bureau of Land Management has recently completed an Environmental Impact Study on wind turbines. “This may be the first comprehensive document (on turbines) by a government agency,” he said, and while the 800-page

document doesn’t take a stand on commercial wind energy, “they did find that height matters and issued words of caution.” The BLM, Bailey noted, said companies are pushing the edge of construction by the increased height, and found that some larger turbines are not necessarily better. He also said HNWD is neither qualified to construct this project “nor intends to actually construct the project,” and officials should weigh the study’s findings before making a decision. “Sometimes doing nothing is an important decision,” he said. “You will invite more applicants by removing the height barrier, and the applicant has not addressed setback requirements.”

Jim White, 35-year McDowell resident and Jack Mountain property owner, told officials his family came to Highland because of its great people, independent spirit, and the farmers who had kept the land pristine in its scenic beauty beyond compare. White had visited a commercial “wind farm” in Pennsylvania and said he wasn’t offended by it, but when he returned to Pennsylvania some years later, he found the entire town of Meyersdale surrounded by turbines. White offered to allow officials to conduct a “balloon test” on his property to show residents what something at a height of 400 feet might look like, a recommendation previously made by the CSPDC. “It might give you some perspective,” he said.

“I have lived here longer than anyone else in this room,” said Monterey resident Elizabeth McCoy. “And I heartedly applaud the statements of people here who obviously love Highland County and appreciate its unique character and want to preserve it. We also love our neighbors,” she said. McCoy talked about Tom Brody as a neighbor who will be severely impacted by the project. “He’s put us on the map in many ways,” she told officials, citing his work with fish and wildlife agencies and marketing through wildlife brochures. “People are responding to this literature and it’s not costing us a cent,” she said. “Some say

tourism is a dirty word,” she said, reminding those present that tourism benefits many other businesses here. “We have made (this decision) easy for you,” she told officials. “All this tremendous support, for doing what Nancy Reagan did and ‘just say no.’”

Resident Kenny Ancarrow added, “Everything said here tonight is true.” He expressed concern about losing jobs and businesses in a trickle-down effect if the wind plant is approved. Ancarrow, who makes a living in carpentry, said business is good. “There are lots of folks buying land, building homes and additions. (Without them) the trades people are going to take a hit. The real estate business is going to take a hit.”

Resident Dwight File pointed out how hard it is to visualize 400 feet, and offered comparisons — the largest structure in the city of Richmond, he noted, is 460 feet; the largest in Charlottesville is a 175-foot hotel (nine stories); and the tallest in Staunton is the Stonewall Jackson Hotel at 165 feet.

After speakers concluded, the planning commission deliberated briefly.

Planner Lisa Kodger said the zoning ordinance was written long before the concept of the industry of wind turbines was brought to Highland County, and light industry was the most intensive land use currently allowed. “We have these words for a reason,” she said, adding it would be “very premature” to amend the ordinance to exempt turbines now. She made a motion to deny all the language presented, including that drafted by the county attorney.

Chairman Johnston asked for a second to the motion.

Planner Jacob Hevener said, “We’ve heard only one side of this here tonight.” Addressing the audience, he asked, “Do you reckon that’s all that should be heard?” Hevener asked whether those in favor of the proposal should be given an opportunity to voice their opinions, and those in the audience shouted out responses in surprise, saying if anyone was in favor of the project, they should

have attended to say so. Hevener talked about the difficulties of farmers trying to turn a profit here, with nothing but a Social Security check by the time they retire. “Anybody with property ought to have the right to do with it (what they want),” he said, adding it was “old fogies” and farmers like himself who had make Highland the rural beauty it is today. “On this proposal we ought to deny it for the simple reason we have all this opposition,” he said. “I don’t know whether that’s a valid reason or not.”

Though many believed from his remarks that Hevener was about to second Kodger’s motion, he didn’t. Instead, he talked about next year’s reassessment on land and how farmers were going to have a harder time paying taxes. He said he sold off 100 acres in the past year in order to pay his own bill. “I’m not going to second this,” he concluded. “If Harry wants to second this, well that’s all right.”

Sponaugle said he would not. He said with the proposed amendment change, structures more than 200 feet high would still have to be approved by supervisors or the board of zoning appeals. He made a motion to give HNWD’s request a favorable recommendation. Hevener seconded that motion, saying while the opposition was “terrific,” the board of supervisors should be given a chance to decide.

Kodger and Johnston voted against the motion, with Sponaugle and Hevener in favor. Since the vote was tied, the request was sent before supervisors with no recommendation at all.

Supervisor Jerry Rexrode said he listened to those who spoke, and gave a nod to the overwhelming consensus at the hearing. “We do need to take a little more time on this,” he said. “I’m not prepared to make a decision on this tonight. When the zoning ordinance was written, windmills wasn’t a consideration.” Rexrode made a motion to table the request for further review, which passed unanimously, 3-0.

“There’s a great deal of ambi-

guity (on this),” Sullenberger concluded.

The planning commission also had to vote on HNWD’s application for a conditional use permit to construct and operate the wind energy utility on agriculturally zoned land. Sponaugle said since planners had not held a public hearing on that request, he motioned to pass it to supervisors without any recommendation. Hevener seconded the motion and it passed 3-1. Sponaugle, Hevener and Johnston voted in favor; Kodger voted against.

Supervisors did not set the permit for public hearing, or schedule a decision on the zoning amendment request. The board will vote on the zoning amendment by Jan. 18.

Monday, Hevener told The Recorder he was caught up in the proceedings, but what he really hoped that night was to see the request tabled.

Hevener said many have told him since Thursday they were disappointed by his vote for a favorable recommendation. “I certainly didn’t win any popularity contest,” he said. “I just would’ve liked to see the thing tabled for further information, but there were two different motions ... Then Harry made that motion and I seconded to go with that motion, but that’s what I thought it ought to go, for more information. That’s the consensus. I should’ve voted no, but sometimes you have to vote your conscience at the time and that’s what I did. You’ve got to think about your neighbors, and the county as a whole, and this may not be the right thing ... but that’s the way I felt at the time. I’m really on the fence about this thing.”

Hevener said he intended to make a motion to table the decision but Sponaugle made a motion (for favorable recommendation) before he had the chance. “You get caught up in the emotion of all these things, and my mind was wondering what to do.” He said when he thought about it, “I should have said I’d vote with her (Kodger). Go with the flow. That’s what I thought after the

meeting. I don’t know.”

Hevener, a strong proponent of private property rights, said he voted for a favorable recommendation only because he felt McBride should be allowed to do what he wanted with his land. “It bothers me,” he said about the issue. “Maybe that’s not the way I should’ve (voted), I don’t know ... All those (at the hearing) were opposed to it. I could’ve said I’m opposed. I thought about it.” Hevener said ultimately the message he wanted supervisors to have was that a decision should be tabled, and that’s the message the board got. “This will give supervisors a chance to think about it,” Hevener said, adding he didn’t want to see the request completely die on the table yet. “If it’s not good for the county as a whole, well then supervisors won’t approve it,” he said, citing his faith the board will do the right thing for the county. “We have a good board, and in the long run, overall, the decisions they make are good.” Asked whether he believed supervisors would vote against the project’s request since the majority of the constituency seems to be opposed, Hevener said, “I’m sure they’ll do it, because that’s the way they feel.”

Hevener listened closely to speakers at the hearing, but said he felt they were all saying the same thing in a different way. “There were a lot of reasons given (in opposition),” he said. “I didn’t carry too much weight with (absentee landowners) ... I didn’t listen much to people from away from here. They’re just getting in our business here, that’s the way I feel.” Hevener pointed to Mennen, the speaker from California, and Jeffrey Arrowsmith, a relatively new Highland property owner who had written a letter to the editor opposing the project. “If he doesn’t like (Highland), he can just take the road (he came in on) and leave,” Hevener said, adding that Highland is seeing “more and more controversy all the time. Maybe it’s because there’s more people moving in all the time,” he said, though he added he was happy about the influx of new

residents.

Hevener explained, “You have to be an optimist to be a farmer, and I try to be optimistic. But now it’s harder. If Rich (his son) hadn’t got killed, I don’t know. I’m going to get off this board in December. We need younger minds. They think differently than us old fogies. I’ve been second-guessing (myself). We need new blood — that’s progress and we need that ... I have good friends (like Sandy Bratton) on both sides (of this issue) and it’s hard. I didn’t ask for this position.”

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