

# McHenry County Zoning Commission

January 24, 2019

2:00 PM

The meeting was called to order by Matt Zelinski. Other members present were Larry Haman, Nancy Mueller, Tom Krumwiede, Bill Goodwin, Shawn Anderson, Darrell Haman, Lyle Hendrickson and Darlene Carpenter. Others in attendance were Kevin Thomas Robin Forward and Alex Bowker.

A motion was made by Bill and seconded by Tom to approve the minutes from December 27<sup>th</sup>. Motion carried unanimously.

The public hearing was opened to discuss the conditional use application from Ruso Windfarms LLC to place a substation in the NE ¼ NE ¼ of Section 5-151-80. The application also requested a variance to place transmission poles within the 150' setback requirement along the north border of Sections 5 and 6, and the west border of the NW ¼ NW ¼ in Section 6, all in 151-80. Ms. Bowker explained the project to be a 200 megawatt project with 53 primary locations and 13 secondary locations for the wind towers. There will be 8-10 miles of transmission line. The construction is anticipated to start in the 3<sup>rd</sup> quarter of 2019 and be online and operational the end of 2020. Matt questioned the setback for the substation as well as if they had been given approval from NDDOT to place an approach along Hwy 41. Currently, the plans are to place the substation 130' from the center of Hwy 41. Mr. Thomas stated there are environmental restrictions with the land to the north of the proposed substation, to the west starts some rough terrain and the south is farmland which the Thomas's are not willing to give up. Also questioned was the placement of the transmission poles and why they are planned to be located 60-70 feet from the center of the section lines. Ms. Bowker explained that location may be due to easier access when maintenance is due. Mr. Thomas stated he has a contract that states the poles will be placed a minimum of 120' off of the section line. Since there are many questions that need to be resolved, a motion was made by Bill and seconded by Shawn to deny the CUP application for the substation until more information is received. Motion carried unanimously. A motion was made by Tom and seconded by Darrell to deny the variance application for the placement of the transmission poles until an agreement can be made with Thomas's as to the setback of the poles. Motion carried unanimously.

The board discussed the extraterritorial zoning area around the various cities in the county. The formal procedure as stated in NDCC 40-47-01.1(5), has not been completed by any city in the county. This century code states a zoning transition meeting must take place before a city can adopt an ordinance exercising extraterritorial zoning. The zoning board asked this to be brought up to the county commissioners. If the commissioners would like meetings to be held, the zoning board would be willing to hold those meetings.

Currently, the county zoning ordinance excluded the Cottonwood Lake Refuge. We have recently been informed the US Fish & Wildlife Service only regulates the water and wildlife issues within that refuge. It is the intent of the zoning board to include the acres that encompass that refuge as an area under the jurisdiction of the county zoning ordinance. This will be added to the other revisions that need to be made.

The board discussed adding a category of "Special Uses" to the ordinance to cover anything that may not be specifically mentioned in the zoning ordinance. Currently, if it is not listed, it is prohibited.

At 4:00 PM, a motion was made by Darrell and seconded by Lyle to adjourn. Motion carried unanimously.

ATTEST:

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Darlene Carpenter, Auditor