

Stutsman County Planning and Zoning Commission Minutes – December 17th, 2012

At 8:05 a.m. the meeting was called to order by Planning and Zoning Commission Chairman Harold Bensch. Present were Katie Andersen, Harold Bensch, Duane Andersen, Dan Buchanan, Ryan Odenbach, Dave Schwartz, and Dustin Bakken, Zoning Administrator. Absent were Brian Amundson and Dale Marks.

Schwartz made a motion, seconded by Katie Andersen to approve the minutes from the November 13th, 2012. Motion Carried.

Dustin Bakken, Zoning Administrator, presented the amendments to the Wind Turbine Ordinance. On page nine, paragraph 2.10.15 Road Protection; the county added language stating “so as to return each road to as good or better condition, as determined by the Stutsman County Highway Superintendent based on the pre and post inspections required pursuant to Section 2.10.7(F) of this ordinance and, as a guide for design and construction practices,...”. A discussion was brought up at the last meeting regarding the language as good or better and who would determine this. This was addressed in the road maintenance agreement and the pre-construction inventory. The Stutsman County Highway Superintendent will decide what condition the road is in prior to the start of construction. A question was raised if that would be an acceptable person for the townships. The townships would need to sign on with the county. In addition to the Highway Superintendent determining the as good or better on the roads; it will also be the engineer that is involved in the project that will determine the pre-haul inspection. Both the county and the township will need to approve of the engineer for the project. If the townships would want to have a separate road agreement with the company they still have that choice. The company would still need to get permission from the townships as well as the county. The townships could have whatever stipulations they would want. On page five paragraph F, it is stated “A road agreement approved of and executed by both the permittee and Stutsman County and/or its townships affected by the project, . . .”. Language was added that the engineer would be approved of by Stutsman County and added “within one calendar year from the date of commencement of commercial operations of the project.” A question was raised that the company would need to maintain the roads during the construction process. The roads would have to be passable where the company could put in a temporary fix until the construction is finished.

Buchanan questioned the verbiage on page five paragraph F “The agreement will contain provision requiring the permittee to dedicate, commit and/or pledge collateral, bind, surety, escrow, and /or other pecuniary security for road maintenance and repair.” He questioned what bind meant. This verbiage pertains to the type of financial vehicle that the county could tie the company for the maintenance and upkeep during the project. It was suggested to change the wording to “dedicate, commit, bind and/or pledge . . .”.

Buchanan made a motion, seconded by Duane Andersen to approve the amendments for the zoning ordinance as presented with the change in wording on page five, paragraph F to say “dedicate, commit, bind and/or pledge . . .”.

Schwartz made a motion, seconded by Buchanan to adjourn the meeting at 8:19 a.m.

Dustin Bakken
Zoning Administrator