

Cart is still before the horse

Next week's public hearing on height limits will be couched by officials as being about an ordinance change that doesn't have much to do with Highland New Wind Development's proposal to operate an industrial scale wind utility here. Wrong.

Supervisors say changing height exceptions to a conditional use instead of requiring a variance from the 35-foot limit is something that needs to be done to simplify the process and keep any such decision in the hands of supervisors instead of the board of zoning appeals.

That's true, to some extent, but don't be fooled. Highland County may have gotten around to adjusting the height language at some point, but it was the proposal for this wind energy project on Allegheny Mountain that stepped up the process. The new language, while carefully and legally drafted, does not do nearly enough to maintain local control of this kind of development. It fails precisely because citizens have not addressed wind utilities in their overall county plan, and what supervisors are presenting now in terms of height may not ultimately be what citizens want when the entire ordinance is revised.

There are some good things about the changes our county board proposes: The new language in the ordinance leaves less room for multiple interpretations, one of the main goals in rewriting it. It retains current limits at 35 feet in every zoning district and 60 feet in agricultural districts for things like silos. It states that safety is a major factor in determining whether height should exceed those limits. Our local emergency services volunteers, excellent as they are, are not equipped or trained to handle fires where height renders their expertise useless.

In addition, facilities will have to meet the regulations of any other agency — state, federal or otherwise — before a building permit is issued or put into effect. That's a step in the right direction, but it is also where the supervisors' proposed wording unfortunately differs from recommendations made by the Central Shenandoah Planning District Commission.

The CSPDC strongly urged county officials to request far more information from applicants up front for proposals that would exceed current height limits. Protecting the county from poorly constructed projects, whether they're 400-foot turbines or 20-story apartment buildings, could be done more effectively if exceptions were granted only if sufficient information is presented at the time applica-

tions are considered. Officials can weigh physical and financial risks more accurately if they know more about what they're being asked to approve.

If supervisors vote to insert the new language as written, they leave the county open to misunderstandings that have the potential for causing serious harm to the environment, the county's economic well-being, and our citizens' quality of life.

We've watched local resident Pat Lowry jump through dozens of hoops the last few years, coming before local officials with required site plans for a subdivision spelled out in great detail. Before the county signs off on his plans, he is often asked to tweak them further. Why, then, wouldn't the county request at least a similar level of planning be offered at the time a conditional use permit is requested for tall structures?

Most agree this project should not be approved until Highland citizens have had a chance to revise their comprehensive plan and zoning ordinance to address industrial wind energy generation. It would mean denying the current application, and forcing HNWD to wait until residents and landowners have had the opportunity to choose whether wind turbines should be allowed to potentially dominate the landscape.

Is that fair? Some say no, because personal property rights should be vigorously protected. But most, including members of the industrial development authority and planning commission, believe not only is it fair, it's justifiable, responsible and in this case, essential. The bulk of these officials understand that what one person does on his or her property affects other people's lives and livelihoods. In the case of wind utilities, that effect has much larger implications than your average saw mill or business sign. Highlanders deserve to decide such things on their own terms, in their own timeframe, without the pressure of one developer driving the train.

Supervisors seem to believe that by changing the language on height, they give themselves more control over development. Instead, we believe, they are opening us all to a steady erosion of self determination. It's not clear whether supervisors or planners will vote on this change immediately following the public hearing. Either board could wait and vote later, but whenever they do, the decision should be no.