

RECORD OF PROCEEDINGS

Special Meeting of the Estes Valley Planning Commission
November 12, 2009, 1:30 p.m.
Board Room, Estes Park Town Hall

Commission: Chair Doug Klink; Commissioners Alan Fraundorf, John Tucker, Betty Hull, Steve Lane, Ron Norris, and Rex Poggenpohl

Attending: Chair Doug Klink, Commissioners Alan Fraundorf, Betty Hull, Steve Lane, Ron Norris, and Rex Poggenpohl

Also Attending: Director Joseph, Town Attorney White, Planner Shirk, Planner Chilcott, Utilities Engineer Bergsten, and Recording Secretary Thompson

Absent: Commissioner John Tucker, Town Board Liaison Homeier

The following minutes reflect the order of the agenda and not necessarily the chronological sequence.

Chair Klink called the meeting to order at 1:30 p.m.

1. PUBLIC COMMENT

None.

2. CONSENT AGENDA

Approval of minutes from the October 20, 2009 Planning Commission meeting.

It was moved and seconded (Norris/Hull) that the consent agenda be approved, and the motion passed unanimously with one absent.

3. AMENDMENT TO ESTES VALLEY DEVELOPMENT CODE – WIND TURBINE REGULATIONS

Chair Klink welcomed approximately 50 citizens to the meeting.

Utilities Engineer Reuben Bergsten reviewed the technical aspects of wind in the Estes Valley, stating the best sites for wind turbines would be more than 30 feet high and at least 300 feet from any land structures. He reviewed information compiled with the assistance of a Colorado State University (CSU) researcher, in conjunction with the Governor's Energy Office. He stated that CSU has been monitoring and analyzing data from an anemometer located at Stanley Park for over a year. Based on this data, the wind in Estes Park at a height of sixty feet was established as a Wind Class 2. The worst Wind Class rating is a 1 and the best is a 7. Commercial wind farms are not considered viable unless at least a Class 3. Since Larimer County has a forty-foot height limitation on structures, the Town asked the CSU researcher to estimate the performance of small-scale wind turbines at forty feet. He explained the Average Net Capacity Factor, which shows how often a wind turbine would actually be operating, and the results indicated the wind turbines in Estes Park would operate approximately one day per week. Therefore, with the current wind turbine technology, Utilities Engineer Bergsten believes those results show Estes Park is not a good location for small-scale wind turbines. Utilities Engineer Bergsten stated the local topography interrupts the flow of wind and creates turbulence. It is a common misperception that Estes Park would be a good location for wind turbines due to our high winter winds, where in reality the type of wind is not conducive to such.

The Town purchases wind energy through the Platte River Power Authority, and any Estes Park Light and Power customer can purchase renewable energy through the Light and Power Department. Funds received through this program are allocated to the operation of current renewable energy sites and construction of new sites. Utilities Engineer Bergsten stated if a citizen installs a wind turbine, it must pass inspection by the state electrical inspector, and the Town is required by law to provide net-metering. Excess energy produced is released into the power grid and the credit is rolled over on a month-by-month basis. Any excess energy at the end of the 12-month period is paid to the customer as a credit on their utility bill. There are currently three privately-owned wind turbines within the Estes Valley area, two are horizontal axis units and one is a double-helix type. With assistance from the owners, these turbines will be monitored for maintenance, energy output, etc. to determine their effectiveness. Utilities Director Bergsten's notes can be viewed on the Wind Turbine page of the Town website.

Chair Klink clarified that although many people may want the Town to place a ban on wind turbines, there could very well be legislation in the near future pre-empting local regulations and prohibiting bans on any kind of renewable energy. Since that is a possibility, he stated it would be better to draft regulations permitting wind turbines while addressing the community's concerns.

Commissioner Norris stated that Planning Commission has drafted a problem statement, with feedback from staff and some Town Trustees, to define the Commission's task. He stated that one of Commission's tasks is to work with the Town Board and staff to develop code language prior to the December 9, 2009 expiration of the wind turbine moratorium. If the Commission is not ready to recommend specific code language, they have been asked to consider recommending extending the moratorium.

Director Joseph stated that based on feedback from the last Planning Commission meeting, staff prepared a list of talking points about how Small Wind Energy Conversion Systems (SWECS) might be regulated. He stated the goal is to have regulations that will apply to all styles of wind turbines available today and in the future.

Chair Klink suggested adding a section to deal with safety standards. Based on previous discussions he believes items "B" dealing with maximum height allowances and "C" concerning setbacks are of particular interest. Director Joseph reviewed three maps of the Estes Valley illustrating which parcels would be able to site a wind turbine if a 90-foot, 120-foot, or a 150-foot property line setback was required. With a 90-foot setback, approximately 2,100 out of roughly 8,000 parcels would be able to site a turbine. With 120-foot setbacks, the number of parcels decreases to approximately 1100, and with a 150-foot setback, the number decreases to approximately 735 parcels. Director Joseph noted these numbers might be further reduced for a variety of reasons. For example, the area where a turbine could be sited may already be occupied by a structure such as a single-family home or garage. He stated staff's goal was to begin to provide an illustration of where wind turbines could be sited in the Estes Valley given certain minimum setbacks. As the minimum required setback increases, the ability to site turbines in the more urbanized areas of the Estes Valley decreases.

Public Comment:

Gilbert Thomas Gresslin/Town Resident believes the allowance of wind turbines would actually increase a person's carbon footprint. He suggests making the purchase of renewable wind energy from the Platte River Power Authority mandatory for all residents.

Maryann Karinch/County Resident read a letter submitted to the Planning Commission by county resident Jim McCormick. He believes the survey was under-assessed and designed with faults, and the percentage of respondents who feel that personal wind turbines should be regulated based on height, setbacks, noise, lot size, and color are higher than indicated, had they been allowed to express their opinion. Due to the current 30-foot height restriction, he considers a proposal of a 50-foot height limit indefensible. He feels very strongly about acquiring the consent of impacted property owners whose view or quiet enjoyment of their property may be affected by wind turbines. He encouraged

residents to take advantage of immediate access to wind-generated power through the Renewable Energy Purchase Plan.

Gary Coleman/County Resident suggests building a local wind farm where residents could purchase energy for their personal consumption.

Bob McCreery/County Resident is concerned about the view impact of a 50-foot turbine with no dependable or economical track record. He thinks the industry is moving toward a different type of wind turbine technology, and if we allow the current types of turbines, they will soon be obsolete. He recommends asking the Town Board to continue the moratorium until the Town has the opportunity to perform a test project for practicality and viability.

Harry Hutcherson/Town Resident cannot support wind turbines within the Town limits, but may support a community wind farm. He does not believe a small-scale wind turbine is cost effective, and will have negative impacts on residents and visitors.

Wayne Newsom/Town Resident is against having more poles in town than we already have. He owns and encourages other residents to purchase wind energy from the Renewable Energy Purchase Plan. He opposes wind turbines in Estes Park.

Richard Volkstorf/Town Resident stated buried utility lines in The Uplands was one of the reasons he purchased property in that area, and is concerned about the visual impacts of wind turbines. He questioned the credibility of the survey. He supports personal property rights that do not adversely affect neighbors or community. He opposes wind turbines in general, but supports personal property rights. If a height limit of more than 30 feet is allowed, he suggests code language requiring approval from 100% of the adjacent property owners.

Mike Headley/Town Resident is a retired engineer that agrees with the data presented by Utilities Engineer Bergsten. He thinks a community wind farm could be a good idea. He questions a 50-foot height limit proposal when 30-feet (Town) and 40-feet (County) are the current height limits. He would support consensus of all adjacent property owners.

Paul Brown/Town Resident would like the Planning Commission to consider systems that generate less than 400 watts be exempt from any type of review process. These systems would provide an emergency system to power appliances, and are not dependent on any other outside source of power.

Jay Heinemann/County Resident believes wind turbines should be banned in this area. He is concerned about visual impacts, and supports purchasing wind power. He would not support the 100% adjacent property owner consent due to the probability of the change of property ownership.

Jim Doctor/Town Resident is a strong proponent of individual property rights, and believes wind turbines are visually obtrusive and unattractive. He would support a ban on wind turbines. In lieu of that, he would support 100% adjacent property owner consent.

Frank Theiss/County Resident believes bladed wind turbines are unsightly. If regulated, he supports a 30-foot height limit, setbacks, and applying the sign code which disallows moving parts.

Jim Tawney/Town Resident believes wind turbines should be regulated as little as possible to allow opportunity for experimentation, personal property rights should remain on the forefront, and "C" - setbacks should be downgraded. Also, the allowance of only one per lot could present problems if a wind farm was proposed.

Judy Heaston/County Resident believes the setbacks should be decreased to allow for turbines on smaller lots. She supports "K", requiring both manual and automatic controls limiting the rotational speed of the unit. She reminded the Commission to be aware of writing regulations that could limit new technological designs.

Phil Edwards/County Resident is opposed to wind turbines and the negative visual impacts.

Bob Ayers/Town Resident opposes wind turbines in the area, and supports the renewable energy program. He encouraged the Commission to disallow wind turbines built with current technology.

Utilities Engineer Bergsten stated under current net-metering policy, alternative energy sources connected to the grid are not allowed to operate if the grid goes down due to safety issues for the lineman when that energy is fed back through the system. Equipment to completely disconnect from the grid is available to homeowners but is very expensive.

Chair Klink closed the public comment.

Chair Klink stated a community wind farm is out of the scope of this regulation. The Planning Commission's directive is to regulate small-scale residential wind turbines. Based on public input, Staff and the Commission will draft regulations to be recommended to Town Board and Board of County Commissioners, who will be the decision-making bodies.

Commissioner Norris stated the National Renewable Energy Laboratory in Golden has discontinued research on small-scale wind turbines due to low efficiency. Commissioner Hull agrees the survey is not scientific, but over half of the comments supported height regulations, 46.3% of respondents believe they have negative visual impact, and 18 comments were directed towards property rights. Chair Klink stated although unscientific, the survey provided comments from interested residents and visitors that were willing to state their opinions. Commissioner Fraundorf concludes from public comment that residents do not want widespread wind turbines, especially on small lots. He hears that wind turbines should be strictly regulated, and possibly even banned. Commissioner Poggenpohl thinks the Commission should be looking at ways to protect the view quality when creating regulations. Commissioner Lane stated the Commission should not be reactionary, and thinks they should be able to draft a reasonable set of restrictions that make sense and address needs.

Chair Klink polled the board on items "B" – height limit and "C" – setbacks. The Commissioners agreed the maximum height limit should be 30 feet to the top of the blade, and the setback from the property line should be five times the height of the structure. Commissioner Poggenpohl would also like to see flexibility for small personal systems that are shorter than 30-feet and would not require a 10-foot ground clearance. Director Joseph explained these small systems are a subset of this technology and would require a different regulatory approach.

There was general consensus among the Commission not to restrict color and surface treatment. The prohibition of lighting, graphics, signs, and other decoration should be written into the code.

Chair Klink called a recess at 3:37. The meeting reconvened at 3:50.

On proposed item "M" – safety standards, Commissioner Poggenpohl has researched the product safety standards for wind turbines and found international safety standards, but none originating in the United States. He suggests applying the International Electro-Technical Committee standards, coordinated with the International Standards Organization (ISO) and the International Energy Agency until the United States adopts national safety standards for wind turbines. Utilities Engineer Bergsten stated House Bill 1160 requires towns to allow 10 KW systems with no regulations other than what is already in place. The Town could require regular inspections on larger systems, which would be regulated by the Public Works Department. Director Joseph stated this is largely an issue with the state electrical inspector. The Building Department handles the structural component as well as the setback requirements. Commissioner Poggenpohl

stated because there are no US standards, he thinks the public should be protected by using the international safety standards.

Commissioner Poggenpohl suggests writing code language to exempt small systems from regulation.

It was moved and seconded (Norris/Fraundorf) to continue the Amendment to the Estes Valley Development Code concerning the regulation of small-scale residential and commercial wind turbines to the next regularly scheduled meeting, and the motion passed unanimously with one absent.

4. REPORTS

None.

There being no further business, Chair Klink adjourned the meeting at 4:05 p.m.

Doug Klink, Chair

Karen Thompson, Recording Secretary