

The Jefferson County Planning and Zoning Committee held a public meeting on Thursday February 9th 2023 at 7:00pm in the Jefferson County District Courtroom. Members present were Dustin Fairley, Kevin Banahan, Bruce Livingston, Andy Snyder, Bruce Weise, Randy Welsch, Mike Hansmire, CJ Forsgren, James Hahn, Ethan Thorp, and Zoning Administrator John McKee.

Chairman Welsch called the meeting to order at 7:02pm. Welsch noted the open meetings act, the agenda, and that the notice was printed in the paper. Motion by Hahn, seconded by Banahan to approve the agenda as printed. Motion passed. Secretary Fairley read the minutes from the previous meeting, minutes were approved as read.

First item of business was Article 6.65(A)(6) Part E. Setbacks from schools, churches, recreational areas and communities. After some discussion Snyder made a motion to have 1.25 mile setback from communities, state recreation areas, and schools. Seconded by Fairley. Weise moved to amend the main motion by inserting "owned" into state recreation areas. Seconded by Snyder. A roll call vote was taken on the amendment all were in favor. Weise moved to amend the main motion by striking 1.25 miles and inserting 1 mile. Seconded by Hahn. A rollcall vote was taken; Fairley-no, Banahan-yes, Livingston-yes, Snyder-no, Weise-yes, Welsch-no, Hansmire-yes, Hahn-yes, Thorp-no. Motion passed 5-4. Motion by Snyder to amend the main motion to add churches. Seconded by Hahn. A roll call vote was taken, all were in favor. Weise moved to amend the main motion by inserting "incorporated" before communities. Seconded by Hansmire. A rollcall vote was taken, all were in favor. The main motion now reads "One mile setback from incorporated communities, state owned recreation areas, schools and churches". A rollcall vote was taken on the main motion, all were in favor.

Next item of business was Article 6.65 (A) (11) Shadow Flicker limit of 30 hours per year of actual flicker at any non-participating primary occupied residence. Motion by Weise to leave Article 6.65(A)(11) as is. Snyder Seconded. A roll call vote was taken, all were in favor.

Article 6.69 Commercial Wind Energy Conversion System Discontinuation and Decommissioning. Fairley moved to strike existing language and insert the following.

A. CW ECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Jefferson County Zoning Administrator outlining the steps and schedule for returning the CW ECS to service. All CW ECS and accessory facilities shall be removed four (4) feet below ground level within 18 months of the discontinuation of use. This period may be extended by the Jefferson County Board of Commissioners following a written request by an agent of the owner of the CW ECS.

B. Each CW ECS shall have a decommissioning plan outlining the anticipated means and costs of removing each CW ECS at the end of the serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. Such person shall be approved by the Jefferson County Board of Commissioners. Such decommissioning plan and cost estimates shall be updated every five (5) years.

C. At the end of the aggregated project's useful life, the entire site shall be restored in accordance with the requirements of this condition within eighteen (18) months.

D. An escrow account, bond, or equivalent enforceable security instrument shall be determined by the Jefferson County Board of Commissioners and is required at the time of application to guarantee removal and restoration upon discontinuation, decommissioning or abandonment and shall be equal to or greater than the cost estimate provided for in the decommissioning plan. Such bond or equivalent enforceable security instrument shall be reviewed and updated every five years so as to be equal to or greater than the cost estimates from the most recent decommissioning plan. Upon transfer of any CWECs permit, the permit holder shall submit proof that the escrow account, bond, or other security instrument has been reassigned, or that a new escrow account, bond or other security instrument has been obtained for decommissioning. The transfer of a CWECs permit and any assignment of an escrow account, bond, and security instrument and all other or new escrow accounts, bonds, and security instruments must be filed with the Register of Deeds and evidence of that filing shall be presented to the Jefferson County Planning and Zoning Administrator and Jefferson County Board of Commissioners. The motion was seconded by Snyder. Weise moved to amend the main motion by adding Part E. Landowner around each tower has first right of refusal after decommissioning but before removal if agreed upon by CWECs company. Seconded by Hahn. A roll call vote was taken; Fairley-no, Bahahan-no, Livingston-no, Snyder-no, Weise-yes, Welsch-no, Hansmire-no, Hahn-yes, Thorp-no. Motion failed 2-7. A roll call vote was taken on the main motion, motion passed, all were in favor.

Weise moved to adjourn the meeting, seconded by Banahan, motion carried.

Meeting adjourned at 8:38pm.

Respectfully submitted, Dustin Fairley Secretary.