

Sullenberger explains his ‘no’ position

Editor’s note: Supervisor Robin Sullenberger wrote the following statement and provided it to his colleagues on the board hours before the vote on Highland New Wind Development’s request for a permit. Sullenberger was the dissenting vote in the 2-1 approval. A portion of this statement was read prior to the vote during last Thursday night’s meeting.

I wish to state publicly that it is my intention to vote NO on approval of the conditional use permit by Highland New Wind Energy. My belief, after many months of thoughtful consideration, is that approval would constitute questionable land use policy, exacerbated by bad timing. I wish to be equally clear in stating that this is not to be interpreted as a lack of support for wind energy as a renewable resource, either locally or globally. In fact, under very strict controls and subsequent to industry maturity, I believe there could be a place for it in Highland County, given a minimum number of locations and strict limitations on ridge top placement. Further, there are few sites, especially in the eastern U.S., that possess the pre-existing attributes of the McBride property, subject to review for land use implications, environmental impact studies and adherence to other required guidelines. Transmission access, road infrastructure and minimum deforestation are factors that make a site extremely desirable, all of which are available at this location.

This must be viewed as a land use decision. For a conditional use permit application, evaluation is based on a set of criteria that includes consideration of the character of the existing neighborhood and the effect of the proposed use or special exception on existing property values. It is my contention that this proposal could have a profound effect on surrounding property owners, nearly all of whom have expressed either strong opposition or significant apprehension about the project. Furthermore, the potential impact extends far beyond immediate neighbors. While extensive research has not shown that negative impact is a given, there are enough unknowns and speculative answers that make any decision made without consideration of the possibilities little more than an educated guess.

Public input is required and important in this process because it provides invaluable information, but consideration of public sentiment is not a legal requirement in making a decision. The public welfare is affected by residue from extremely unpopular decisions, however, if only in the form of perpetuating com-

munity turmoil. I believe that support for this project is extremely minimal. As an example, I offer the following:

One of my colleagues has characterized a particular person in the general vicinity of the project as a supporter. Based on a lengthy conversation with this gentleman, I found that he does not openly support the project, but says he will accept it if we are absolutely sure that it will help the county, meaning that it will provide revenue that is *substantial* and *sustainable*. While we may believe that to be the case, based on available information, there is significant risk that events may not unfold as we envision. Many other so-called supporters of this proposal have described their position in exactly the same way as the aforementioned gentleman. Unconditional support vs. highly qualified support — I view these as two very different things.

I also sense that the direct opposition constitutes at least 75 percent of county residents and taxpayers. Property rights have also been mentioned by several people, especially those from the agricultural community, but there are wide discrepancies on how the rights of adjoining landowners should be addressed.

As currently evaluated in Virginia on a project of this size, the tax base begins at an assessment based on the capitalized cost of the project, but declines on a depreciating scale throughout its life (anticipated 20 years). It would be assessed by the SCC, but taxed at local rates. You may recall that the applicant introduced legislation to stabilize yearly revenue to the county, and although the board felt the proposed base amount needed adjustment, it was a noble gesture on his part, designed to increase the county’s comfort level. Unfortunately, it did not get support. The wild card in this process is the General Assembly, which could pass legislation to implement changes at any time, and although unlikely to happen, there is no assurance that it is not a possibility. Even SCC contacts admitted as much.

I considered the following issues to be important factors in this review process:

- At 400 feet tall, these units are huge, more than 10 times anything previously envisioned by our height guidelines. While aesthetics cannot be used as a factor, anyone who thinks the landscape of Highland will not be forever altered is extremely naive, and for land use purposes, these units pose an ominous presence with extensive implications, many of which we can only be speculative about.

- Major companies like investment giant

Goldman Sachs are becoming active in the industry. While this bodes well for its validity and future growth, it also means that local controls will be severely tested. A stable of lobbyists will be enlisted to carry the banner and seek more incentives, and utility related companies have always had one of the most successful lobbying records. Return on investment is the name of the game, and although it’s part of the capitalist system that makes America great, impact on the little guy can become an afterthought.

- Federal and state guidelines are virtually non-existent. The U.S. Senate recently passed legislation requiring renewable minimums and an energy bill with incentives for renewable energy. Last week, the CEO of American Electric Power, admittedly an advocate for new coal technologies, said that renewable energy like wind generators just won’t cut it. Given this kind of contradictions at the highest levels of the industrial and political ladders (seemingly indicative of the industry at this time), I believe it would be irresponsible for us to ignore these inconsistencies. It seems reasonable to think it will all be sorted out over time, so why not wait to see how it evolves? Highland does not need to be a pawn in this high stakes chess match, especially given the potential impact on land use issues. Wind resources are not going anywhere, and Highland will always be a target for development, given its prominence on the wind charts.

- Technology improvement continues to increase rapidly. As big players become more involved, more capital will be directed toward research and development in an effort to improve efficiency and productivity. Five years from now, there is no assurance that we will not be looking at dramatically altered designs. Current models, I am told, are unlikely to be obsolete, but we could be hosting “white elephants” that will be prominent for years to come, but could be vastly less imposing if up-to-date technologies are in place. Recent industry trends seem to indicate that the units are getting bigger rather than smaller, but this could only be a short-term trend.

- The direct economic benefits are questionable. This is aside from tax revenue. Very few permanent jobs are created, although in fairness, there are short-term jobs that should be mostly local. Another example: In the past month, four successful county contractors have talked to me about this decision. All have said virtually the same thing. Business inside the county has never been better. While each of

them seemed conflicted, all four made it very clear that they think this project will jeopardize future growth, and thereby their businesses. In this case, the effect would be felt on numerous jobs and families.

It may be a mistake to proceed with the next comments, but I can't resist the temptation, and feel that it's well justified given the events of recent months. I have learned as much about people during this saga as I have about wind energy. It has been distressing to hear some advocates say that we should do this just to show "these people" that they don't run the county. While I would be lying to say I don't know what is meant by "these people," I would also be quick to point out that it is a very small group that seems to antagonize so many, including me.

In fact, I have found it interesting that many of the most ardent opponents of the project have gone out of their way to distance themselves from some of them, not wishing to risk diminishing the impact of their own comments. Nevertheless, the bottom line is this — there is no justification whatsoever for letting individual personalities play any part in a decision of this magnitude. I have been heavily influenced by a variety of people in this process, all of whom have been well informed, gracious, and even extremely emotional. Blatant personal agendas, condescending remarks, hysteria and obvious distortions or exaggerations were simply ignored, on both sides of the issue. The board was harshly criticized for not having more open public discussions. In addition to legal concerns, one of the deterrents to public comments was that so many people were unwilling to listen to anything other than negative aspects. Initially, we fully intended to have extensive public sessions, and even began the process with one, but quickly found that we were accused of bias, predisposed decisions or even incompetence if we even hinted that anything good could come from the merits of this project. It may not have been the most prudent thing to do, but I think we just instinctively clammed up. There was no conscious effort to withhold information. In fact, it was readily available at all times to anyone who made the effort to access it.

In conclusion, I reiterate — at this moment in time, I would view approval of this conditional use permit as a poor land use decision and questionable public policy. And at the risk of being grossly overdramatic, and knowing that there are few guarantees in life, I cannot bring myself to support mortgaging the county's future for benefits that are not better guaranteed than those of this project.

Sullenberger added the following to his statement after the vote:

I spoke to Mr. McBride following last

night's vote, and believe him when he says he intends to be sure that this project is done the right way. He is not a villain, just a very determined businessman with a vision. Mr. Flora (*McBride's attorney*) also offered to continue efforts to stabilize the revenue stream, and I will assist him in any way possible.