

## Stutsman County Zoning Board Minutes

March 3, 2009

At 2:00 p.m., the meeting was called to order by Chairman Harold Bensch. Board members present were Charlie Kourajian, Dale Marks, Noel Johnson, Harold Bensch, Ken Schulz, Doug Kaiser and Duane Andersen. Board members absent were Brian Amundson and Ryan Odenbach. Also present were Fritz Fremgen, State's Attorney; Craig Neys; Keith Norman, Jamestown Sun; Ted Weissman, Next Era Energy; Duane Rau; Gene Van Eeckhout; Elmer Retzer; Richard Gutschmidt; Paul Henderson; Jeff Metzger and Mary Horner, Just Wind; Mark Klose; Rodney Suko; Debra Gutschmidt; and Dennis Ova.

Fremgen began the meeting with an explanation of the course of action necessary for the wind zoning ordinance to be put into effect. The Zoning Board modifies and approves the ordinance and files it with the Auditor. The County Commission conducts hearings, modifies if necessary, then adopts the ordinance.

Fremgen gave an explanation of terms used in the ordinance and presented each portion of the wind zoning ordinance.

The one mile extra territorial zoning of Jamestown was questioned. Johnson pointed out that the County's zoning ordinance applies only to those areas of Stutsman County that do not have their own zoning ordinance. Jamestown would have to address wind zoning in their ordinance. All zoned townships would be asked to relinquish zoning authority for wind farms similar to the feed lot ordinance.

It was explained that turbines (utilities) are centrally assessed and the value is put on by the state. The ad valorem tax is currently 1½%.

The ordinance has a setback of 5RD from an occupied structure. Fremgen pointed out that this is a waivable setback.

Bensch mentioned that a grandfather clause is necessary as it may be impossible for a company to meet proposed conditions. Fremgen stated that it is hard to grandfather in an agreement, too many loopholes.

Kaiser stated that the 5RD is too much for boundaries. Fremgen said that there are those that wanted larger setbacks.

Metzger, President of Just Wind, said that their normal setback is 2.5 RD from the largest machine, which is approximately 1500' away. He requests that the County doesn't double regulate the wind companies.

Rau, farmer and aerial applicator, said that he is in favor of the 5RD setback because of the physical obstruction and the turbulence from towers. He also said that if aerial application is obstructed it is a loss to crops also.

Johnson asked what the normal distance between turbines was. Metzger said that there were a number of things that dictate the distance and he couldn't say definitely.

Weissman said that there is normally at least 970' between towers. He also stated that the companies are more than willing to work with aerial applicators. Usually if a company is contacted (1/2 - 1 hour notice) they would be able to shut down towers in the area where an applicator wanted to spray.

Rau stated that lining up the towers does help and he does appreciate the concern of the wind companies.

Metzger said that wind companies try to stay out of farm land.

Johnson asked Weissman what changes he would like to see and that he would like to see his points in writing.

Weissman presented a few of the changes that he would like to see. Fremgen said to give him the list and he would review it.

Schulz asked if the subcommittee agreed with the 5RD setback. Johnson stated that they were not it 100% agreement, but that it was a full board decision.

Next meeting was set for March 19, 2009 at 3:00 p.m. Meeting was adjourned.

Noel A. Johnson  
Zoning Administrator

NJ/rv