

Stutsman County Planning & Zoning Commission Minutes – July 24, 2024

Meeting was called to order at 8:15 AM by chairman Brian Amundson. Roll call taken. Present were Brian Amundson, Duane Andersen, Joan Morris, David Steele, Levi Taylor, and Tyler Perleberg, Zoning Administrator. Absent was Robert Toso. And there is still one at large position that is currently vacant.

Others in attendance: Brock & Stephanie Naze, Darron Orr, Mary Neva, Jake Emo, Todd Langston, Jamison Veil, & a couple other spectators.

Mr. Steele motioned, Mr. Taylor seconded, to approve the May 2, 2024 meeting minutes. Motion approved.

Chairman Amundson introduced the zoning amendment application for Brock & Stephanie Naze to request a change of zoning change of an agricultural zoning district to a commercial zoning district for the West 900 feet of Auditor's Lot 11-1 located within the NW1/4 of Section 11, T137, R63 (Montpelier Township). Mr. Amundson opened the floor to Brock & Stephanie Naze to explain their intended project. Brock stated that they plan to build a new automotive repair shop at this location, which is on the western part of the Auditor's Lot. In the future, they do intend to possibly build a home on the east end of the Auditor's Lot. Mr. Steele asked if they have got the permitting for a septic system and Brock stated that they have been contacted. Further discussion took place about the topography and possible oil spillage and the size of the lot. With no further discussion Mr. Taylor motioned and Mr. Andersen seconded to approve the zoning change. All voted aye.

Mr. Amundson opened the next agenda item to consider amending the zoning ordinance in regards to transmission lines. Tyler explained that after the last zoning meeting when this discussion was tabled, he did a lot of research to see what other counties were doing and to find out a good measurable to use when reviewing transmission lines. He stated that the ND Public Service Commission uses a metric for electric transmission lines being at least 115 kilovolts and at least one mile long. For gas or liquid transmission lines, they consider pipelines that has an outside diameter in excess of 4 ½ inches and at least one mile long in length. Tyler explained that he gave those measurables as one option so that would eliminate the committee on having to review the lower voltage lines and distribution lines that is not intended to review. He also gave an option that if they do not want an actual measurable, the committee could look to add language that states transmission lines that require a site compatibility or route permit from the ND PSC. In that case, if the PSC changes their measurables, or ordinance would immediately follow suit. Tyler stated he is ok with either of the options but he did prefer the first option with the measurables spelled out and did state that the PSC will do their own permitting process. Mr. Amundson opened the discussion to public input. Jake Emo, Corwin Township zoning official, brought up a discussion that he had with a representative from the ND PSC and he stated how the language of "Electric Transmission Lines and associated facilities" are considered in different areas of Century Code and each have different setback

requirements. He wanted to make the committee aware of his findings to help better understand the PSC's observation. Jake stated he is currently writing an ordinance for Corwin Township. Discussion took place to not confuse substations with being an associated facility. Tyler mentioned that our current ordinance covers electrical substations under the industrial district and that if substations are being confused to be a part of the associated facilities, then he recommends taking that "associated facilities" language out of this new proposal since we do have a different section in the ordinance specifically for substations of 5 megawatts or more. Mary Neva, resident of Corwin Township, gave input about the locating of the transmission lines and thinks the setbacks are too close her home. She mentioned that she sees places on the east coast that utilize old transmission lines to be the infrastructure for new lines that are run and she would like to see that happen here. She also was asking if there could be a setback placed on the transmission lines. Mr. Amundson explained the process the committee takes on zoning amendments and how the committee looks at the grand scope of the county and balance the property input and the reasonable demands that are asked of these types of projects. Darron Orr asked if the committee would back the townships and asked if the committee knows the routes when a company comes to them. Tyler stated that we don't have any applications in front of the committee yet but when an application comes to the committee, the route will need to be on it. Mr. Amundson further explained that this committee only handles the zoning for townships that don't have their own zoning ordinance in place. There are 16 townships that handle their own zoning ordinance. Tyler displayed the list of townships that have their own and explained that the current Otter Tail project that is being alluded to in the meeting, this planning and zoning committee only covers Montpelier Township. He stated when Otter Tail comes forward with an application, they'll submit their application not only to this committee, but also the townships of Fried, Bloom, Homer, & Corwin. Mr. Orr is asking the committee to consider a half mile or a mile setback to push back on the PSC's setback requirement. He feels the committee is giving in to the PSC regulations. Mr. Amundson asked Otter Tail to give some perspective on what the PSC setbacks are if the committee decided to move forward with a larger setback than the PSC requirement. Todd Langston stated that the current setback by the PSC is 500 feet from a residence and then stated that when some of these transmission lines get close to cities, there's no way to run the lines to these locations when setbacks are required. Mr. Steele gave an example of a past project that came through the city where the city worked with Otter Tail where the transmission lines coming through the city were buried and once the lines got out of town they came above ground again. Mr. Langston stated that was a much smaller line that came through where they were able to bury those lines. He stated the current project Otter Tail is working on is too large to be buried. Ms. Morris stated that she believes the 500 foot PSC setback is not large enough and asked Otter Tail if there was a one mile setback, could they make it work. Mr. Langston stated that to get from point A to point B, it's unlikely that it would even be possible to find a route. Mr. Andersen asked at what point would our committee review the setback. Tyler stated that would be part of the ordinance and stated the reason he wrote in the suggestion of a setback being considered in the ND PSC's route permit. Tyler stated that the

PSC's route permit can supersede our regulations so if we write in our own setback requirement, it's likely the PSC overrules our authority and approves a lesser setback. Discussion took place about sending a message to the PSC through our ordinance that we want to set a different setback than what they have. Mr. Amundson mentioned doing a one mile setback. Mr. Emo stated that his discussion with the PSC revolved heavily around a reasonable distance. He stated in his township if one mile was the setback, there's no way a route could go through. He went on to say that if the setback was 2,600 feet there would be three different routes that would work in his township. Further discussion took place about setbacks, the potential for multiple different setbacks for different size lines and projects. Mr. Andersen mentioned the possibility of issuing variances rather than having different setbacks for different size lines. Mr. Andersen made a motion to approve everything Tyler presented in red, but remove "and associated facilities" and then to change the setback to be 2,600 feet from any inhabited rural residence. Mr. Taylor seconded the motion. Ms. Morris mentioned possibly considering different setbacks for the lines that are above ground versus the underground ones. Mr. Andersen stated our committee could address that with a variance, stating that there is some risk to the underground lines, as well. The vote on the motion was taken, all voted aye.

With no further discussion, Mr. Amundson adjourned the meeting at 9:35 AM.