



City of Evanston

Planning & Zoning Commission Board of Adjustment

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Planning and Zoning Commission Meeting Minutes August 1, 2016 6:00 p.m.-City Hall

Commissioners Present:

Maryl Thompson, Chairperson
Kimberly Begalla
Rowdy Dean
Colton Ellingford
Robert E. Smith

Staff Present:

Dennis Boal, City Attorney
DuWayne Jacobsen, Associate Planner
Janel Campbell, Administrative Assistant

Chairperson Thompson called the meeting to order at 6:02 p.m.

Chairperson Thompson asked for a motion to approve the agenda for the August 1, 2016 meeting of the Planning Commission. A motion was made by Commissioner Dean, seconded by Commissioner Smith. **Motion carried.**

Chairperson Thompson asked for a motion to approve the minutes for the July 11, 2016 meeting of the Planning Commission. Chairperson Thompson requested an amendment to the minutes stating that Commissioner Adams asked about the access point to the highway; and Commissioner Beaudry asked about the number of patients per day. A motion was made by Commissioner Smith to approve the minutes with the amendment, seconded by Commissioner Begalla. **Motion carried.**

With no old business to address, Chairperson Thompson proceeded to new business.

Attorney Boal opened the hearing with **HE 16-01** A request by Uinta County School District #1 for a Height Exception to allow a proposed wind generator to exceed the maximum height limitation of twenty five feet for an accessory structure for property located at 701 Cheyenne Drive, Evanston, Wyoming (Evanston High School) which is zoned Public-Established (P-E).

The wind generator is proposed to be approximately 44 feet in height. The wind generator is part of a State grant that will supplement lighting needs at the new Horizon High School (HHS) Complex located at 164 Yellow Creek Road, Evanston, Wyoming. The wind generator will also be used as a demonstration project providing practical learning opportunities for students. (Sections 24-16, 24-31, 32, 33, 35)

Attorney Boal explained the legalities of the hearing stating that the applicant(s) would be heard from first, followed by those who were in favor of the applicant(s), and finally, from those who were opposed. He explained that this public hearing was a contested case hearing and that anyone who wished to submit a legal brief in support of their position must make it known to him at the closing of the hearing.

Mr. Pat Rooney, who resides at 179 Toponce Drive, was sworn in. Mr. Rooney introduced himself as the Facilities Director with the Uinta County School District #1. He explained that the Uinta County School District is requesting a height exception for an accessory structure. Mr. Rooney provided a brief history about the grant funds that were received for the wind turbine and about the decision made by the Planning Commission in 2010. In 2010, the Planning Commission approved a height exception for a wind turbine at Evanston High School. The approval was subject to a two year probationary timeframe to monitor noise levels from nearby properties. Mr. Rooney indicated that the construction of the wind turbine was delayed due to lack of funding for installation costs. By the time they received funding for installation costs, the conditions of the height exception permit had expired. Mr. Rooney stated that they are reapplying for a height exception request to allow a wind turbine to be installed as presented in 2010. Mr. Rooney indicated that the proposed location of the wind turbine would allow them to supplement power needs at Horizon High School and utilize existing conduits in the area. He reviewed a site plan which includes the heights of other existing vertical on site amenities as well as various site photos showing a JLG lift extended 55 feet in the air. He noted that the wind turbine would be a couple feet lower than the Evanston High School Flag and considerably lower than the light poles at the baseball field. Mr. Rooney also presented an independent study conducted by the United States Department of Agriculture which included wind and sound data for the proposed Skystream wind turbine. The data collected indicated that the decibels from the wind turbine at approximately 47 feet would range from about 55 to 65 decibels depending on wing speed. The decibels would diminish with increasing distance from the wind turbine. At 55 decibels, the wind turbine would be similar to the decibels of a dishwasher in an adjoining room or a quiet urban area in the daytime. At 65 decibels, the wind turbine would be similar to the decibels of heavy traffic at 300 feet.

Attorney Boal asked if the audience had questions.

Mr. Marc Deschamps, who resides at 159 Seminole Drive, was sworn in. Mr. Deschamps introduced himself as the President of Red Canyon Village townhomes. Mr. Deschamps questioned if the unit would run 24 hours a day, 7 days a week.

Mr. Rooney responded that they plan to operate the wind turbine 24 hours a day, 7 days a week, but the wind turbine does have the capability of being turned off.

With no other questions from the audience, Attorney Boal asked if the Commissioners had questions for the applicant.

Commissioner Smith questioned the costs of the proposed wind turbine.

Mr. Rooney responded that the cost of the wind turbine is approximately \$7,000. The cost to install the wind turbine is approximately \$8,000 to \$9,000.

Commissioner Smith questioned if the wind turbine would interfere with games at the Evanston High School baseball field. He expressed concerns with noise levels.

Mr. Rooney stated that with wind speeds at 30 mph and the wind turbine producing a noise level of 65 decibels, there will likely be other things effecting the game. At distances greater than 47 feet from the wind turbine, noise will diminish. Without doing calculations, it is likely people would only hear wind at the baseball field.

Chairperson Thompson asked if Mr. Rooney could explain the practical learning opportunities that the wind turbine would offer students.

Mr. Rooney responded that students would learn about various forms of alternate energy. Students would also learn how a wind turbine works and about energy production. Students would see what it takes to perform annual maintenance on the wind turbine. The wind turbine would be part of the science curriculum and benefit students in 5th grade and up.

Attorney Boal questioned why the wind turbine was not constructed in 2010. He also asked if the Planning Commission approves the height exception, how long would it take to construct the wind turbine.

Mr. Rooney stated that the biggest obstacle was funding for installation. He indicated that the school district preferred to fund the installation of the wind turbine with a grant. A grant was received in 2011 to pay for installation costs. Mr. Rooney stated that he wasn't aware of the two year probationary period on the original application. If the Planning Commission approves the height exception, construction would begin in September and would be completed in approximately 2 weeks.

Chairperson Thompson questioned if the grant money was still available for both the wind turbine and installation.

Mr. Rooney stated that the wind turbine has already been purchased. The grant money for installation was ran through B.O.C.E.S. and was turned over to the school district one and a half years ago. He indicated that funding was still available.

Commissioner Smith questioned if the Commission was only considering approval of one wind turbine.

Attorney Boal answered yes. The Commission is only considering one turbine with this request.

Commissioner Begalla questioned who would perform the maintenance on the wind turbine.

Mr. Rooney stated that the installation company will perform annual maintenance on the wind turbine. The wind turbine has a tip out feature which allows for blade inspection. If the wind turbine stopped generating electricity, maintenance may be required at the hub located on top of the mast.

Chairperson Thompson questioned if he knows the height of the wind turbines east of Evanston.

Mr. Rooney was uncertain of the height. He guessed that with each blade measuring approximately 125-130 feet in length, the overall height of the wind turbines may be approximately 350 feet.

Commissioner Begalla indicated that she believes the structures are 150 feet in height.

Commissioner Ellingford questioned if there was weather data collected at the proposed site location.

Mr. Rooney stated that a weather station was placed upon a JLG lift, and wind data was recorded for a 2 week period. The data showed 20 mph average wind speeds from midafternoon into the evening. The manufacture indicates a 12 mph average wind speed is cost effective for residential applications.

With no other questions, Attorney Boal asked if there was anyone the audience who would like to speak in favor of the application.

Mr. Ryan Thomas, who resides at 243 Aspen Hills court, was sworn in. Mr. Thomas introduced himself as Superintendent of Uinta County School District #1, and stated that he has been involved with this project since its inception. He indicated that this is not a school district project. The project came about through a STEM summer science program headed by Ms. Pederson, a science teacher. Ms. Pederson applied for and was awarded a grant for the wind turbine. They were apprehensive in accepting the grant at first because they didn't have funds for installation costs. Finding a certified installer was another challenge. Mr. Thomas confirmed that funding is in place and that they are ready to install the wind turbine. He stated that the location between the two schools was more important than generating electricity. The wind turbine will help foster innovation and creativity within students. Mr. Thomas stated that if the noise from the wind turbine is problematic, they will turn it off at night or make adjustments necessary

to remain good neighbor. Mr. Thomas indicated that if the wind turbine was located too far off site, student access to the wind turbine would be difficult. He believe that the teachers will put this project to good use.

Chairperson Thompson questioned why it was difficult to find an installer.

Mr. Thomas responded that certified installers are located in other states. They had to find a contractor who would come to Wyoming.

Ms. Cayne Pyatt, who resides at 601 Kale Lane, was sworn in. Ms. Pyatt spoke in favor of the application and thinks students need an opportunity to explore alternative energy. She lives within Yellow Creek Village nearby and verified that there is adequate wind to operate a wind turbine.

Ms. Annette Swayze, who has a mailing address at P.O. Box 1403, Lyman, Wyoming, was sworn in. Ms. Swayze introduced herself as an English and math teacher at Horizon High School. She indicated that the wind turbine will offer an amazing opportunity for students by providing a hands on learning experience. Teachers are encouraged to teach cross curriculum. She will be able to incorporate the operational and scientific aspects of the wind turbine into her English and math classes. Ms. Swayze commented that she doesn't think the wind turbine is unattractive and will make less noise than a garbage disposal.

Ms. Candi DeCoite, who resides at 137 Aspen Grove Drive, was sworn in. Ms. DeCoite stated that she has a daughter who attends Horizon High School. She is excited to have her daughter learn about alternative energy. As a family, they have wind and solar options to be more self-sufficient. She indicated that having a wind turbine by Evanston High School and Horizon High School, it will provide an excellent opportunity for students.

With no one else to speak in favor of the application, Attorney Boal asked if there was anyone in the audience who would like to speak in opposition of the application.

Mr. Mike Pexton, who resides at 120 Hathaway, was sworn in. Mr. Pexton stated that he is a neighbor and is present to speak for Yellow Creek Ranch, Co. He also has a nearby office development and an interest in the Yellow Creek Shopping Center. He stated that he is not opposed to the project, but he is opposed to the location. He does not believe that a 40 foot tall wind turbine is aesthetically compatible with the architecture of Evanston High School or Horizon High School. Mr. Pexton feels that if people were notified within the Twin Ridge neighborhood beyond the 300 foot notification limits of the Evanston High School property, there would be more people at the public hearing to speak in opposition. Mr. Pexton indicated that he understands windmills are addressed in the Evanston City Code as accessory structures. He views the proposed wind turbine as an industrial appliance. Mr. Pexton suggested the Bus Barn site as a possible location. The Bus Barn property was considered in 2010 by the Planning Commission as an alternate site location. Mr. Pexton said that he is not

concerned with noise, but others within the Pines of Yellow Creek, Red Mountain Village, and Yellow Creek Village may have concerns.

Ms. Swayze questioned if Mr. Pexton was concerned with his financial well-being by what he considers to be an eye sore.

Mr. Pexton answered that his objection has nothing to do with his financial well-being. His objection is about the visual aesthetics of having the wind turbine in the neighborhood.

With no further questions for Mr. Pexton, Attorney Boal asked if there was anyone else who would like to speak in opposition to the application.

Mr. Deschamps stated that the noise from the wind turbine has been compared to the noise from a dishwasher or garbage disposal. He indicated that he doesn't run these appliances while he is sleeping and questioned if the wind turbine would be operated 24 hours a day, 7 days a week. He was from northern California and is familiar with the noise of wind turbines. He questioned the noise study that was presented stating that data was probably collected using a new wind turbine. He suspects that over a year's time, the wind turbine will become noisier. He questioned if there were alternate locations which would not impact the neighborhood.

With no one else to speak in opposition, Attorney Boal asked if Mr. Rooney would like to offer final comments.

Mr. Rooney clarified that the mast height is 33 feet, the top of the blade rotation is 44 feet, and the rotation diameter of the blades is 12 feet. He stated that in 2010, Evanston High School and the Bus Barn sites were considered in the application. The application being considered now does not include the Bus Barn site. He indicated that Evanston High School is the preferred location for the wind turbine.

Attorney Boal asked if the Commission had questions for anyone. With no other questions, the hearing was closed.

Chairperson Thompson asked for a motion to approve the height exception with staff recommendations. Commissioner Dean made a motion to approve the height exception with staff recommendations, seconded by Commissioner Begalla. Chairperson Thompson asked for discussion.

Commissioner Smith stated that he is in favor of the project, but he would like to see the wind turbine placed at a different location.

Commissioner Begalla stated that people have wind turbines in their backyards in Aspen, CO. She doesn't see them as offensive and supports for other forms of alternate energy.

Chairperson Thompson stated that she resides in an area with a view of the large wind turbines located east of Evanston. She is not fond of them and understands Mr. Pexton's view point. She is in favor of the project, but would like to see the wind turbine placed at a different location.

With no further discussion, Chairperson Thompson called for a vote. ***The motion failed with 3 nay votes to 2 aye votes.*** Commissioner Begalla and Commissioner Dean voted aye.

With no other business, Chairperson Thompson reviewed future meeting dates of the Planning Commission and indicated that she will not be present at the September 12th meeting. Vice Chairman Adams will preside over that meeting. Chairperson Thompson adjourned the meeting at 7:03 p.m.