

Thursday, April 21, at the courthouse

Hearing set on new height language for ordinance

BY ANNE ADAMS • STAFF WRITER

MONTEREY — Highland supervisors and planners will hold a public hearing next Thursday, April 21 at the courthouse to hear what citizens have to say about a proposed ordinance change on height.

Last August, Highland New Wind Development's application for a conditional use permit to construct and operate an industrial wind energy utility was accompanied by a request for a variance on height. That request resulted in confusion and alternative interpretations of the county's ordinance language, and the county proposes to simplify the sections addressing height to avoid future difficulties.

HNWD's project would consist of 18-20 turbines, each about 400 feet high including the tip of the blade, on two sites atop Allegheny Mountain.

The proposed ordinance language, drafted at the board's request by county attorney Melissa Dowd, makes exceptions to height limits a conditional use instead of requiring a variance. The board's goal, supervisors said, is to make the ordinance easier to interpret and give officials flexibility in handling different kinds of projects.

Under the current language, an applicant proposing to erect something higher than 35 feet (or 60 feet for certain structures in an agricultural zone) must get a variance approved by the board of zoning appeals. By classifying exceptions as conditional uses, the new language would require approval by supervisors instead.

The proposed change recognizes safety issues as an integral factor in considering exceptions. Also, it includes the stipulation that if any approved structures are required to meet other state and federal agencies' regulations, that must be done before a building permit is issued or in effect.

The change would allow applicants to add a height exception request to another conditional use permit application, instead of having to go through two separate approval processes.

Essentially, the proposed changes do not alter the appli-

cation for HNWD. The industrial wind developer has applied for a conditional use permit already, and a height exception would be considered in conjunction with that request. If the new language is approved by the board, HNWD will need to meet other regulations before it gets a building permit to start construction. The developer's turbines will need, for example, approval from the Federal Aviation Administration for proper lighting and siting.

A different version of ordinance language on height was suggested by Highlanders for Responsible Development, the citizens group opposed to industrial wind energy development in Highland County. The group's language specifically states commercial wind facilities would be prohibited by Highland, and includes specific definitions related to structures that would exceed height limits. While zoning ordinance changes must be proposed by officials, not members of the public, planners and supervisors said they would take the HRD draft under consideration. Neither board has revisited that proposal since it was introduced.

Two governing bodies have weighed in on HNWD's project, however. Last fall, the Highland County Planning Commission failed to deliver a recommendation to supervisors on the project when its seven members ended up in a split vote after the planners' public hearing.

Most recently, in an open-ended request, supervisors asked the seven-member industrial development authority to debate the pros and cons of HNWD's proposal and commercial wind energy in general. After three meetings of vigorous debate on the subject, the IDA voted 7-0 to submit its pros and cons list, with the recommendation that Highland's current zoning ordinance and comprehensive plan be followed by supervisors.

After the board makes a decision on the new height language, it is expected to move forward with scheduling a public hearing on HNWD's application. It will then have 60 days to approve or turn down the proposal. Though supervisors have until August to make a final decision, they will likely give the developer an answer sooner.