

Planning and Zoning Commission Work Session

Minutes 10/29/2020

Carl Miller was absent

All move the agenda

Cunningham:

Publicly accused of being biased – only interested in serving Albany County

Spiegelberg:

Rhode Island and Sweetwater regulations do not serve Albany County's best interest

Doesn't want to see hyper regulation destroy the wind industry

Example: Wyoming coal industry

Doesn't feel that outside regulations have anything to do with Albany County

Cunningham:

Brings up the issues that Laramie County had with their wind farms

Spiegelberg:

Sweetwater regulations were done because of the amount of government land

Albany regulations have to do with private lands

No safety should be compromised

Cheyenne's wind farm off of I-80 may not be beautiful but it comes down to property rights

Cunningham:

If you don't regulate an industry it will squeeze through holes

If you don't protect yourself you will be taken advantage of

Kennedy:

In line with Spiegelberg's opinion

Sweetwater regulations were adopted because of their current situation

They are now looking to lessen their regulations

Fine with making minor changes to Sweetwater regulations

Problem with reaction to a single project for a whole county

Moore:

We see where energy and power is headed

Health and safety of the county is the most important thing

As well as private property rights

How can we take the regulations that we have and improve them?

Because 80% of Sweetwater County is government owned we are more in line to look Laramie County

Kennedy:

In his opinion there are 2 points from the memo that David Gertsch sent out to focus on

- Light impact (entire decision is up to the FAA)
- Liability/Insurance

Spiegelberg: Has three points to mention but doesn't know if they will fit into the 10 points on the memo

- In reviewing the application the planning office could put more restrictions on the applicant and he doesn't feel right about that
- Existing roads need to be beefed up for safety BEFORE ground is broken on the project
- Turbines should be dismantled if something were to go wrong; we need a regulation for that in addition to the state regulation

Gertsch: There is a statute stating that before anything is taken to the site the roads must be beefed up

Kennedy: Likes Spiegelberg's third point and doesn't see any additional cost going to the project owner

Spiegelberg: Wants to eliminate any wiggle room

Cunningham: agrees with Spiegelberg

1. Setbacks

Cunningham:

Current setbacks are not enough

Should be from property line, not the occupied structure

Brought up an email from Amanda Macdonald about the state cutting 100 Mega Watts from the project

State should be okay with the setbacks

Spiegelberg:

Understands that the density of turbines is 3 per square mile

Moore:

States the setbacks $\frac{3}{4}$ of a mile from a residence

Is okay with 5.5 times tower height away from platted subdivision

Gertsch:

Setbacks from property lines are to keep people safe

Setbacks from residences are for visual, light, and sound nuisances

Setbacks from property lines is for ice throw

5.5 times tower height is unreasonable from property lines

He included the Rhode Island PowerPoint for the studies not for the regulations

Spiegelberg:

Has a problem with the setbacks of $\frac{1}{4}$ miles or 5.5 times the height of the tower is too excessive

Cunningham:

Would increase the 5.5 times height of the tower because many people save all their money to invest into their property

Kennedy:

Fine with current regulations

Would be okay with upping the setback to $\frac{1}{2}$ mile from $\frac{1}{4}$ mile

Moore:

Can't change the state minimums

Will the $\frac{3}{4}$ mile encumber a neighbor's property

Okay with what the setbacks as they are

Spiegeleberg:

What regulation takes precedence?

Kennedy:

The most restrictive (all agree)

2. Noise

Kennedy:

Okay with 55 dBA at property line

Hard to imagine that turbines would be more annoying than interstate traffic

Doesn't think it would make more noise than what is already there

Cunningham:

Agrees with Kennedy

Thinks there should be a noise study required to be sure there is no additional noise

Spiegelberg:

Doesn't think an applicant should have to submit a computer model

Gertsch:

Doesn't know if requirement to provide sound study by company to state

Albany requires 55 dBA at property line but doesn't require proof

Kennedy:

How do we know what the baseline is before the project?

Cunningham:

Cost of sound study should be covered by the developer not the applicant

3. Water quality and quantity

Gertsch:

Need to make sure we protect the water

No knowledge that turbines pollute water

Spiegelberg:

Water is not an issue when mixing the concrete

4. Lighting

Moore:

Takes time for the system to realize what sets off the light sensor

Will take time for it to kick in

Realizes that the FAA has jurisdiction

Should we allow a project that doesn't have ADLS lighting?

Spiegelberg:

Lighting should be left to the experts

Kennedy:

Require ADLS lighting if the FAA approves it

Look at communication tower lighting regulations

Cunningham:

Confident the lights will work properly

In favor of requiring ADLS if FAA approves it

Gertsch:

Believes the state requires ADLS lights

Spiegelberg:

Lights are imperative for air traffic safety

5. Liability/Insurance

Gertsch:

Don't know what the industry standards are

Kennedy:

Current industry standard is \$1million/\$1million but thinks it should be \$5million/\$1million

Cannot let insurance lapse – operating the life of the project

Spiegelberg:

It is in the state requirements but should also be in the county regulations

Specific performance rather than money

6. Oversight of project to ensure compliance with the permit

Moore:

Very important to have oversight

Spiegelberg:

Consulting engineer who inspects during each phase

Paid for by the developer

7. Road use and maintenance

Gertsch:

Require a road maintenance agreement

Requires maps of where it will come from and go to

Spiegelberg:

Beef up roads before constructions starts

Kennedy:

Would any projects in adjacent counties use Albany County roads?

Gertsch:

We would know about it

8. Economic Impact

Kennedy:

Wants to see study done for industrial siting – prior to our appeal

Cunningham:

Are we selling the power? Does anyone need it?

Spiegelberg:

These are heavily subsidized projects – we shouldn't scrutinize the applicant

9. Waste Disposal

Cunningham:

Blades take up a lot of space

No onsite disposal permitted

Permanent facility under contract

Kennedy:

Most worried about when project is decommissioned

But okay with the current regulations

10. Traffic

Cunningham:

Very concerned about traffic when blades are being moved

Spiegelberg:

Agrees – especially in 2 lane traffic

Moore:

Concerned for the county roads

More Comments:

Spiegelberg:

Concerned about the applicant being blindsided about other requirements

Moore:

Would like to see what money is coming in

Meeting ended at 1:42