

Motion Scheduling Public Hearings

A MOTION SETTING PUBLIC HEARING(S) TO CONSIDER AMENDING THE SEPTEMBER 27TH, 2016 WIND CONVERSION SYSTEM ORDINANCE

WHEREAS, the Palo Alto County Board of Supervisors on September 29th, 2016, in the Palo Alto County Courthouse approved the enactment of the Palo Alto County Wind Energy Conversion System Ordinance with provision for a 1,500 foot setback from permanent residential structures, and provision for a limit of 550 foot in total wind turbine tower height; and,

WHEREAS, the Board of Supervisors met in regular session on October 24th, 2017, and conditionally approved the Wind Energy Conversion System Site Plan Review and Approval Application for Permit for 170 wind turbines; and,

WHEREAS, the Palo Alto County Planning and Zoning Commission met on May 9th, 2022 at 8:00 pm in open session in the Palo Alto County Courtroom in Emmetsburg to review the operation of the MidAmerican 170 wind turbines and recommend amending the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance provision of 1,500 foot setback from permanent residential structures, and further recommended increasing and substituting that setback to one half mile (2,640 foot) from permanent residential structures in the September 27th, 2016, ordinance; and,

WHEREAS, the Palo Alto County Planning and Zoning Commission met on May 9th, 2022 at 8:00 pm in open session in the Palo Alto County Courtroom in Emmetsburg, to review the operation of the MidAmerican 170 wind turbines and recommend amending the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance provision of 550 foot total height provisions by increasing the total turbine wind turbine tower height to 600 foot in the September 27th, 2016, ordinance; and,

WHEREAS, the Palo Alto County Planning and Zoning Commission met on May 9th, 2022 at 8:00 pm in open session in the Palo Alto County Courtroom in Emmetsburg, and reviewed the operation of the MidAmerican 170 wind turbines and recommended amending the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance provision of the Aircraft Detection Lighting Systems (A.D.L.S.) for the 170 existing wind turbine towers and requiring A.D.L.S. for all future wind turbine towers to reduce the impact of nighttime lighting on nearby residents, communities and migratory birds and wildlife, and in conformity with FAA rules and regulations and in its place to substitute provision for Aircraft Detection Lighting Systems (A.D.L.S.) in the September 27th, 2016, ordinance; and,

WHEREAS, the Palo Alto County Planning and Zoning Commission met on May 9th, 2022 at 8:00 pm in open session in the Palo Alto County Courtroom in Emmetsburg, and reviewed the operation of the MidAmerican 170 wind turbines and recommended amending the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance by permanently restricting all future construction of any Wind Turbine Towers within the Bird Conservation Area (together with an additional 1,500 foot setback outside of

and adjacent to the B.C.A.) identified by the Palo Alto County Conservation Commission within the area described as:

“Beginning at the Northwest corner of section 6-97N-33W in Walnut township at the Palo Alto and Emmet County line; then proceeding two miles south along the western boundary of sections 6 and sections 7 of Walnut township to the intersection of 290th Street and 400th Avenue; then continuing to proceed south six miles further to the intersection of 400th Avenue and 350th Street in Emmetsburg township; then west three miles along 350th Street to its intersection with 370th Avenue; then south one mile along 370th Ave. to its intersection of 360th Street (Highway 18); then west one mile along 360th Street to its intersection of 360th Avenue; then south three miles along 360th Avenue to its intersection of 360th Avenue and 390th Street; then west two miles along 390th Street to its intersection of 390th Street and 340th Avenue (which is the western boundary between Palo Alto and Clay Counties); then north twelve miles along 340th Avenue to its intersection with 400th Street; then east six miles along 400th Street to the point of beginning at the Northwest corner of section 6-97N-33W in Walnut township, Palo Alto County Iowa containing 57 square miles, more or less ; and,

WHEREAS, Iowa Code 331.305 requires publishing notice of the public hearing to amend an ordinance at least once, not less than four (4) days or more than twenty (20) days, before the date of the proposed amendment to the ordinance hearing in one or more newspapers; and,

WHEREAS, Iowa Code 331.302.6(a) requires the proposed amendment to be considered and voted on for passage at two meetings of the Board of Supervisors prior to the meeting at which it is to be finally passed , unless this requirement is suspended by a recorded vote of not less than a majority of the Board of Supervisors.

NOW THEREFORE, BE IT MOVED that following review, consideration and discussion, that the Supervisors determine to schedule and to publish the necessary hearings to accomplish these proposed amendments to the Wind Energy Conversion System site Plan Review and Approval Ordinance, and that three (3) hearings shall be scheduled for the adoption of the proposed amendment.

NOW, THEREFORE, BE IT FURTHER MOVED that the Palo Alto County Board of Supervisors hereby sets the first of three public hearings to consider amending the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance with the above listed modifications.

The first of three hearings will be held June 8th, 2022 at the Emmetsburg VFW at 6:30 pm;
The second of three hearings will be held on June 15th, 2022 at the Emmetsburg VFW at 6:30 pm;
The third of three hearings will be held on June 22nd, 2022 at the Emmetsburg VFW at 6:30 pm.

The Palo Alto County Auditor shall cause a copy of this motion to be placed of record with the official newspapers of general circulation in compliance with Iowa Code 331.305, at least once, not less than four (4) days or more than twenty (20) days before the date of the request for hearing on the amendment of the Wind Energy Conversion System Site Plan Review and Approval Ordinance.

Supervisor Linus Solberg therefore moves and Supervisor Ron Graettinger seconds the motion to schedule three hearing(s) as follows:

The first of three hearings will be held June 8th, 2022 at the Emmetsburg VFW at 6:30 pm;

The second of three hearings will be held on June 15th, 2022 at the Emmetsburg VFW at 6:30 pm;

The third of three hearings will be held on June 22nd, 2022 at the Emmetsburg VFW at 6:30 pm, to consider amendments to the September 27th, 2016 Wind Energy Conversion System Site plan Review and Approval Ordinance at 3205 Main Street, Emmetsburg, Iowa 50536, the Emmetsburg V.F.W. hall.

THE RECORDED VOICE VOTE WAS MADE:

Keith Wirtz __aye_____

Ron Graettinger _aye_____

Roger Faulstick _aye_____

Craig Merrill _aye_____

Linus Solberg __aye_____

Motion passed and the three hearings on the proposed amendments, scheduled this 24th of May, 2022.

MOTION CARRIED.

/s/Keith Wirtz

Chairperson, Palo Alto County Board of Supervisors

Attest: /s/Carmen Moser, Palo Alto County Auditor