

Burt County Planning Commission
July 1st, 2024 6:00pm
Meeting/Public Hearing

Minutes

Visitors signing in: Mike Bowland, Dawne Price, Bill Price, Sydney Langley, Steve Bowland, Leo Bowland, Janet Bowland, Eldridge Jensen, Graham Christensen, Roxy Pettit, Carol Svendsen, Dustin Marvel, Mitch Climer, David Bracht, Colby Hansen, Ron Schlichting, Wally Lydick, Kevin Anderson, Rev. Gary Fugman, Deb Bigelow, Bernie Maslowsky, Clint Peterson, Sean Connealy, Kim Connealy, Matt Connealy, Larry Ostandorf, Lila Hieneman, Cale Giese, Jennifer Dozal, Silas Scott, Miranda Non?, Julie Drennen, Kate MacEwan, Mandy B, Scott Lindstorm, Sue Hansen, Travis Lindstorm, B? Johnson, Douglas Nelson, Frederik H?, Mark VanDerHart, Dorcas VanderHart, Ted Connealy, Not signing in were Paul Richards, Dustin Marve-OPPD, Gene Kaup, and Red Dozal

Notices of the meeting was given in advance thereof by Publication in the Plaindealer, Burt County website and on the 1st floor bulletin board within the courthouse.

Before the meeting was called to order Ann Chytka introduced Jill Spenner who the Board of Supervisors appointed in June.

The meeting was Called to Order at 6:00 P.M. by Chairman Rodney Bromm

Roll Call was taken by Ann Chytka as follows: Rodney Bromm **Present**, Charley Cull **Absent**,^{Present} Jay Hovendick **Present**, Don Johnson **Present**, Jill Spenner-**Present**, Tyler Weitzenkamp **Present**, Dean Carlson **Present**, Roger Pond **Present**, Scott Ronnfeldt **Present**

Quorum present **yes**.

It was noted where the Open Meetings Act was located.

Bromm stated that the minutes from May 6th, 2024 were received and reviewed.

With no changes being made, Pond made a motion to approve the minutes from the May 6th, 2024 meeting 2nd by Ronnfeldt

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

Minutes were signed by Chairman Bromm and Administrator Chytka.

At 6:02 Bromm opened the Public Hearing for recommendations for Burt County Zoning Regulation section 6.03 for wind energy systems.

Administrator Chytka presented a Power Point with topics that the commission had been researching and discussing over the past few months.

There were 21 people that spoke during the Public Hearing

In Favor- Mike Bowland, Gene Bowland, Leo Bowland, Graham Christensen, Roxy Pettit, Clinton Peterson, Gene Kaup, Cale Giese, Mandy B? Sue Hansen, Julie Drennen

Opposition- Bill Price, Colby Hansen, Doug Nelson

Neutral- Dustin Marve, Rev Gary Fugman

Left blank- Sean Connealy, Kim Connealy, Kate MacEwan, Mark and Dorcas VanDerHart

Each of the above had 3 minutes to speak.

Public Hearing closed at 7:06 and went back into regular meeting

New Business:

Old Business: Continued reviewing with the outline for the topics for the upcoming hearing:

DISTANCE BETWEEN TOWER SUPPORT BASES:

Current:

- The distance between tower support bases of any two WECS shall be a minimum of five (5) rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted if the County finds that such reduction does not impede the operation of the surrounding WECS or adversely affect surrounding property and is consistent with public health, safety and welfare.

Motion by Carlson 2nd by Spenner

The distance between tower support bases of any two WECS shall be at a minimum of 1500 feet. A reduction of this requirement may be granted if the County finds that such reduction does not impede the operation of the surrounding WECS or adversely affect surrounding property and is consistent with public health, safety and welfare. This reduction would be requested at the time of the Conditional Use Permit.

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

DEFINITIONS TO BE ADDED:

- **Project Owner:** A project owner is a person or group responsible for initiating, funding, and overseeing a project.
- **Rotor Blade Length-**The actual length of one rotor blade (measured in feet.)
- **Wind Charger-** Device for holding a charge of electricity
- **Wind Energy-** Kinetic energy present in wind motion that can be converted to mechanical energy for driving pumps, mills, and electric power generators.
- **FAA-** Stands for Federal Aviation Administration
- **Property Line-** Shall mean the boundary line of the area over which the entity applying for the Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.

Motion by Pond 2nd by Hovendick to add the above definitions into the Section 6.03

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

NOISE LEVEL:

Currently:

Noise: no Commercial/Utility WECS shall exceed fifty (50) dBA at the nearest structure occupied by humans. Exception; a Commercial/Utility WECS may exceed fifty (50) dBA during periods of severe weather as defined by the US Weather Service.

Discussion about Definitions of Landowner

Current:

LANDOWNER-shall mean an individual, group of individuals or entity involved in the overall project via land leases, permit applications, contracts, easements or other such means.

Motion by Carlson 2nd by Spenner to clarify in Definitions to add Participating after Landowner **LANDOWNER, PARTICIPATING**-shall mean an individual, group of individuals or entity involved in the overall project via land leases, permit applications, contracts, easements or other such means.

Discussion was had and Pond made a motion to delete *other such means* and add *waivers*.

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

LANDOWNER, PARTICIPATING-shall mean an individual, group of individuals or entity involved in the overall project via land leases, permit applications, contracts, easements, or waivers.

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

There was more discussion on the Noise level

Cull made a motion 2nd by Pond to change to:

- Noise: no Commercial/Utility WECS shall exceed forty (40) dBA at the nearest structure occupied by human (**land owner non-participating**) with no exceptions.
- No Commercial/Utility WECS shall exceed fifty (50) dBA at the nearest structure occupied by human (**land owner participating**). Exception; a Commercial/Utility WECS may exceed fifty (50) dBA during periods of severe weather as defined by the US Weather Service.
- Burt County requires a noise study every 5 years. The testing for compliance shall be completed by an independent entity approved by the Board of Supervisors. The cost of this testing shall be paid for by the owner of the WECS. If not in compliance with the

above listed dBA levels, an immediate shutdown of the WECS shall be required until it can come into compliance.

Roll Call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

SHADOW FLICKER:

Currently we have on any dwelling on a non-participating landowner shall be considered minimal with the 3.5 times total height with the minimum of 1800 feet setback due to shadow diffusion. Shadow flicker will not be allowed on any road intersection due to safety concerns.

Spenner made a motion 2nd by Hovendick to strike current verbiage and replace with

- Shadow flicker shall not occur more than a maximum 30 hours per year on a non-participating landowner.
- Shadow flicker will not be allowed on any road intersection due to safety concerns.
- Burt County will require an **analysis on potential shadow flicker** on any occupied structure on a nonparticipating property with direct line-of-sight to the CWES. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at those locations from sun-rise to sun-set over the course of a year.

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

SETBACKS:

There was discussion about Towns/Villages about their 1-mile jurisdiction and where it starts from. Each city and village have a current 1-mile jurisdiction from their corporate limits.

There was discussion about setbacks for Schools, Churches and Cemeteries. It was stated to keep the current setbacks from property lines.

Pond made a motion to include the setback from the towns/villages to an additional 1 mile from their current jurisdictions (in the setback table) 2nd by Weitzenkamp

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

DEPTH REMOVAL:

Currently ours is 4 feet.

There was discussion and it was decided to leave at 4 feet.

EMERGENCY PLAN:

Nothing in current regulations.

Pond made a motion 2nd by Hovendick to add the following:

- The applicant shall supply **the emergency management agency and/or fire departments** with a basic emergency response plan. The applicant shall provide a copy of the project description and site plan to the local fire department and rescue service having jurisdiction over the project area and shall coordinate with such local entities in the development of an emergency response plan.
- Each site shall have its own 911 address

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

PUBLIC INQUIRIES AND COMPLAINTS:

Nothing in current regulations.

Pond made a motion 2nd by Cull to add

- **Public Inquiries and Complaints:** The owner and operator of the utility grid WECS project shall maintain a publicly available telephone number and identify a responsible person or position for the public to contact with inquiries or complaints throughout the life of the project. Said owner and operator shall make a reasonable effort to respond to the public's inquiries and complaints and shall maintain a record of such inquiries and complaints, together with actions taken and dates thereof and shall make such records available to the Zoning Administrator, Zoning Board, or Burt County Board of Supervisors upon request.
- The telephone number and responsible person shall be on file with the Zoning Administrator

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

Cull made a motion to fix the Formatting Page 135 M) 2nd by Weitzenkamp

- m)The County shall require the project owner to deposit sufficient amounts of certificates of deposit, to assure that the County will be able to liquidate those certificates prior to maturity, upon forfeiture, for the amount of the bond required by this Regulation.
- And correct the following n-q

Roll call vote Ayes- Bromm, Carlson, Cull, Hovendick, Johnson, Spenner, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- None

There was discussion about the need to make sure the company of the WECS has all applicable insurance needed.

Reports from Administrator- all received May and June monthly zoning reports.

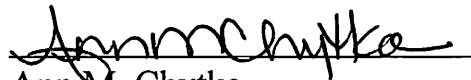
Correspondence-Received from Brian Depew and Mark VanDerHart

Mark VanDerHart spoke on the lighting options available.

Next meeting will be held: To be Determined.

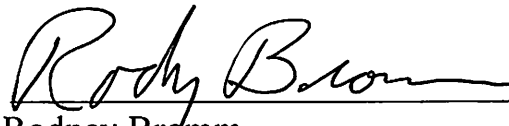
At the next meeting we will appoint a new Vice Chair since Wally Lydick resigned.

Being no additional business Cull made a motion to adjourn at 8:44 pm 2nd by Pond



Ann M. Chytka

Burt County Planning and Zoning Administrator



Rodney Bromm

Burt County Planning and Zoning Chairman