

## **Minutes - Woodbury County Zoning Commission Meeting**

**October 26, 2009**

The meeting convened on the 26th of October, 2009 at 6:05 PM in the Board of Supervisor meeting room in the Woodbury County Court House, downtown, Sioux City, Iowa. Present were the following Commission members – Chairman Grady Marx, David McWilliams, and Christine Zellmer Zant; Arvin Nelson and Michael Knight had prior commitments: Staff members present were Director John Pylelo and Clerk Peggy Napier. Present from the public was Tony Yonnone.

**The first agenda item was approval of meeting minutes from July 27, 2009.**

**Commissioner McWilliams made the motion to approve the July 27, 2009 minutes; the motion was seconded by Commissioner Zellmer Zant; motion carried 3-0.**

**The second agenda item was a review and recommendation to the Board of Adjustment regarding a Conditional Use Permit for the proposed installation and operation of a meteorological tower. The developer is Horizon Wind Energy, LLC; Property owner is Kirk Petersen.**

Section 2.02-9-E(1) of Woodbury County zoning ordinances enacted August 1, 2008 requires your Commission review and make recommendation to the Board of Adjustment on any conditional use permit applications. This conditional use permit is required as towers of any type are allowed only as a conditional permitted use.

On October 9, 2009 a conditional use permit application was received from the developer and property owner for proposed construction of a monopole and guyed meteorological tower. The tower's purpose would be support equipment used to measure wind speeds over a 24 to 72 month period. The data obtained would be used to determine the feasibility of wind turbine tower development within Morgan Township. Upon completion of data gathering project the tower will be dismantled, and removed from the parcel(s).

Mr. Petersen purchased the two parcels in 'August of 2007 and uses the property within his farming operation. The owner of the tower will be Horizon Wind Energy of Minneapolis, MN. Horizon Wind Energy is represented by project manager, Tony Yonnone. Horizon Energy would lease a 116' by 116' portion of the parcel(s) from Mr. Petersen for placement of the tower.

Selected data regarding the project is as follows:

Height of tower	198'
Tower base elevation	1,437'
Tower maximum height elevation	1,635'
Tower Width	10'
Tower Guy Radius	164'
Width of L37 roadway ROW at this location	80'

Tower base distance to:

L37 roadway ROW to the east	305'
parcel line to the west	933'
parcel line to the north	86' approx.
parcel line to the south	1,234' approx.

The tower's base lies within or near the shared parcel line of the SE ¼ of the NE ¼ and the NE ¼ of the SE ¼ of Section 29 Morgan Township. The tower would be located approximately 5.5 miles SE of Anthon and approximately 5.5 miles NW of Danbury. The location is on the west side of Hwy L37 (a/k/a Safford Avenue a paved and county maintained roadway. The closest intersecting roadways are 260<sup>th</sup> St. ½ mile to the north and 270<sup>th</sup> St. ½ mile to the south. The property is zoned AP (Agricultural Preservation) and the location does not lie within any drainage district or a known flood hazard area.

The nature and type of this tower provides no viable collocation opportunities within a one mile distance of the proposed site. The tower will not require illumination as it will not meet the FAA's 200' minimum height requirement requiring lighting.

Included in your reference materials are copies of the following information provided by the applicant:

- A. Application
- B. Site Plan Checklist

- C. Exhibits A through G as listed within item B, the Site plan Checklist
- D. Abstractors List of Surrounding Landowners

The twenty eight (28) property owners within 5,280 feet of the parcels have been notified of this proposed project and invited to attend the November 2, 2009 Board of Adjustment public hearing.

Existing occupied structures within 1 mile of the proposed tower site are as follows:

Daron & Holly Petersen  
4431 270<sup>th</sup> St.  
2850' to the Southeast

Shirley Petersen  
4424 270<sup>th</sup> St.  
3750' to the Southeast

Kirk Petersen  
2715 Safford Ave.  
4300' to the South

Merlin Petersen Testamentary Trust  
4353 270<sup>th</sup> St.  
3600' to the Southwest

Vera Welte  
2639 Pocahontas Ave.  
5250' to the West

William and Mary Jean Karhoff  
4357 260<sup>th</sup> St.  
3650' to the North

Ilene Hamann Testamentary Trust  
4461 260<sup>th</sup> St.  
5050' to the Northeast

The tower will have no equipment shelters located at its base. The tower is self-contained and under battery operation. As such the site plan does not provide for any utility connections or access/egress/utility easements.

The applicants request that any requirement for the installation of a drive from the tower's base to the roadway right of way be waived; that any required driveway installation along the west side of L37 roadway right of way be waived; and that any required address application, address assignment or installation of address signage by the Woodbury County Department of Emergency Services be waived. Comment on each of

these waiver issues has been requested from the County Engineer and the Director of the Department of Emergency Services.

A response was received from Gary Brown, Woodbury County Disaster and Emergency Services on October 20, 2009;

*“Hi John I think this site still needs a temporary 911 address, I am willing to donate the costs and erect the sign at no cost in the interest of economic development in Woodbury County, but if someone gets hurt we need to be able to get to them and that requires an address. Have them fill out an address request they just don’t need to send a check. Thanks”*

*Gary Brown, Director  
Woodbury County Disaster and Emergency Services  
Woodbury County Emergency Management  
Climbing Hill Office 712-876-2212  
Sioux City, Iowa Security Institute Office 712-222-4421*

*At the October 26, 2009 Board of Adjustment Meeting Mr. Tony Yonnone representing Horizon Wind Energy stated the project is willing to address the access drive to the proposed site.*

On October 21, 2009 an email message was also received from County Engineer, Mark Nahra;

*John:*

*I have no objection to the conditional use permit for the proposed tower. I am not willing however to waive driveway requirements. Unless they are using an existing driveway, any access from a paved county road (L37 in this case) will have to be reviewed for proper sight distance and culvert needs. They need to be reminded there is no cost for a permit and driveway cost would be minimal if located at the top of a hill. If there is an existing field driveway they can use, there is no problem at all. We have no internal driveway or road requirements for the company to meet for a temporary tower. I am only concerned about them just cutting a hole in a backslope to install the tower and creating a potential ditch erosion problem or having a sight distance issue on a new entrance.*

*We will do all we can to help with this project, and would meet with a company representative on site to quickly resolve any access issues. I doubt that this discussion should have any ill effect on their planned project.*

*Mark J. Nahra, P.E.  
Woodbury County Engineer  
759 E. Frontage Road  
Moville, IA 51039*

*phone: 712-279-6484 or  
712-873-3215  
fax: 712-873-3235  
email: [mnahra@sioux-city.org](mailto:mnahra@sioux-city.org)*

Chairman Marx asked Mr. Yonnone how far the tower would be from the Mapleton airport.

Mr. Yonnone explained they submit coordinates to FAA and any other concerned parties in the area. In addition, orange balls are attached to the guy wires to assist with visibilities.

Yonnone further explained the tower remains in place for 2 to 6 years for the sole purpose of data collecting and then is removed. Since the tower is battery operated it's data collecting abilities has a limited lifespan.

Mr. Marx was concerned towers went up with little warning and came down quickly meaning there was inadequate amount of time to warn small airplanes about existence and location of tower. Marx inquired as to possibility of putting light on top of tower.

Mr. Pylelo asked how many towers have been installed over the past ten (10) years.

Mr. Yonnone said hundreds of towers have been installed and the question of lighting always comes up but Horizan Wind Energy, LLC maintains it is not required they add lighting to towers less than 200' in height. The proposed tower is 198'.

Ms. Zellmer Zant asked if there were statistics (regarding lit vs unlit towers of this kind).

Mr. McWilliams asked if solar powered or reflective lighting was possible.

Mr. Pylelo said it would be better to err on the side of pure safety.

Ms. Zellmer Zant suggested the commission rely on the company's expertise.

Pylelo asked if the towers had ever been lit.

Mr. Yonnone said he would have to research that answer, but said the lights would have to be ground level in order to provide maintenance. If placed on top of the tower, maintenance and it's related cost (approximately \$2,000 per visit) and/or the cost of bringing the tower down and re-erecting it (\$10,000) in case of failure were prohibitive. Connection to electricity was not possible.

Mr. McWilliams said the airport had battery operated lights lasting five (5) years.

Mr. Yonnone asked the commission where the line is drawn in how far below the 200' and above limit for lighting.

Ms. Zellmer Zant agreed lighting is above and beyond what is already required by our ordinances.

Mr. Marx asked a cost analysis be done by Horizon on the possibility of 24 hour lighting on the tower.

Mr. Yonnone agreed to send the office of Planning and Zoning his findings. He stated for the record he did not wish to light the tower. He felt it interfered with the agreement he already had with Mr. Kirk Petersen, the landowner.

Yonnone further stated in response to a question regarding an easement from Petersen it was his company's policy to reimburse the landowner for any damages done to his land or his crops in the process of installing/removing the tower; this in an interest of keeping positive working relations with his landowners.

Yonnone said there would not be an issue with the tower not coming down. If Horizon Wind Energy, LLC failed to remove it, the bank or even Mr. Petersen could sell it at its current value of \$80,000 (eighty thousand dollars).

**The Zoning Commission asks the Board of Adjustment be aware of the following:**

- **They have reviewed this conditional use application.**
- **Among items of discussion were the addressing and drive installation issues discussed above.**
- **The Commission extensively discussed safety issues of the tower and felt it prudent to request Horizon Wind Energy provide information and cost documentation for lighting the tower so it can be reviewed within your Board's public hearing process.**
- **Other issues discussed were protecting the landowner for Horizon's removal of the tower.**
- **The landowner has a clear understanding of any access/egress locations. Further, that the landowner is aware access to the tower may be required should maintenance or repair be required.**

**The next agenda item was Any Citizen Wishing to be Heard.**

Citizen attending had already been heard.

Mr. Pylelo advised the commission he had ex-parte language prepared for Chairman's introduction paragraph and would include it in the packet for next meeting.

Mr. Pylelo led a short discussion of Sioux City's proposed water tower on land previously owned by William Bride.

**Commissioner Zellmer Zant made a motion to adjourn; Commissioner McWilliams seconded the motion; motion carried 3-0.**

**Meeting adjourned at 7:05 PM.**