

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday, July 21, 2008

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, July 21, 2008 at 1:00 p.m. in the community room of the Dickinson Co. Courthouse.

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

Sally Nielsen called the meeting to order at 1:00 p.m.

First on the agenda was approval of the minutes of June 16, 2008. Moser moved to approve the minutes as written. Weber seconded. All were in favor.

Second on the agenda was Bekin's Corner Subdivision, preapplication discussion.

Jim Blum said this property is at the corner of Highway 9 and 86. His client has requested to split off lots for commercial storage buildings with one or two larger lots off to the east. All lots would be 100' x 200'. There are some access issues to be worked out. There is no entrance off Hwy. 86 as shown. There are twelve lots planned. Sanitary sewer is available across the street. Since this is to be storage buildings, they may request a portion not be served by sewer. Rural water is to the north of the property. The subdivision would be serviced by two highways. They plan to keep the zoning highway commercial.

Kohlhaase said the existing zoning is highway commercial and the future land use is highway commercial. Commercial storage is a permitted use in the highway commercial district.

Nielsen asked for questions from the board.

Weber said there is a drainage berm on the south property line. How is the run-off to be handled?

Blum said the drainage comes from the west and all goes to the southeast corner. On the Bedell property there is a holding pond. They may have to do something similar on the east half of Lot 7 to act as a holding basin.

Kohlhaase said this subdivision will be subject to the new drainage laws just added to the ordinance.

Third on the agenda was an amendment to Zoning Ordinance 102 to add Article #35. Adult-Oriented Establishment Regulations.

Kohlhaase said this has been published. It has been in the works for about four months. Zoning cannot say no to adult establishments, but can enact regulations that control them.

Moser moved to recommend approval of this amendment to the Board of Supervisors. Roach seconded. All were in favor.

Fourth on the agenda was discussion of regulations specific to wind energy conversion systems. Kohlhaase said Supervisor Paul Johnson requested this be on the agenda.

Kohlhaase gave some history on when wind energy requirements were added to the existing ordinance. He read from the comprehensive land use plan which talks about wind energy. He also read from Zoning Ordinance 102 the wind energy definition and

requirements. It is listed as a conditional use only, in the agricultural district only. He explained the conditional use procedure and the standards that apply.

Paul Johnson, County Supervisor, spoke. He said ILEC has presented a plan to come before the Board of Adjustment on July 28th to place seven wind turbines. He said within the last few years significant changes and knowledge has emerged. As a county we do not have guidelines in place for wind turbines. He is not opposed to wind power and not endorsing it, but feels we have to have a set of rational criteria we can apply. Some considerations to discuss are proximity, density, size/design, sound, shadow flutter, stray voltage/electromagnetic fields, mitigation, signage, maintenance/repair-replacement/ and decommissioning.

Erica Schultes said she lives two miles north of the ethanol plant. They are already dealing with noise and smell. They have been told their values have gone down. How much more with the wind turbines in place?

Terry Bruns, ILEC General Manager spoke. He said what has been talked about is part fact and part fiction. Property tax values – there is no objective way to determine. There has been a study in Buena Vista County that shows the opposite. Wind energy does generate property taxes. They are purchasing seven turbines in Dickinson County and seven turbines in Kossuth County. They have 2000 member owners, all in favor of this project.

He addressed shadow flicker – it happens only two to three times a year.

Noise from turbine – about 35 – 45 decibels.

Ice throws – with 15,000 vehicles per year, chance of happening 1 in 300 years.

Migratory bird kills – more are killed by telecommunications towers.

Bruns said the country is running out of energy. The Midwest will start experiencing brown outs and black outs by next year.

He said they have met all requirements of the zoning ordinance with due diligence.

They are offering reliable, affordable electricity and being environmentally responsible.

Steven Eral, adjoining property owner to the ILEC project spoke. He said until three weeks ago, no one living in the vicinity of the proposed turbines was aware of the project, other than the landowners involved. He voiced concerns of lowering of his property values, concern of safety during times of ice storms, health issues, a change in their lifestyle. He also has a satellite dish that would face toward the tower. Will he have cell phone and wireless internet interference? He is not against wind towers. He is against taking the rights of adjoining property owners away.

Kirby Berhow, Iowa Lakes Electric project manager spoke. He said regarding ice throw, the turbines are designed so when they get ice on the blades they automatically shut down. Regarding noise level, he has spoken to property owners who live near wind turbines and they say in some conditions, they can hear a light whooshing sound.

Tony Weber clarified that the Planning and Zoning Commission are charged with writing an ordinance to regulate wind turbines. They don't have any say on the projects that are coming before the Board of Adjustment. They need comments from the public that can help them make decisions in writing this ordinance.

Erica Schultes said the DNR has a map showing where no wind turbines should be placed and it covers most of Dickinson County.

Al Blum of North Star Wind Farm spoke. He said this project is owned by 46 local investors, most of them landowners in Emmet and Dickinson counties. Over twenty years they will generate \$50,900,000.00 in property taxes, 80% in Dickinson County. The wind farm will create full time jobs, and they will be paying full time leases.

Blum said regarding property values, there has been a study done of properties near wind farm projects. 9 out of 10 of the properties had an increase in land values after the farm was built. Blum listed all the departments and organizations that they work with in the planning stages of their project. To say more regulations are needed is ridiculous.

Chris LaRue, Iowa DNR, manager of the Big Sioux Wildlife area spoke. He said the department supports wind energy. They have concerns with placement. They have no siting authority, but have some recommendations. There are some studies showing that wind turbines affect bats and migratory birds. There are some unanswered questions. They aren't sure if it affects ground nesting birds, etc.

Mel Wernimont, Fire Chief of Superior Fire Dept., said he would suggest the requirement that a wind farm contract with a high angle rescue team in case of fire or emergency on any of the turbines. This would help at the local level and response times to get to the scene.

Doug Archer, adjoining landowner, said he has heard about the possible 120 windmills and realizes this is in the future. When are the seven turbines for ILEC to be considered?

Barb Woodley said this application would come before the Board of Adjustment on Monday, July 28th at 7:00 p.m. in the community room.

Archer asked about the notification of surrounding landowners. He said 500' is not far enough for the notification process.

Dan Wahl, adjacent farm owner, said there is so much land in this area that is owned by the DNR and it appears the property owners don't want the project. If they go half mile away, the wind project may fail.

Kathy Evert of Iowa Lakes Corridor of Opportunity spoke. She lives 1300 feet from the two wind towers in Spirit Lake. She would urge the board to use caution and be judicious in developing an ordinance that regulates this industry. Iowa Lakes Community College now offers a course for wind energy, the wind farms create jobs and tax revenue. She would encourage the board to look at the overall financial impact it will have in Dickinson County.

Kohlhaase said no wind turbines would be allowed in the A-2 Environmentally Sensitive District which a lot of DNR property is zoned.

Paul Neppi said he has had a wind turbine on his farm for 4 years. When wind speeds reach over 48 mph, the turbine shuts down automatically. In those 4 years, he has never seen any birds killed.

Jim Tirevold, with Spirit Lake schools, said he has worked with the two turbines on the school property for 15 years. He urged the Planning and Zoning Commission to use good common sense. The wind turbines are a good, viable product, and manufactured so they are safe. They have talked to neighbors about any noise levels. The neighbors say when their windows are open, they hear the sound of "whoosh". They've seen no noticeable bird kills. He would recommend the wind turbines stay a fall distance away from any activity or buildings.

Tony Weber suggested that the Planning and Zoning form a committee from the board members and community to meet, research, and start the process of wind turbine regulations. The other board members agreed.

Fifth on the agenda was old or unknown business. Jim Blum said he thought Bekin's Corner would be on next month's agenda with a preliminary plat.

There being no further business, Weber moved to adjourn. Gunderson seconded. The meeting adjourned at 2:30 p.m.

Those present who were interested in being on the study committee for wind energy regulations were asked to leave their name with Barb Woodley.

Filed By: **Barbara Woodley**

Date: **July 24, 2008**