

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Wednesday, February 25, 2009

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Wednesday February 25, 2009 at 1:00 p.m. in the community room of the Dickinson Co. Courthouse.

Members present were Sally Nielsen, Tony Weber, Tim Fairchild, Jon Gunderson, Mike Roach and Bob Chaffin. Absent was Duane Moser.

Sally Nielsen called the meeting to order at 1:03 p.m.

First on the agenda was approval of the minutes of October 20, 2008. Weber moved to approve the minutes as written. Fairchild seconded. All were in favor.

Second on the agenda was a pre-application discussion of the Peary/McHose proposed subdivision in the SE ¼, Section 34, Spirit Lake Township. Don McHose said this property is located on Highway 9 east of Spirit Lake, then turn north on 255<sup>th</sup> Avenue. It is approximately 129 acres. Dickinson County bought 10 acres. Immediately north of that they would like to subdivide four lots of approximately 14 acres and rezone to general commercial for shops and commercial structures. The rest would remain farm ground.

Kohlhaase said this farm is surrounded by the Tritle farm. It is presently zoned agricultural. Tritle bought additional land and the county bought a piece. The developers would be requesting a zoning change from agricultural to general commercial. They would be creating five parcels, requiring subdivision.

McHose said sewer and water are supposedly across the road.

Weber asked the location of the Spirit Lake City limits.

Dan Eckert said the west side of 255<sup>th</sup> Avenue is Spirit Lake and the east side is the county.

Kohlhaase recommended to Mr. McHose that he communicate with the City of Spirit Lake. If they have city sewer and water nearby, they may want to annex. The city would be able to comment on any subdivision within two miles of their city limits.

There were no other questions from the board. Kohlhaase said this is consistent with surrounding use. The lot sizes meet the zoning ordinance requirements. He advised Mr. McHose he would wait to hear from him before scheduling another meeting.

Third on the agenda was Amendment to Dickinson County Zoning Ordinance 102, Article 21, Section 5, to add Paragraph D. Wind Energy Conversion Systems. Recommendation to the Board of Supervisors.

Kohlhaase gave a brief history on forming a committee to work on Wind Energy Conversion Systems regulations, who served on the committee and their meeting dates. He explained that in Zoning Ordinance 102, we have existing Article 21, Conditional Uses. WECS is currently a conditional use. There are supplemental standards in Article 21, but it was decided to insert additional WECS standards to this article.

Weber asked if the setbacks listed are similar to the existing wind farm placement.

Kohlhaase said they are fairly consistent with the stipulations placed by the Board of Adjustment for the Clipper Windpower project.

Saunders said one difference is that more people will get notice by mail of the public meetings.

Fairchild asked if it would be difficult for the Board of Adjustment to override any of these requirements.

Kohlhaase said there is a tool built into the regulations. Item 12 allows for variances. For the benefit of the public in attendance, Kohlhaase read through the WECS proposed standards. He said the committee had asked that the proposed amendment be brought to the Planning and Zoning Commission for review. If they recommend approval, it goes on to the Board of Supervisors.

Nielsen asked for questions from the public. There were none.

Fairchild said he applauded the committee for their work on this document. He had a question on 5. Setbacks. Who documents the effects of any shadow flicker, noise, etc.?

Al Zeitz, instructor of the Wind Energy program at Iowa Lakes Community College, said the project developers are usually very responsible in reducing impact to the community and surrounding properties. There is software available that can be used to see if shadow flicker may be a factor in the turbine placements, and help the developer with alternate placement. There have been lots of studies done, but there is no documentation of any health effects of shadow flicker that he knows of. There is documentation that there are no health effects from sound issues and electrical interference. There is a siting handbook for developers to use as a guide that takes all of these issues into consideration.

Weber asked about density where turbines are placed based on common industry standards. Aren't these going to change in the future, and whose standards are used?

Zeitz said there aren't a lot of standards in the U.S. for density. Common practice is to place the turbines for productive wind flow and the lay of the land. There will be fewer placed now than were in the past, and in the future may be fewer still. The U.S. is looking at adopting standards developed in Europe, as many WECS developers are using these European standards.

Fairchild didn't know if the county should be regulating density of turbines. He said let profitability dictate placement.

Zeitz said the concern was of too many turbines in one section of land, but the developer won't place too many because that is not productive wind flow.

Unknown speaker said a farmer or tenant should have the right to ask that turbines be placed in a manner not to divide up the farm too much.

Weber commented on the decommissioning. If the wind farm company goes out of business, how can you make sure the decommissioning gets done properly? What is the cost?

Zeitz said most all contracts with landowners have provisions where the funding is in place to return the land to its original state. This includes taking the concrete foundations out.

Al Blum, Chairman of North Star Wind, said they are addressing decommissioning in contracts with the landowners. Farmers want the salvage value when the turbine comes down. Regarding density, he passed a map to the commission members showing how the North Star project is laid out. They have 130 turbines scattered over 28,000 acres. That's about four turbines per quarter section.

There being no further discussion, Weber moved to recommend to the Board of Supervisors to add to Zoning Ordinance 102, Article 21, Section 5., a Paragraph D. Wind Energy Conversion Systems. Gunderson seconded. All were in favor.

Kohlhaase announced the Board of Supervisors meeting would be held April 7<sup>th</sup> at 11:00 a.m.

Fourth on the agenda was an amendment to Dickinson County Zoning Ordinance 102, Article 21, Conditional Uses, Section 2 and Section 3, Paragraph A, changes in wording. Recommendation to the Board of Supervisors.

Kohlhaase said these changes were for clarification of who is responsible for getting the zoning certificate. That certificate is prepared by the abstract company, ordered by the county, and paid by the applicant. Another change is the conditional use application fee which was \$250.00 and is being raised to \$350.00. This is consistent with the variance application fee which is \$350.00. The other paragraph is clarification that the notice to adjoining property owners is mailed by the zoning office.

Fairchild moved to recommend to the Board of Supervisors the change in wording to Article 21, Section 2 and Section 3. Weber seconded. All were in favor.

Fifth on the agenda was election of officers. Gunderson nominated Sally Nielsen for Chairman. Fairchild seconded. All were in favor. Fairchild nominated Tony Weber for Vice Chairman. Nielsen seconded. All were in favor. Fairchild nominated Duane Moser for Secretary. Weber seconded. All were in favor.

Sixth on the agenda was old or unknown business. There was none.

Nielsen moved to adjourn. Weber seconded. The meeting adjourned at 1:55 p.m.

Filed By: Barbara K. Woodley

Date: February 27, 2009