

**McLEAN COUNTY**  
**Planning & Zoning Commission**

**A G E N D A**

**Thursday March 26, 2020**

Time	Item
7:00PM	<p style="text-align: center;"><u>NOTICE OF ZONING AMENDMENTS</u></p> <p>Under § 1.11 of the Revised McLean County Zoning Ordinances, if a zoning permit application pertaining to the subject matter of these amendments is received by the county after the county commission adopts and approves publishing of these amendments, the application will be considered by the commission under any final amendments that are enacted into law.</p> <p>The amendments are:</p> <p><u>6.5.1 ELECTRICAL POWER TRANSMISSION LINES AND MORATORIUM RIGHTS.</u> 1. The lines shall follow quarter section lines unless otherwise approved by the landowner and the McLean County Board of County Commissioners. <u>All electrical power transmission lines from wind energy facilities are subject to §6.5.11(3) setbacks or avoidance zones. Any electrical power transmission line above 15 kilovolts (kV) must have a siting plan approved by the county before any installation or upgrade. Electrical power transmission sites and routes must be selected to minimize disorder and adverse human, economic, agricultural, environmental, and wildlife impacts in the county. If the county finds the site of an electrical power transmission line will unduly harm any of these specified public interests, it can deny the site permit. The county reserves the right to issue a moratorium for up to (24) twenty-four months for the siting or building of any new electrical power transmission lines, or electrical or energy generation facilities if the county needs time or information to study the impact of additional transmission lines or generation facilities on the health, safety, morals, public convenience, general prosperity, and public welfare of the citizens of McLean County. If the county exercises its moratorium rights it shall do so by written resolution of the county commission that is then published on the county website and official county newspaper.</u></p>

Any person has a right to appear before the county commission to protest any moratorium.

6.5.3 CHEMICAL FERTILIZER PLANTS, COAL GASIFICATION PLANTS, ELECTRICAL POWER GENERATING PLANTS, REFINERIES AND PETROCHEMICAL PLANTS. 1. A preliminary public hearing shall be conducted in the County concerning site location, needs of the plant, size and location of construction crews, employees, road, housing, community facilities, and County and community services. 2. The applicant shall provide twelve (12) copies of an environmental impact statement for distribution to the appropriate agencies. 3. Written evidence of approval by ~~North Dakota Department of Health on pollution controls~~ any necessary state or federal permitting agency shall be provided. 4. Written evidence of approval for a water permit from the North Dakota State Water Commission shall be provided. 5. Applicants shall conform to all requirements regarding preservation, removal, or relocation of historical or archaeological artifacts. 6. The county may require an applicant for a site permit for a new electrical power generation plant to provide the following written documentation: a) the proposed plant's greenhouse gas and other pollutant release spectrum so the public can determine the plant's impact to air quality and climate change; b) base load power plant needs in the relevant Regional Transmission Organization (RTO), including black or brown out or reliability risks in the RTO; c) impacts of the proposed plant on any other electrical generation plant in the county; d) impacts of the proposed plant to any coal mining activity in the county. 7. The county reserves the right to deny or hold in abeyance any site permit until any or all lands that are under mining control are released from their bonds and returned to private ownership.

6.5.11 WIND ENERGY FACILITIES GENERAL PROVISIONS. 1. Public hearing required. A preliminary public hearing shall be conducted in the county concerning site location, needs of the operation and company employees regarding roads, housing, community facilities and county and community services. These hearings are separate from any environmental impact statement process that may be required. 2. The county incorporates and adopts all North Dakota Public Service Commission (NDPSC) laws and rules found in NDCC chapters 49-22 and 49-22.1, and NDAC chapter 69-06 as the county wind energy generation ordinance and may enforce those rules or laws independent of the NDPSC. The county reserves the right to list rules in addition to, or more restrictive than, NDPSC rules and

those reservations and restrictions are enumerated in paragraph three (3). 3. County reservations and restrictions: a) the turbine setback from any section line, public right of way, or nonparticipating landowner's property line is one and one half the height of the turbine plus seventy-five (75) feet from the centerline; b) the turbine setback from a nonparticipating landowner's occupied residence is twenty-five (25) hundred feet; c) turbine(s) and any electrical power transmission lines from NDPS C permitted wind turbines, whether they are within the county or intrastate, and whether they were installed for existing energy sources, or new or upgraded energy sources, shall be setback at least one (1) mile beyond the ordinary high water mark of the Missouri River, Lake Sakakawea, and Lake Audubon; d) fees. The special use permit fee is .001 (1/10th of 1%) of the value of each wind turbine. If a turbine is in an organized township this fee will be provided to that township. An application fee of \$1000 shall be payable at the time of application for a special use permit, with the remainder of the special use permit fee remitted by the applicant prior to building permit application(s); e) the County reserves the right to reject a wind turbine permit application if the project could have a material adverse impact to area property values, agriculture, or wildlife. 4. Transfer of permit. The owner of an approved wind energy facility shall send written notice to the county auditor of any change in ownership of the facility and include the contact information of the subsequent purchaser. The purchaser of a wind energy facility shall keep the county updated with contact information and other matters pertinent to the county's zoning permit.

FULL NOTICE OF THESE AMENDMENTS WITH THE ATTACHMENT CAN BE FOUND ON THE COUNTY WEBSITE: [www.mcleancountynd.gov](http://www.mcleancountynd.gov)

Following the adoption and publication of these amendments, THE COUNTY WILL HOLD A PUBLIC HEARING ON THE AMENDMENTS AT 7:00 P.M. IN THE UNDERWOOD CITY BUILDING, 88 LINCOLN AVE, UNDERWOOD, NORTH DAKOTA, ON MARCH 26, 2020.

Submitted by Ladd Erickson, McLean County State's Attorney, and adopted and approved for publication by the McLean County Commission on March 3, 2020.

**\*Note \* THE PLANNING AND ZONING COMMISSION WILL MEET ON THE AMENDMENTS AT 7:00 P.M. IN THE UNDERWOOD CITY BUILDING, 88 LINCOLN AVE, UNDERWOOD, NORTH DAKOTA, ON MARCH 26, 2020.**