

BOARD PROCEEDINGS
August 23, 2016
REGULAR AUGUST SESSION

The Board of Supervisors met pursuant to adjournment. Present were: Don McGregor, Chairman, Don Besch, Jack Plathe, Roger Tjarks and Pam Wymore.

Public Discussion was held.

Motion by Wymore and 2nd by Besch to approve the agenda and the minutes of the previous meeting dated August 16, 2016. Motion carried.

Scott Curtis was present to give the monthly report for Kossuth Regional Health Center.

No decision was made for the Kossuth County Housing Needs Assessment.

The Board of Supervisors acknowledged the Safety Committee Meeting Minutes for the month of August, 2016.

Motion by Tjarks and 2nd by Wymore to approve exploring further on an HR Department and the budget dollars needed to accomplish this. Chairman McGregor called for a roll call vote: Wymore: yes Tjarks: yes Plathe: yes Besch: no McGregor: yes. Motion carried 4-1.

Motion by Plathe and 2nd by Besch that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Algona Municipal Utilities, Algona, IA, to install 2" HDPE conduit by directional drill and backhoe trench for high voltage electric service to an existing customer. Work will be at 2003 150th Avenue, approximately 930' north of the intersection of 150th Avenue and 200th Street, between Sections 8 and 9, Irvington Township. Permit number 08-24-2016 is on file in the Kossuth County Engineer's Office. Motion carried.

Discussion with Kossuth County Engineer/Zoning Administrator was held followed by Drainage.

Discussion with Kossuth County Auditor was held followed by Board Discussion and Committee Reports.

Motion by Besch and 2nd by Tjarks to open the public hearing for amending the Kossuth County Zoning Comprehensive Plan. Chairman McGregor called for a roll call vote: Wymore: yes Tjarks: yes Plathe: yes Besch: yes McGregor: yes

Chairman McGregor requested Doug Miller to read the Kossuth County Zoning Comprehensive Plan. After Doug Miller read the plan Chairman McGregor called for questions or comments from the public.

Motion by Tjarks and 2nd by Plathe to close the public hearing for amending the Kossuth County Zoning Comprehensive Plan. Chairman McGregor called for a roll call vote: Wymore: yes Tjarks: yes Plathe: yes Besch: yes McGregor: yes

Motion by Wymore and 2nd by Tjarks to approve Resolution #08-23-16-01 which approves the Kossuth County Zoning Comprehensive Plan Amendment. Chairman McGregor called for a roll call vote: Wymore: yes Tjarks: yes Plathe: yes Besch: yes McGregor: yes

**RESOLUTION TO APPROVE KOSSUTH COUNTY ZONING COMPREHENSIVE
PLAN AMMENDMENT**

Kossuth County Board of Supervisors Resolution No. #08-23-16-01

WHEREAS, Kossuth County has received requests to construct commercial wind energy generating facilities, and

WHEREAS, the current Kossuth County Zoning Ordinance and Comprehensive Plan do not address the numerous and complex issues that must be considered in whether to approve such projects, and

WHEREAS, prior to beginning the drafting and adoption of the new zoning provisions, The Comprehensive Plan needs to be revised to guide that process, and

WHEREAS, the Kossuth County Planning and Zoning Commission has recommended that the Comprehensive Plan be amended to address commercial wind energy generating facilities, and

WHEREAS, the Kossuth County Board of Supervisors has held a Public Hearing that has allow discussion of the Kossuth County Zoning Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY THE KOSSUTH COUNTY Board of Supervisors, to approve the Amendment to the Kossuth County Comprehensive Plan as stated below;

Introduction/Background

The current Kossuth County Comprehensive Plan (the "*Comprehensive Plan*") was drafted in June of 1973. There have been no subsequent amendments or revisions to the Comprehensive Plan.

Recently, Kossuth County has drawn the attention of several entities that are interested in building commercial-sized (i.e. – greater than 100 kW of capacity) wind energy generating facilities in the county. The Board of Supervisors recognized that the current Kossuth County Zoning Ordinance does not address such wind farms, and has implemented a moratorium on processing any applications to construct commercial wind energy conversion systems ("*WECS*") until November 30, 2016. The Board has also initiated the process of soliciting input from interested parties as the Board begins the task of drafting zoning provisions for such WECS. Part of that process involves amending the Comprehensive Plan to provide a framework to guide the development of new zoning provisions for WECS.

The Kossuth County Planning & Zoning Commission has recommended to the Board of Supervisors that the following provisions be adopted as an amendment to the county's Comprehensive Plan.

I. Goals/Objectives

The primary goal of this proposed amendment to the Comprehensive Plan is to help ensure that any specific zoning provisions that are adopted for WECS reflect the goals, and address the concerns, of the citizens of Kossuth County.

Secondary goals include:

- Directing the development of WECS to locations that minimize conflict with existing land uses; and
- Developing specific zoning provisions that are flexible enough to address the fact that WECS are likely to be proposed within various zoning districts throughout the County.

II. Standards and Guiding Principles

In developing specific zoning provisions for wind energy conversion systems, the Planning and Zoning Commission and Board of Supervisors has numerous principles they should consider, to wit:

1. Because Kossuth County is an area of prime agricultural land, the preservation of that land for agricultural purposes should be of foremost consideration. Thus, the impacts that a wind farm has on farming operations must be considered. These impacts include:

- a.) direct and indirect loss of land because of the structures and related infrastructure associated with WECS;
- b.) interruption of agricultural drainage tiles and ditches, and overland surface flows;
- c.) restricting access for aerial applicators;
- d.) soil compaction during installation and repair activities;

- e.) increased traffic and resulting wear and tear on the County road system; and
- f.) impacts on other public utilities.

2. Because WECS involve very large structures arrayed in patterns that may have hundreds of individual turbines that are visible for miles and designed to be operated for decades, (as well as associated above and below-ground transmission equipment and lines,) there is an obvious need to consider:

- a.) the visual impacts on surrounding land, particularly if that land has residential uses, parks or natural areas, historically, culturally, or environmentally sensitive areas, cemeteries, or other special uses;
- b.) “typical” zoning provisions regarding height, separation distances from lot boundaries and adjacent land uses (e.g. – residences, airports, and sensitive areas identified in (a.) above), noise, density (both on a project basis and county-wide), light flicker, air flows, color, interference with other electrical systems and similar issues attendant with WECS;
- c.) safety and emergency protocols for local responders in the event of an accident involving a WECS that causes injury to persons or property; and
- d.) the obligation for removal of the structures when they are no longer operational, including financial responsibility.

3. The economic impact (both favorable and unfavorable) on Kossuth County resulting from WECS; including job creation, tourism, and the effects on existing and potential business and industry.

4. The promotion of clean and renewable energy sources.

5. Such other considerations as may reflect the community values and desires of the citizens of Kossuth County.

III. Strategies

1. Because of the complex and likely controversial nature of WECS, the drafting of a zoning ordinance to address the siting of such systems in the County will be equally complex and controversial. It is thus imperative that the Board solicit the input and comments from: the citizens of Kossuth County, the individual municipalities and other governmental entities within Kossuth County (including secondary schools and community colleges, townships, and fire districts, the Iowa DNR and DOT, the federal agencies involved with the Union Slough Wildlife Refuge, the owners and operators of the WECS, and other utilities and businesses in Kossuth County. It is recommended that the above parties be directly notified of any public hearings on WECS as well as invited to provide their comments to a central source at the County level. It is further recommended that the Board hold workshops at various locations in the County to review and discuss the specific zoning provisions. Because of the recent proliferation of WECS across Iowa, the Board should also consult with other counties to see what their experiences with WECS have been like, and any recommendations they may have regarding zoning for WECS.

2. Due to the unique and complex set of factors that must be considered with each request for a WECS, the Planning and Zoning Commission recommends that the Board develop a Zoning Ordinance that treats WECS as conditional uses in the existing zoning districts of Kossuth County (rather than make them allowable uses in certain districts, or attempt to develop separate or overlay districts for WECS). The zoning ordinance should identify general uniform conditions for all proposed WECS, while allowing the Planning & Zoning Commission and Board broad discretion in allowing WECS based on more specific considerations that take into account any special conditions or circumstances in the affected area. As such, there is no need to change the existing land use map for WECS.

3. In designing a zoning approval/permitting procedure for WECS, the County should emphasize the need for Applicants to provide IN ADVANCE plans showing the approximate location, and the size, and specs of all structures and lines proposed to be installed, as well as the adjacent areas that will be affected during construction.

Resolution adopted this 23rd day of August, 2016.

Kossuth County Board of Supervisors

Don McGregor
Board of Supervisors Chairperson

ATTEST:

Amber Garman
Kossuth County Auditor

On motion adjournment was taken until August 30, 2016.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors