



OFFICE OF THE ADMINISTRATOR
HIGHLAND COUNTY
DEPARTMENT OF BUILDING AND ZONING

P.O. BOX 188
MONTEREY, VIRGINIA 24465

March 29, 2006

**PUBLIC HEARING
FOR
PLANNING DETERMINATION**

Pursuant to
Va. Code Sec. 15.2-2232

Public Hearing Date: April 18, 2006 at 7:30 p.m.

Applicant: Highland New Wind Development, LLC

Proposed Use: Wind energy power generating facility

Subject Property: Tax Map Parcel 12(A)3; 12(A)5
County District: Blue Grass

Area of Subject Property: 3689.6 Acres
Area of Proposed Facility: Approximately 217 acres on Tamarack Ridge and Red Oak Knob

Application Accepted: Feb 20, 2006

SUBJECT PROPERTY

(see Attachments A and B)

The property consists of two adjacent tracts: Red Oak Knob, tax map parcel 12(A)3, 2040.6 acres and Tamarack Ridge, tax map parcel 12(A)5, 1649 acres. The location of the proposed wind turbine facility is on

two adjacent ridges that extend south to north, on the north side of U.S. Route 250. Tamarack Ridge is approximately .75 miles from the West Virginia line and at an elevation of 4100 feet. Red Oak Knob is approximately 1.5 miles from the West Virginia line and at an elevation of 4229 feet.

SUBJECT APPLICATION

(See Attachment A)

PLANNING ANALYSIS

1. Location:

- A. The western edge of Highland County near the West Virginia state line. The proposed wind energy sites are adjacent to and north of Route 250. The ground surface consists of moderately deep, 20 to 40 inches, red and brown soils over bedrock of Hampshire formation. The absence of limestone formations would seem to rule out the karst hydrology that exists in other areas of Highland County.**
- B. There are no caves or sinkholes identified on the property as determined by Figure IX-4 in the Comprehensive Plan (Caves and Sinkholes Map).**
- C. There is no active mineral production in the area as determined by Figure IX-3 in the Comprehensive Plan (Mineral Resources).**
- D. There appear to be no slope restrictions on the proposed site as determined by Figure IX-2 in the Comprehensive Plan (Slope Classification).**
- E. The proposed site is not in a flood plain as determined by Figure IX-9 in the Comprehensive Plan (Flood Plain Map).**
- F. The proposed site is located in the BO1 watershed as determined by Figure IX-5 in the Comprehensive Plan (Designated Watersheds Map). The Virginia Department of Environmental Quality monitors Highland County watersheds for Aquatic Life and Fish Consumption. Therefore, any development in this watershed should take whatever steps may be necessary to avoid degradation of the watershed.**
- G. The proposed site is located adjacent to a major power transmission line as determined by Figure VIII-1 in the Comprehensive Plan (Major Power Transmission Lines).**
- H. The proposed project may be located within a scenic corridor as determined by Figure X-1 in the Comprehensive Plan (Generalized Land Use Constraints Map).**
- I. The proposed site is largely cleared pasture land so deforestation should be minimal. The applicant has not fully sited or described any road building that will be necessary. Obviously, any road building or site clearing for a power substation must comply with existing erosion**

and sediment control regulations and should be required to protect the existing watershed.

2. Character:

The surrounding properties are mostly forested with some cleared pastureland. There are several agricultural dwellings within approximately two miles of the proposed sites.

3. Adjacent Land Uses:

Agriculture and logging are the primary commercial activities.

4. Nearby Land Uses:

Agriculture and logging are the primary commercial activities. Bear Mountain Retreat is located nearby.

5. Review Conditional Use Permit and Roberta Lambert's Staff Report previously provided.

ZONING

Findings:

- 1. Subject property - Zoned A-2, Agriculture General District (Highland County Zoning Map 3)**

- 2. Proposed facility - permitted by Conditional Use Permit in accordance with Sections 302.110 and 603.03-8 of the Highland County Zoning Ordinance.**

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Planning Commission should consider the extent to which the proposed facility is consistent with the Comprehensive Plan. Staff has identified the goals set out below. Planning Commission members or members of the public may identify additional Comprehensive Plan factors.

Elements that may be in conformance are:

A. Government and Finance Goals;

- 1. Increase the County's financial resources.**

B. Land Use Goals;

- 1. Ensure that effective land use planning is kept in balance with the freedom and rights of individual landowners.**

C. Utilities Goals;

- 1. Preserve and protect the atmospheric quality in the Highland County vicinity.**
- 2. Reduce potential environmental problems associated with Karst topography.**
- 3. Conserve the County's soil resources.**
- 4. Protect local water resources and unique aquatic habitats.**

D. Economy Goals;

- 1. Ensure that new business and industrial development occurs in suitable locations and is compatible with the County's environmental, scenic and rural character.**

Elements that may conflict are:

A. Land Use;

- 1. Maintain Highland's predominantly rural character.**

D. Economy Goals;

- 1. Ensure that new business and industrial development occurs in suitable locations and is compatible with the County's environmental, scenic and rural character.**
- 2. Property value consequences**

STAFF ANALYSIS

The Highland County Zoning Administrator has visited the site several times and attended all reviews and public hearings held on the prior application for the Conditional Use Permit for the proposed use of the property. The proposed site may be consistent with several goals of the Highland Comprehensive Plan as follows:

- 1. The area is relatively sparsely populated.**
- 2. The proposed site is adjacent to a major highway through the County.**
- 3. The proposed site is adjacent to the existing 69 kV transmission line through the County.**
- 4. The proposed site does not appear to contain karst topography.**
- 5. The proposed site does not have slope prohibitions.**
- 6. The proposed site is already in use as pasture land and deforestation will be minimal.**
- 7. It is not evident that the proposed use of the property will be contrary to the existing surrounding land uses of agriculture and logging.**

On the other hand, the proposed project has raised questions and issues of viewshed (there are occupied residences that will most likely have full view of the turbines when built), and the proposed project appears to be either in or very near a scenic corridor; noise (impact on residences, wildlife and livestock); other impacts on wildlife (endangered species as well as migratory birds and bats); possible impact on the watershed (construction runoff into Laurel Fork), and a potential impact on the otherwise rural nature of western Highland County.

CONCLUSIONS

The Comprehensive Plan clearly states that life in Highland County is a balance - a

balance between economic and land use strategies and a balance between maintaining Highland's rural and historic character and fending off economic stagnation. (Comprehensive Plan, page 5).

The Utility section of the Comprehensive Plan does not suggest future sites for the location of public utilities. However, the Plan does suggest that generally development should occur where the utility service can be provided at "least cost." Therefore, areas of existing electrical power are potential areas for development. (Comprehensive Plan, page 127). The proposed site is adjacent to the only kV transmission line in the County.

In the Natural Environment section of the Comprehensive Plan, the proposed project appears to meet three of the stated Goals of preserving and protecting atmospheric quality, reducing potential environmental problems associated with karst topography, and conserving the County's soil resources. There would be no harmful emissions from the project. (Comprehensive Plan, page 163).

The proposed project would develop another economic asset for the County and increase the County's financial resources without requiring additional County services and infrastructure. One Goal in the Economic section of the Plan reiterates the desired balance between new business and industrial development and the preservation of the County's environmental, scenic, and rural character. (Comprehensive Plan, page 89).

From a land use perspective, the proposed project is sited next to an existing kV transmission line. The development will be located on previously cleared land and clustered together on several acres. There is potential conflict in that the proposed project is located in or very near what is designated as a scenic corridor. (Comprehensive Plan, page 187 and Figure X-1).