

Minutes of the Dodge County
PLANNING COMMISSION MEETING
October 7, 2009

The regular meeting of the Planning Commission was called to order by John Allen at 7:00 PM on Wednesday, October 7, 2009. Present were Planning Commission members Galen Johnson, Harlan Buck, Jon Balzum, John Allen, Larry Schmeling, Walt Wyttenbach, and Richard Wolf. Also present were County Commissioner Lyle Tjosaas, Dave Hanson and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Larry Schmeling, to approve the agenda and the August 2009 minutes. Motion passed unanimously.

Element Power / Gangl – CUP #09-11

The first public hearing is to consider an application for a Conditional Use Permit to establish a Meteorological Tower in the Agricultural District. The property is 70 acres located in the E 1/2 of the SE 1/4 of Section 3, Mantorville Township. Element Power is the applicant and Timothy and Patricia Gangl are the property owners.

Michael Arndt, Development Director for Element Power was present to explain the proposal. The proposed met tower will allow them to collect data on the wind speed. The met tower will have a height of 198 feet. The project area will have up to 300 megawatt turbines within the northern part of Mantorville Township in Dodge County and into Olmsted County.

Lawren Castner, Mantorville Township has no objection to this proposal. But did question if there was going to be fencing around the guy wires.

Michael Arndt stated they would fence if there is livestock present or if the owner required it.

Melissa DeVetter stated it will be required if the ordinance is adopted. The fencing around an anchor point is part of the proposed ordinance amendment.

Motion by Harlan Buck, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously.

Galen Johnson inquired on how they plan to access the field.

Michael Arndt stated there is a field drive that they will be using. A pickup truck with a tandem axel trailer will be used to drive across the field to construct the tower.

Jon Balzum inquired if these towers look like all the other towers already put up in the county.

Michael Arndt stated the tower will look identical to the other existing towers.

Motion by Harlan Buck, seconded by Jon Balzum, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Dodge County Zoning Permit shall be obtained before construction.
2. Meteorological Tower shall be decommissioned by, and at the expense of the applicant within 60 days following the discontinuing of use.

The motion was passed unanimously.

Element Power / Erickson – CUP #09-12

The second public hearing is to consider an application for a Conditional Use Permit to establish a Meteorological Tower in the Agricultural District. The property is 38 acres located in the NW 1/4 of the NE 1/4 of Section 2, Wasioja Township. Element Power is the applicant and Edwin C Erickson is the property owner.

Michael Arndt, Development Director for Element Power was present to explain this proposal. This tower is the same as the previously proposed tower except this one will be located on Mr. Erickson property. The tower will also be 198 feet tall.

Larry Scherger, Wasioja Township has no objection to this proposal.

Laurie Szynal had a concern on where the tower location was.

Jon Balzum addressed this concern and explained on which of the properties that Mr. Erickson owns that the met tower would be located. It will be by the old wind mill site but placed back into the field further.

Galen Johnson clarified this is only a met tower to gather wind data. It's not a generator.

Motion by Larry Schmeling, seconded by Richard Wolf, to close the public hearing. Motion passed unanimously. Motion by Jon Balzum, seconded by Harlan Buck, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Dodge County Zoning Permit shall be obtained before construction.
2. Meteorological Tower shall be decommissioned by, and at the expense of the applicant within 60 days following the discontinuing of use.

The motion was passed unanimously

Zoning Amendment - ZA #09-02 Chapter 21 Wind Energy Conversion System (WECS) less than 5 MW

The third public hearing is to consider an amendment to the Dodge County Zoning Ordinance sections pertaining to wind power development. Section 21 (Windpower Development / 250 kW or greater) and Section 22 (Windpower Development/Less than 250 kW) would be repealed. The proposed new language of Section 21 addresses all Wind Energy Conversion System (WECS) less than 5 megawatts (MW). The new Section 22 would be reserved for future use.

Melissa DeVetter stated that section 21 of Dodge County Zoning Ordinance is being revised to address permitting wind tower for less than 5 megawatts.

Lawren Castner inquired if Melissa DeVetter could explain the part about fencing for the met towers.

Melissa DeVetter stated the fencing around the anchor points of the guy wire are for a safety reason as well as visibility.

Michael Arndt from Element Power stated that their met towers will also have large orange ball at the corners of the guy wires as markers.

Galen Johnson stated there should be a definite number listed for the height and what type of fencing material that should be used.

Melissa DeVetter stated that this could be added to the ordinance.

Galen Johnson inquired if the previous wind ordinance was approved and if not; what are the differences between the two.

Melissa DeVetter stated the first ordinance draft was sent back by the County Board and this proposal of the wind ordinance is completely different.

Galen Johnson inquired on the setbacks from residence and property lines.

Melissa DeVetter stated that the setbacks for residence are consistent to what the PUC minimum standards are; which is 5 and 3 rotor diameters. The project also has to meet noise requirements.

Galen Johnson inquired on the decommission bonds.

Melissa DeVetter explained about decommissioning and how performance bonds would work.

Galen Johnson inquired who will be over seeing the project of this size; which might be just one tower or several smaller ones.

Melissa DeVetter stated she would be handling it and that is why we are requiring all the information up front. There is such a range of tower sizes and some of the stuff will not apply. We have pre-construction requirements and post-construction requirements to make sure everything is done to code.

Motion by Galen Johnson, seconded by Harlan Buck, to close the public hearing. Motion passed unanimously.

John Allen stated maybe the decommissioning section should also name the landowner in addition to Dodge County on the bond. A bond would be a cheaper way to go. No one will put money into an escrow account.

Galen Johnson stated there could be a condition on a CUP that states the landowner has to get a bond for decommissioning and the county could be named as a second on it.

After a considerable amount of discussion on decommissioning it was decided to leave the wording as is.

Motion by Walter Wyttenbach and seconded by Larry Schmeling to add the following language to section 2106.F. ii "Visible chain-link fencing no less than six (6) feet in height shall be installed around anchor points of guy wires". Motion passed unanimously.

Motion by Galen Johnson, seconded by Harlan Buck, to recommend approval of the amendment as presented with the one addition to the fencing requirements. The motion was passed unanimously

Other Business

Melissa DeVetter stated that there are a few issues that need to be address in the Ordinance and she is asking the Planning Commission to allow staff to start doing revisions for their review at a later date. This will bring some sections into compliance with the state statutes and other errors that just need to be address.

Motion by Jon Balzum and seconded by Harlan Buck to allow staff to start revisions of the Dodge County Zoning Ordinance. The motion was passed unanimously

John Allen inquired if the November meeting was a day meeting.

Melissa DeVetter stated no; December is when they typically change the time. Also there will not be a November meeting unless the County Board sends back the wind ordinance.

Adjourn

Motion by Larry Schmeling, seconded by Jon Balzum, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:30P.M.