

## Ban large projects for while: Wind farms at heart of moratorium vote

By JUSTIN PITTMAN

Reporter

Tuesday, October 27, 2009 9:38 PM Mountain

In an effort to slow the winds of change, the Converse County Planning and Zoning Commission voted Oct. 20 to recommend that the county commissioners consider a 90-day county-wide “freeze” on all large scale industrial development.

“From my personal perspective, this says that we want to do business, but we want to do business in a very logical and orderly fashion,” said P&Z member David Pellatz. “It’s a very different message in my mind. We’re not talking bans. We’re not talking never can do it.”

The recommendation, approved 3-1 by the county P&Z, aims to “determine if the county wants to proceed with orderly new large scale industry control” and would include all projects with a construction cost of more than \$10 million.

“I’m just a really big believer in private property rights, and I think that’s taking some away,” said P&Z member Gayle Dickau, who cast the lone nay vote. “I strongly believe that, if you’re a property owner, you should have the right to say what happens on your land.”

Dickau owns a ranch in Converse County that belongs to a wind energy group.

The recommendation would still need to be approved by the five-member county commission before any “freeze” could take effect.

“Nothing is going to hurt the health, welfare, or safety of any of the communities (in Converse County), so it’s unnecessary in my opinion,” said Richard Grant, a local landowner who has leased land to Utah-based developer Wasatch Wind – the company wanting to build a massive wind farm across the Laramie Range that is also at the heart of the issue. “Regardless of what the industry is, they’re going to look at it as not a favorable county to do business in.”

The Northern Laramie Range Alliance (NLRA) sought a moratorium on large-scale industrial projects south and west of I-25. But, the P&Z went further than a moratorium just in that part of the county. P&Z voted to seek a moratorium across the entire county.

“I think that our property north of I-25 is just as important as the land south of I-25,” P&Z Chairwoman Bobbie Larsen said. “Every acre is as important as every other acre.”

Still, the NLRA expressed mixed feelings about the recommendation in an Oct. 23 press release.

“The Planning and Zoning Commission’s recommendation to institute a freeze . . . is well intentioned,” the group said. “However, the (NLRA) reiterates that it does not believe such a moratorium is necessary or appropriate in the high plains areas of Converse County.”

NLRA claims that wind development and its “related infrastructure” would have less impact in the “high plains” areas of the county, generally the areas north of Douglas and Glenrock. It also cites the fact that wind energy development is already occurring in those areas, which also have different usage patterns than the mountainous parts of the county. The group also noted there is a higher level of public concern aimed at development in the county’s mountain areas as reasons to geographically restrict the moratorium.

“There’s been a lot of suggestions and a lot of suspicion and, perhaps, rightfully so, because we’ve been silent,” Wasatch Wind’s Senior Vice President of Development John Aubrecht said during the P&Z hearing last week. “What we ask is that we have the opportunity to work with you.”

Wasatch Wind hopes to construct a wind farm in southern Converse County, and Aubrecht suggested that a moratorium on large scale development would not provide any opportunity for dialogue on the topic of wind development.

“A moratorium is not needed. We are still early in the development process and there is no urgent need for the proposed freeze,” Aubrecht said in a written statement. “A moratorium will only provide a temporary result and may cause long-term negative consequences for future development.”

Aubrecht also pledged full support to the county should it decide to use zoning as a means to regulate wind development.

"We will work in tandem with the county to ensure our efforts are in line with their wind development guidelines," Aubrecht said.

Though Wasatch Wind has not issued an official timeline for its project, Bob Whitton, chairman of the Renewable Energy Alliance of Landowners (REAL), said Wasatch will need at least two years to complete the permitting process.

At the same time, however, Wasatch has applied to lease state lands in southern Converse County and signed a lease with at least one private landowner.

REAL represents 12 landowner wind associations and more than 300 individual landowners in Wyoming. Two of those associations and approximately 45-50 of the landowners are located in Converse County, according to Whitton.

Many local ranchers see wind development as financial salvation as they struggle to make ends meet.

"People who want the moratorium are willing to put the continued existence of ranches in jeopardy," Whitton said. "They don't face the same jeopardy the ranchers do and, if they don't face the same jeopardy, then I don't think it's fair to the landowners to allow the moratorium to go forward."

In a more than nine-minute long comment made during the P&Z meeting, NLRA Steering Committee member Diemer True suggested that ranchers interested in developing wind resources in southern Converse County could rely on tourism and other alternative means of generating income.

Meanwhile, Duke Energy (which has two wind farms in the county and is proposing additional ones) and Rocky Mountain Power (which is planning to build a major electrical transmission line from Glenrock to Idaho and a substation) issued more reserved responses to the P&Z recommendation for a moratorium.

Duke Energy is "aware" of the dialogue about a possible development "freeze" and the company will continue to "monitor" the situation, according to spokesman Greg Efthimiou.

Converse County Attorney Quinten Richardson called the P&Z action a "proper and legal recommendation" and said further public hearings would not be required for the county commission to take action.

The commission agenda for Nov. 4 lists an item at 11 a.m. described as, "Decision on recommendation from P&Z Commission on moratorium for wind farm development; No public input."

According to Wyoming State Statute 18-5-202(c): "The planning and zoning commission shall prepare recommendations to effectuate the planning and zoning purposes and certify its recommendations to the board of county commissioners. Before adopting the recommendations the board shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given by one (1) publication in a newspaper of general circulation in the county at least fourteen (14) days before the date of the hearing. After public hearing has been held, the board shall vote upon the adoption of the planning or zoning recommendation."

Werner said this law does not apply because it covers zoning, which a moratorium does not fall under. He said previous case law set a precedent that the commissioners do not need to hold a public hearing.

If it approves the moratorium, the commission will schedule a public comment in the near future to determine if the moratorium would remain or be discontinued, Werner said.

"If, in fact, we go forward, there will be time for public input," Werner said.