

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 5/18/23

Weekly Agenda Date: 5/23/23 4:45

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley, Zoning

WORDING FOR AGENDA ITEM:

A)Public Hearing for an ordinance to amend portions of 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. B)Approve the 3rd and Final Reading of the Ordinance Amendment. C)Adopt the Ordinance Amendment.

ACTION REQUIRED:

Approve Ordinance ☒

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☒

Other: Informational ☐

Attachments ☒

EXECUTIVE SUMMARY:

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.

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). Subsequently, the Woodbury County Conservation Board at their May 11, 2023 meeting revised their recommendation for the Turbine Set Back Requirement to be 1 mile from public conservation areas. This proposed setback has been updated in the draft proposal.

FINANCIAL IMPACT:

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IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☐

RECOMMENDATION:

Open and close the public hearing. (Set Time: 4:45 PM)

Conduct and approve the 3rd and Final Reading of the Ordinance Amendment.

Adopt the Ordinance Amendment.

ACTION REQUIRED / PROPOSED MOTION:

A) Open and close the Public Hearing (Set Time: 4:45 PM) for an ordinance to amend portions of 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.

B) Motion to conduct and approve the 3rd and Final Reading of the Ordinance Amendment.

C) Motion to adopt the Ordinance Amendment.

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 1 mile.

Adopted this ____ day of _____, 2023

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Matthew Ung, Chairman

Jeremy Taylor, Vice Chairman

ATTEST:

Daniel Bittinger II

Patrick Gill, Woodbury County Auditor

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