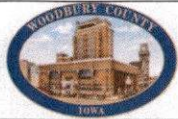


9a.



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov
Daniel J. Priestley, MPA – Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

STAFF REPORT – MAY 8, 2023 PROPOSED AMENDMENTS TO ORDINANCE #56

SUMMARY	CONTENTS
SUMMARY OF PROPOSED REVISIONS TO WOODBURY COUNTY ORDINANCE #56: AMENDMENTS TO MODIFY SECTION 6.1.A: WIND TURBINES SET BACK REQUIREMENTS IN THE ORDINANCE REGULATING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN UNINCORPORATED WOODBURY COUNTY.	<ul style="list-style-type: none"> • Board of Supervisors' Direction • Background • Summary of Setbacks • Staff Recommendation • Comments • Buffer Map Illustrating Setbacks • Legal Notifications • Proposed Ordinance Amendment

BOARD OF SUPERVISORS' DIRECTION

On April 11, 2023, the Woodbury County Board of Supervisors directed the Zoning staff to draft an amendment to *Woodbury County Ordinance #56: An Ordinance Regulating Commercial Wind Energy Conversion Systems in Unincorporated Woodbury County* to increase the Wind Turbines Protect Area Turbine Set Back Requirements from the City Limits and Public Conservation Areas. The Board requests for an increase in the setbacks from city limits to 2-miles and an increase in the setbacks from Public Conservation Areas to 2,640 FT or 4.5x tower height setback (whichever is greater) from Conservation Areas.

BACKGROUND

Woodbury County Ordinance #56: An Ordinance Regulating Commercial Wind Energy Conversion Systems in Unincorporated Woodbury County is a stand-alone ordinance that includes guidelines for the development of large-scale Commercial Wind Energy Conversion Systems (C-WECS) by regulating and requiring a C-WECS Special Use Permit for the siting, design, construction, operation, and decommissioning of these wind energy conversion systems (WECS). This proposal is to amend Ordinance #56 to increase the City Limit Setback to 2-miles and the Public Conservation Area to 2,640 FT or 4.5x tower height setback (whichever is greater) from Conservation Areas.

The incorporated areas within Woodbury County have a compelling interest in the land use activities that occur within 2-miles of their respective jurisdictions. Each community has their own plans for expansion and development as well as their own policies on how they expect their growth to trend. Both Iowa Code 354.9 and 414.23 acknowledge the incorporated areas authority for land use in this 2-mile zone. Under the extraterritorial review parameters contained within Iowa Code 354.9 and acknowledged in the Woodbury County Subdivision Ordinance, Section 1.03.2, "the county shall acknowledge the concurrent review and approval processes by municipalities of subdivisions located within the extraterritorial review jurisdictions of municipalities. The municipal extraterritorial jurisdiction area is either the area within two miles of the corporate boundaries of the nearest city or an area described in a specific agreement pursuant to Chapter 28E of the Iowa Code."

In terms of public conservation areas, the Woodbury County Conservation Board "is a regional agency tasked with providing high quality and valuable education, recreation, enhancement and preservation of natural resources through professional and courteous service for the betterment of current and future generations." The Board owns and operates "four large developed parks, over 5,000 acres of undeveloped wildlife areas, several day use areas and river accesses." Hence, the Board also has a compelling interest in protecting and preserving public conservation areas for future generations. At the April 13, 2023 meeting of the board, the members approved a motion by a 5-0 vote "to approve support of the Board of Supervisors ordinance change of setback limits for wind turbines near conservation areas of ½ mile or 4 ½ times the tower height" (Woodbury County Conservation Board Draft Minutes, 4/13/23).

CURRENT ORDINANCE SETBACKS		PROPOSED ORDINANCE SETBACKS	
Protected Area	Turbine Set Back Requirement	Protected Area	Turbine Set Back Requirement
City Limits	600 feet	City Limits	2 miles
Public Conservation Area	600 feet	Public Conservation Area	2,640 FT or 4.5x tower height setback (whichever is greater)

STAFF RECOMMENDATION

Staff recommends the approval of the proposed amendment to Ordinance #56 to increase the setbacks from the Protected Areas including the City Limits and Public Conservation areas as noted in the table above.

The following pages include comments from the public, other jurisdictions, organizations, and/or minutes from city councils.

CITY OF ANTHON: APRIL 10, 2023 – CITY COUNCIL DRAFT MINUTES

April 10, 2023

CALL TO ORDER & ROLL CALL: Mayor Lisa Petersen called the regular meeting of the Anthon City Council to order on April 10, 2023 at 5:30 p.m. Council members in attendance: Mona Kirchgatter, Paul Lansink, Barb Benson and John Kuhlmann. Absent: Tony McFarland. Also present: Karen Newman, Lori Handke, Donna Crilly, Ross Baldwin, Kevin Clausen, Tammy Reimer, Randy Dau, Kevin Carpenter, Jeff Collins and Mark Poese.

AGENDA: Motion by Lansink, seconded by Kirchgatter, to approve the meeting agenda. Carried 4-0.

PUBLIC COMMENTS: There were no questions from the guests of the council meeting.

POLICE REPORT – The Woodbury Sheriff's Department did not attend the meeting.

CONSENT AGENDA: Motion by Kirchgatter, seconded by Lansink, to approve the consent agenda All ayes. Motion carried. a. minutes of March 13 & 20, 2023 meeting; b. financial reports as filed; c. allow bills/claims presented:

CLAIMS REPORT

VENDOR	REFERENCE	AMOUNT
ANTHON RETIREMENT HOME	REFUND	\$ 1,650.56
AT&T MOBILITY	PHONE	\$ 180.51
CENTER POINT LARGE PRINT	LIBRARY MATERIALS	\$ 140.82
CENTURY LINK	PHONE	\$ 88.07
COCKBURN ENTERPRISES, INC	HAUL GRAVEL	\$ 1,839.70
	MILEAGE/MEALS - DMAAC	
COLLINS, JEFF	CLASS	\$ 337.51
CORNBELT CONCRETE & CONSTRUCTI	SIDEWALK - KATIE'S	\$ 1,000.00
CORRECTIONVILLE BLDG CENTER	PAINT - CITY SIGNS	\$ 102.22
MATTHEW CURTIN	CONTRACT	\$ 470.83
DELTA DENTAL	DENTAL	\$ 142.84
IRS	FED/FICA TAX	\$ 1,852.47
IRS	FED/FICA TAX	\$ 1,676.66
FIRST NATIONAL BANK OMAHA	LODGING - WATER CLASS	\$ 84.02
FOUNDATION ANALYTICAL LAB INC	ANALYSIS	\$ 16.50
GILL HAULING INC	LANDFILL FEES	\$ 65.00
OMG MIDWEST, INC	ROAD GRAVEL	\$ 1,856.36
HAWKINS INC	CHLORINE	\$ 572.13
ANNIE HEATH	JANITORIAL CONTRACT	\$ 211.50
IAMU	DUES	\$ 3,080.00
IOWA INFORMATION MEDIA GROUP	PUBLISHING	\$ 252.18
IPERS	IPERS	\$ 2,369.19
IRBY	SUPPLIES	\$ 373.80
LOFFLER COMPANIES - 131511	COPIER CONTRACT	\$ 218.28
LONG LINES	PHONE LIBRARY	\$ 89.61
MICROFILM IMAGING SYSTEMS	SERVICE AGREEMENT	\$ 319.00
DEBBIE O'CONNELL	SHELTER HOUSE CLEANING	\$ 82.50

OUR IOWA	LIBRARY MATERIALS	\$ 39.98
TREASURER STATE OF IOWA	STATE TAXES	\$ 507.14
PETTY CASH	POSTAGE	\$ 120.00
QUILL	OFFICE SUPPLIES	\$ 231.41
REHAB SYSTEM LLC	WW EMERGENCY JET VAC	\$ 985.00
TREASURER STATE OF IOWA	SALES TAX	\$ 4,788.71
TREASURER STATE OF IOWA	SALES TAX	\$ 2,000.81
SHEILA CRAIG	APRON PRESENTATION	\$ 150.00
SIOUX CENTER PUBLIC LIBRARY	JEVENILE NON-FICTION	\$ 120.00
SUANN STINES	2 DVD'S, 1 ADULT FICTION +	\$ 44.64
USA BLUE BOOK	STETHOSCOPE	\$ 101.19
WELLMARK BLUE CROSS/SHIELD IA	INSURANCE	\$ 6,693.77
WESCO	SUPPLIES	\$ 2,271.00
WIMECA C/O NIPCO	ENERGY	\$32,438.12

Accounts Payable Total \$69,864.03

Payroll Checks \$12,593.71

***** REPORT TOTAL ***** \$82,457.74

DISBURSEMENT SUMMARY – General – \$13506.82; Road Use Tax – \$5999.69; Water Fund – \$10431.83; Sewer Fund – \$ 5879.93; Electric Fund – \$46639.47.

RECEIPT SUMMARY – General – 15340.90; Road Use Tax – \$3615.52; Employee Benefits – \$145.69; Emergency Fund – \$192.81; Local Option Tax – \$8317.92; Debt Service – \$1801.20; Water, Fund – \$16872.37; Sewer Fund – \$9589.48; Electric Fund – \$65245.67.

DISCUSS FINANCING OF PROPOSED ELECTRICAL PROJECT – The clerk was instructed to find out what Iowa Utilities Board recommends for cities to have on hand for reserves. The council would also like to hear from the engineer as to what the City's rates might be to pay for the project with revenue bonds.

PUBLIC HEARING 2023/2024 BUDGET – Motion by Lansink second by Kuhlmann to open the public hearing. All ayes. Motion carried. There were no comments from the guests regarding the agenda. Motion by Kuhlmann second by Kirchgatter to close the public hearing. Motion by Motion by Lansink second by Kirchgatter to approve the Resolution approving the 2023/2024 Budget as presented. All ayes. Motion carried.

ALLYSON DIRKSEN – LEGAL – Ms. Dirksen reported she would check on the status of the Don Jones house with the USDA.

BUILDING CODE – MARK POESE – Mr. Poese talked with the council about installing a fence and the need to be 5' off the lot line. Following discussion it was determined that the Ordinance only requires a 2' set back but he could apply for a variance to be closer/farther away from the property line.

WATER TOWER INSPECTION – the Council discussed the proposal from Magure Iron to inspect the inside of the tower by drone for \$2000 and a bid from MidCo to send divers into the tower to inspect and clean for \$3786. Motion by Kirchgatter second by Lansink to hire MidCo to inspect and clean the tower at their earliest convenience. All ayes. Motion carried.

WIMECA ANNUAL MEETING – The council will decide who is attending the WIMECA Annual Meeting by Thursday, April 13, 2023.

OPTIONAL INSURANCE DEDUCTIBLES & INSURANCE PREMIUM – Following discussion motion by Kuhlman, second by Lansink, to leave the deductible as is and approve the \$69579 insurance premium for the 2023/2024 years. All ayes. Motion carried.

ANTHON EVENT CENTER – BOARD OF DIRECTORS – it was determined to let the present Event Center Board approve a new Board of Directors. The council felt that the new board could amend and update the by-laws for the event center following the election of officers.

CART FOR CHAIRS AT SHELTER HOUSE – Debbie O’Connell mentioned to the clerk that the chairs are scratching the tables when stacked after an event. The Maintenance Department will look at the chairs and see if there is a solution to prevent the scratching of the tables.

SILVERSMITH – GIS MAPPING – KEVIN CARPENTER – talked with the council about GIS mapping of the city’s utility lines and fire hydrants. He told the council they can schedule maintenance tasks as well as line locations. The council asked about pin pointing items closer than three to four feet. Mr. Carpenter will send a new proposal with the more precise marking/locating information.

SUBSURFACE SOLUTIONS – GIS MAPPING – the council looked over the brochure and encouraged Maintenance Supervisor Collins to try the 30-day free trial as he can use his phone for this system.

COUNCIL & STAFF COMMENTS – Council member Benson asked about two nuisance properties.

- Benson also told the council that Brad Welte is interested in selling a portion of ground to the city. It was determined he should name a price before the City decides to purchase as there are still lots available in Westgate Division.
- Mayor Petersen told the council the regulations have changed for meter sockets and she has ordered some to have on hand for new meter installations
- Ms. Petersen also reported the Woodbury County Supervisors are asking for the City’s support in restricting windmills to a two mile set back from City limits.
- Council member Lansink reported he has asked I & S Group for a quote to renovate the lift station.
- Maintenance Supervisor Jeff Collins talked with the council about bids he received from Knife River and Frank’s Asphalt to do street work this summer. He is waiting on BlackTop Service for another bid before determining how much street work will be done in 2023
- Mr. Collins also reported on the floats at the wastewater treatment plant need re-wiring so they work properly.
- City Clerk Anita Brandt reported she will be at IMFOA Conference next week April 19 thru 21, 2023

There being no further business the council adjourned upon motion by Lansink second by Kuhlmann. All ayes. Motion carried.

Mayor Lisa Petersen

ATTEST:

City Clerk Anita Brandt, IACMC/MMC

Special Correctionville City Council Meeting – April 25, 2023

CALL TO ORDER: The Correctionville City Council met in Special session on April 25, 2023, at the Correctionville City Hall. The meeting was called to order at 7:00 PM by Mayor Kathy Hoffmann.

ROLL CALL: Council members answering roll: Kourtnee Mammen, Bob Beazley, Ciara Alioth, Dan Volkert and Adam Petty. Absent: None. City Attorney was represented by Chad Thompson.

APPROVAL OF AGENDA: Motion by Beazley, 2ndby Mammen to approve the agenda. Passed 5/0.

NEW BUSINESS:

1. Mayor Hoffmann asked Maintenance Supervisor Langschwager if he would like to go into closed session pursuant to Iowa Code section 21.5(1)(i). Langschwager declined to go into closed session. No action discussed or taken.
2. Council member Petty discussed the recent fire in Correctionville and issues with the fire hydrant caps. After a lengthy discussion by the council, employees and members of the public, the decision was made to change ordinance 90.81 which restricts whom is allowed to access a fire hydrant. A committee will come together consisting of the fire department, employees, mayor and two council people to discuss maintenance of the hydrants.
3. Council discussed the setback limits that they would like to see for wind turbines from Correctionville. They made their recommendation to support a 5 mile setback from city limits.
4. More discussion was had on the drainage pipe at 803 4th Street. For now, we will wait to see if someone is interested in purchasing it before we purchase and install the pipe. Contact will be made with the individual whom showed possible interest.
5. Discussion on having a recreation coordinator position/pool manager for the 2023 summer season. At this time council feels it is best to work on it over the winter and advertise for that for next year as time is running short for this season.
6. Clerk Putzier will schedule two open houses for 200 Juniper Street.

OTHER BUSINESS:

- o Mayor Hoffmann advised there will be an opportunity to ride the Union Trail Bridge on golf carts for those unable to walk it. This will take place May 6th from 10 am – 12 pm starting at the Correctionville Community Center. Refreshments will be served.
- o Mayor Hoffmann addressed a break in the water line at the American Legion Building. She would like it to be put on the agenda for May to discuss the bill for damages done.
- o With no further business, the meeting was adjourned at 7:55 p.m.

KATHY HOFFMANN, Mayor

Attest: _____

APRIL PUTZIER, CMC, City Clerk

CITY OF PIERSON: MARCH 29, 2023 – CITY COUNCIL DRAFT MINUTES

The Pierson City Council met in special session on Wednesday March 29th at 6:30PM. Mayor Struve called the meeting to order and all council were present. Chad Kehrt and Forrest Aldrich representing Veenstra and Kimm engineering, presented several options for wastewater treatment options. After much discussion on cost and timelines, councilmen Bubke motioned to have V&K prepare an agreement to start creating a facility plan for a 3-cell lagoon and present the agreement at the April 12th meeting for review and final acceptance. The motion was seconded by Krier, all voted aye; carried. Motion by McQueen, seconded by Saxon to have V&K review system valves to be able to isolate sections of town in case of water service disruptions, all voted aye; carried. Motion by McQueen, seconded by Bubke to support a county wide 2-mile wind turbine set back from city limits, all voted aye; carried. Motion by Sistrunk to adjourn the meeting, seconded by Krier, carried.
Jeanette Beekman, City Clerk

Jeanette Beekman, City Clerk, CITY OF PIERSON: MAY 3, 2023

5/3/2023

City of Pierson
PO Box 20
Pierson IA 51048

To: Woodbury County Planning and Zoning
Woodbury County Supervisors

The City of Pierson strongly supports AMENDMENT #1 to County Ordinance #56. We believe the amendment changing the turbine set back from the current six hundred (600)ft to the proposed two (2) miles will be beneficial to our community. A setback of two (2) miles aligns with Code of Iowa 414.23 and 354.9.

The current policy has the potential to prohibit outward growth with the limitations that would be encountered with turbines within 600 feet of the current incorporated city limits. This amendment will allow for all communities in Woodbury County to continue to pursue outward growth.

The Pierson City Council believes this amendment will benefit the county as a whole as well as our community and ask that the Woodbury County Supervisors pass the current proposed amendment.

Jeanette Beekman

Jeanette Beekman, City Clerk
City of Pierson

Daniel Priestley

From: Jason O'Mara <jason@kcengineer.com>
Sent: Thursday, April 27, 2023 11:45 AM
To: Daniel Priestley
Subject: Stakeholder comments on ordinance # 56
Attachments: Stakeholder_Review_Commercial_Wind_Ordinance_Amendment_Proposal.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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My comments, pursuant to the attached request:

1. I believe that the current setbacks of 600 feet from City Limits and 600 feet from Public Conservation Areas are too low.
2. I agree with the proposed ordinance setback of 2,640 feet or 4.5X tower height (whichever is greater) from Public Conservation Areas.
3. I believe that the proposed ordinance setback of 2 miles from City Limits is excessive, especially for smaller communities with population under 10,000. Menville, for example is currently about one square mile. There is very little chance that future growth will necessitate expanding the city limits even 1 mile in any direction. Adding 2 miles in each direction would result in a 5 mile by 5 mile area of 25 square miles. I would support a 1 mile setback from City Limits.

Respectfully,

Jason O'Mara
Menville Planning and Zoning Member
C: 712.635.5468

Daniel Priestley

From: Wade Schuldt
Sent: Thursday, April 27, 2023 12:25 PM
To: Daniel Priestley
Cc: Marty Dougherty
Subject: RE: Comments Requested Proposed Ordinance to Amend Portions of the Ordinance #56: An Ordinance Regulating Commercial Wind Energy Conversion Systems in Unincorporated Woodbury County

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Dan.

Comments are as follows on your ordinance update on wind energy systems.

- In reading through the ordinance as a whole could we add some type of language while you guys are updating this that in Section 7. Discontinuance/Decommissioning C. That if the City of Sioux City were to annex land that would include a wind energy system or wind farm that is over the 100 kWh. That Woodbury County would transfer the cash, an irrevocable letter of credit, or a performance bond running in favor of the County or municipally that the land falls under their jurisdiction at the time of Discontinuance/Decommissioning in which the wind energy system center point is located. For remediation/discontinuance/decommissioning and would be updated every five years.
- Also, the Four feet seems shallow in removal depth.
 - Could we add this for any solar ordinance you may also have?
- I have a feeling this ordinance change is being added to address shadow flicker. Does the county want to add some type of computer modeling stipulation into the ordinance where it could be shown that property or residence would not be impacted by the shadow flicker. The impact would be less on the south side then to the north, west, and east. Just a thought. In addition to noise decibels fall off after 1000 feet is pretty minimal for wind turbines.
- Also, this seems be written for the horizontal windmill style wind energy systems, what about vertical axis wind turbines? The setback might not fit for these if we were to ever get any.
- How was the city two-mile setback which is our jurisdiction limit for review picked?
- It might need to be laid out that pure power rating of these would be kW or MW but for machine output then it would need to be kWh or MWh. Not sure if that should or needs to be spelled out in the size of these wind energy systems or better clarified.
 - It might be a good idea in Section 5.3 that there is some spelling out that the if there is not director that his or her deputy have the ability to review the proposed construction documents.

That is all that I got.

Thank you for your time and attention.

Wade Schuldt, MCRP
Planner
City of Sioux City
Phone: 1 (712) 279-6283
Email: wschuldt@sioux-city.org
405 6th Street, P.O. Box 447
Sioux City, IA 51102

CITIZEN COMMENT:

Daniel Priestley

From: LANE TABKE <LKTABKE@WIATEL.NET>
Sent: Wednesday, May 3, 2023 7:23 PM
To: Daniel Priestley
Subject: windmill setbacks

Follow Up Flag: Follow up
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As a farmer in woodbury county Amendment #1 going to 2 miles, I think is a lot of overkill. To me 1 mile would be very sufficient in my thinking On #2 I think 2640 feet is ok.

I went to the meetings when the fanatics were raising their stink, I did not agree with the outcome, but it is what it is. I think it was greatly overblown by these people, as I would not be apposed to them. It makes no difference to me the outcome but their where a lot of scared people to not speak up out of fear of retaliation.

Just my 2 cents worth,

Lane Tabke
Moville

IOWA DEPARTMENT OF TRANSPORTATION (IDOT) COMMENT:

Daniel Priestley

From: Mulvihill, Kelly <Kelly.Mulvihill@iowadot.us>
Sent: Wednesday, May 3, 2023 1:17 PM
To: Daniel Priestley
Subject: RE: Comments Requested Proposed Ordinance to Amend Portions of the Ordinance #56: An Ordinance Regulating Commercial Wind Energy Conversion Systems in Unincorporated Woodbury County

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Dan,

We have no comments regarding the new ordinance.

Thanks,



KELLY MULVIHILL
UTILITY COORDINATOR
DISTRICT 3 OFFICE

iowadot.gov  Iowa Department of Transportation

Office: 712-274-5828  @iowadot  @iowadot

Cell: 712-539-1268

Please use 712-539-1268 due to working remotely

MIDAMERICAN ENERGY COMMENT:

Daniel Priestley

From: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Sent: Wednesday, May 3, 2023 11:53 AM
To: Daniel Priestley
Subject: RE: [INTERNET] Comments Requested Proposed Ordinance to Amend Portions of the Ordinance #56: An Ordinance Regulating Commercial Wind Energy Conversion Systems in Unincorporated Woodbury County

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Dan,

You should be receiving comment on this from Will Dougherty, if you haven't please let me know.

Thanks

Casey Meinen
Lead, Electric Distribution Engineering
Casey.meinen@midamerican.com

Phone (712-233-4831)



MIDAMERICAN ENERGY COMMENT:

Daniel Priestley

From: Dougherty, William (MidAmerican) <William.Dougherty@midamerican.com>
Sent: Monday, May 8, 2023 9:55 AM
To: Daniel Priestley
Subject: RE: [INTERNET] Comments Requested Proposed Ordinance to Amend Portions of the Ordinance #56: An Ordinance Regulating Commercial Wind Energy Conversion Systems in Unincorporated Woodbury County
Attachments: MECComments to Woodbury Co Wind Ordinance 0508.23 FINAL.docx
Follow Up Flag: Follow up
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Good morning Dan,

Attached are MidAmerican's comments to the proposed wind ordinance amendment. I will be at the Board of Supervisors meeting tomorrow, May 9th, to answer any questions the Board may have. Thanks and have a great day.

Will Dougherty, P.E.
Project Developer
O: 515-242-4383
C: 515-587-7255



**ORDINANCE NO. ____
WOODBURY COUNTY, IOWA**

AN ORDINANCE AMENDING PORTIONS OF WOODBURY COUNTY ORDINANCE #56: AN AMENDMENT TO MODIFY SECTION 6.1.A: WIND TURBINES SET BACK REQUIREMENTS TO INCREASE CERTAIN SETBACK REQUIREMENTS IN THE ORDINANCE REGULATING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN UNINCORPORATED WOODBURY COUNTY.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW AMENDMENTS BE MADE:

AMENDMENT #1:

On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the City Limits Protected Area from 600 feet to 2 miles.

MidAmerican Comments: Under Iowa Code Section 414.23, municipalities are granted the power to extend by ordinance into unincorporated areas up to two miles beyond the limits of such city, except for those areas within a county where a county zoning ordinance exists. Iowa code also mandates that a municipality must increase the size of its planning and zoning commission by two members and property owners within the affected area have the rights of hearing, protest, and appeal. Because Woodbury County has adopted a zoning ordinance within the unincorporated areas of Woodbury County surrounding several municipalities, these municipalities cannot exercise extra-territorial zoning.

During the development of a wind project, MidAmerican considers the growth of municipalities when siting turbines. This is an act of balancing the individual rights of landowners who have chosen to participate in a wind project and recognizing municipality land requirement to continue growth.

MidAmerican Suggestion: MidAmerican would suggest enacting a setback of 1-mile from city limits to balance the interests of rural landowners who wish to participate in a wind project and to allow municipalities room for potential growth.

AMENDMENT #2:

On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the Public Conservation Protected Area from 600 feet or 110% of total height (whichever is greater) to 2,640 feet or 4.5x tower height (whichever is greater).

MidAmerican Comments: MidAmerican recognizes the necessity for responsible siting of wind turbines, especially as it pertains public conservation areas. MidAmerican would see no problems with extending the required setback from public conservation areas from 600 feet to 2,640 feet or 4.5x tower height.

MidAmerican Suggestion: None.

NEXTERA ENERGY COMMENT:

Daniel Priestley

From: Treharne, Thomas <Thomas.Treharne@nexteraenergy.com>
Sent: Monday, May 8, 2023 2:59 PM
To: Daniel Priestley
Subject: RE: Comments Requested Proposed Ordinance to Amend Portions of the Ordinance #56: An Ordinance Regulating Commercial Wind Energy Conversion Systems in Unincorporated Woodbury County

Follow Up Flag: Follow up
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Dan,

I wanted to thank you for including NextEra in this correspondence. At this point we do not have any comment, and understand the County's desire to protect city growth boundaries and conservations areas.

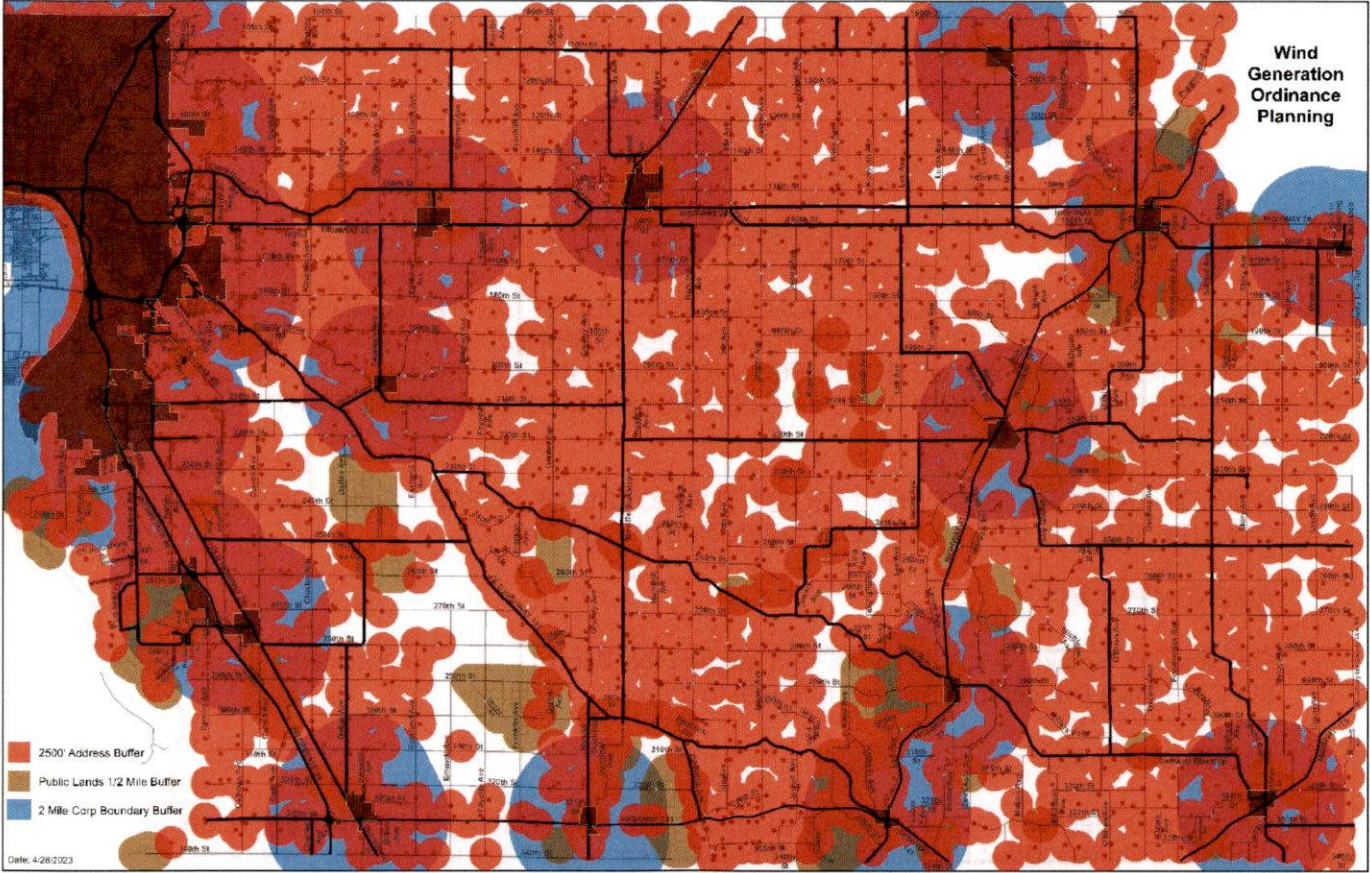
Please continue to keep us in the loop with proposed ordinance amendments.

Thanks,

Thomas Treharne, AICP

Senior Project Manager Development
NextEra Energy Resources
Mobile: 319.213.7963
Thomas.Treharne@NexteraEnergy.com

Wind Generation Ordinance Planning



LEGAL NOTIFICATION OF PUBLIC HEARINGS BEFORE BOARD OF SUPERVISORS

Published in the Sergeant Bluff Advocate on May 4, 2023, the Danbury Review on May 3, 2023, the Merville Record on May 4, 2023, and the Sioux City Journal on May 4, 2023.

Sergeant Bluff Advocate	Danbury Review	Merville Record	Sioux City Journal
<p>Public Notices</p> <p>PUBLIC NOTICES # 114</p> <p>Woodbury County Law 500884 Lease Agreement to LLC 200,000.00 Woodhouse Iowa OH 103840 2023-1869 27,395.04 Young Innovations 500038 Merit LLC 289.44 "Salem" April 104373 Program Support 175.30 Zavalone Veronica 100044 Mortgage 44.55 Zingaleski Jim 101088 Homeowner Register 188.19 Grand Total 162,050.50</p> <p>Published in the Sergeant Bluff Advocate weekly newspaper: Thursday, May 4, 2023. The SB-Advocate is an Official Woodbury County Newspaper (05/04/2023-AP)</p> <p>NOTICE REGARDING PUBLIC HEARINGS WOODBURY COUNTY BOARD OF SUPERVISORS</p> <p>The Woodbury County Board of Supervisors will hold public hearings on the following item of business hereafter described in detail on Tuesday, May 9, 2023 at 4:45 PM, Tuesday, May 16, 2023 at 4:45 PM and Tuesday, May 23, 2023 at 4:45 PM or as soon as possible thereafter as the matter may be considered. Pursuant to Iowa Code Section 331.302, the second and third public hearings may be waived by the Board of Supervisors.</p> <p>Said hearings shall be held at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, in the Board of Supervisors' meeting room in the basement of the courthouse. Persons wanting to participate in the public hearings may attend in person during the meetings to comment.</p> <p>Copies of said item may now be examined in the Woodbury County Auditor's office in said Courthouse by any interested persons.</p> <p>All persons who wish to be heard in respect to this matter should appear to participate in the aforesaid hearing.</p> <p>Item One (1)</p> <p>SUMMARY OF PROPOSED REVISIONS TO WOODBURY COUNTY ORDINANCE #56: AMENDMENTS TO MODIFY SECTION 6.1.A: WIND TURBINES SET BACK REQUIREMENTS TO INCREASE CERTAIN SETBACK REQUIREMENTS TO THE ORDINANCE REGULATING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN UNINCORPORATED WOODBURY COUNTY.</p> <p>CLAD RENO OPA YETI CAR KENTUCK GALES ALASKA RIPERUC ACTOR TIA BITLK TITAM</p>	<p>NOTICE REGARDING PUBLIC HEARINGS</p> <p>WOODBURY COUNTY BOARD OF SUPERVISORS</p> <p>The Woodbury County Board of Supervisors will hold public hearings on the following item of business, hereafter described in detail, on Tuesday, May 9, 2023 at 4:45 PM, Tuesday, May 16, 2023 at 4:45 PM and Tuesday, May 23, 2023 at 4:45 PM or as soon as possible thereafter as the matter may be considered. 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ORDINANCE NO. ____
WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING PORTIONS OF WOODBURY COUNTY ORDINANCE #56: AN AMENDMENT TO MODIFY SECTION 6.1.A: WIND TURBINES SET BACK REQUIREMENTS TO INCREASE CERTAIN SETBACK REQUIREMENTS IN THE ORDINANCE REGULATING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN UNINCORPORATED WOODBURY COUNTY.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW AMENDMENTS BE MADE:

AMENDMENT #1:

On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the City Limits Protected Area from 600 feet to 2 miles.

AMENDMENT #2:

On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the Public Conservation Protected Area from 600 feet or 110% of total height (whichever is greater) to 2,640 feet or 4.5x tower height (whichever is greater).

Adopted this ____ day of _____, 2023

ATTEST:

Patrick Gill, Woodbury County Auditor

Matthew Ung, Chairman

Jeremy Taylor, Vice Chairman

Daniel Bittinger II

Mark Nelson

Keith Radig

Adoption Timeline

_____: Public Hearing and 1st Reading
_____: Public Hearing and 2nd Reading
_____: Public Hearing and 3rd Reading
_____: Adopted
_____: Published/Effective Date