

Resolution #50-2023/2024

WHEREAS, the Grundy County Planning and Zoning Commission has recommended to the Grundy County Board of Supervisors that the Grundy County Zoning Ordinance (2023-4) be amended to include new Section V(G) regarding the repowering or replacing of Commercial WECS, as follows:

G. Repowering or Replacing of Commercial WECS

An existing, previously permitted Commercial WECS may be repowered or replaced, notwithstanding Section XVII of this Ordinance and any amendments to this Section adopted after its installation, provided that the project owner meets the following requirements and standards, and pay the associated building/compliance permit fee to the Zoning Administrator before starting or proceeding with the structural alteration of any wind turbine, in order to receive the required building/compliance permit:

1. Engineer's Certification. An updated Engineer's Certification is provided that considers the post-repowered or replaced wind turbines.
2. Location. Owner shall provide the latitude and longitude of the individual wind turbines to be repowered or replaced.
3. Tower Location. No existing wind turbine may be relocated in a new location pursuant to this Section.
4. Setbacks. Notwithstanding any change in total turbine height allowed pursuant to this Section, at no time shall any wind turbine in a Commercial WECS be repowered if the setback from Property line or rights-of-way is less than the total turbine height after repowering, unless a waiver is granted by the affected landowner or a variance is granted by the county for right of ways. If a wind turbine increases more than 15% in total height after repowering, and is within 1,500 feet of an occupied residence, as measured from the center point of the turbine to the nearest exterior of said residence, the Owner must have entered into an agreement with the owner of the occupied residence or have obtained a waiver from the owner of the occupied residence, either of which must be recorded with the County.
5. FAA Required Obstruction Lighting. The project owner requests FAA approval to install an aircraft detection lighting system (ADLS) to monitor airspace around the project and activate wind turbine obstruction lighting only when an aircraft is near the project area and the project owner agrees to use commercially reasonable efforts to obtain FAA approval, install and operate such a system only if approved by the FAA. If the project owner requests approval of the ADLS system but is denied by the FAA, the project owner

may proceed with the replacement or repowering of the wind turbines so long as other requirements in this section are met.

6. Emergency Response. Upon the replacement or repowering of existing turbines in a Commercial WECS, the project owner shall provide an updated Emergency Response Plan containing 24-hour emergency contact information and procedures to be followed in the event of a fire, liquid leakage, blade fracture, collapse, personal injury, or other emergencies to the Zoning Administrator, and a copy of the same shall be recorded with the County Recorder.
7. The Zoning Administrator shall verify that the Owner has executed a Road Use and Repair Agreement and Public Drainage System Protection Agreement with the Grundy County Engineer prior to any permits for repowering will be issued.

Upon satisfaction of the above requirements and standards, the Zoning Administrator shall provide the project owner with the applicable building/compliance permit for each wind turbine to be repowered or replaced. , and

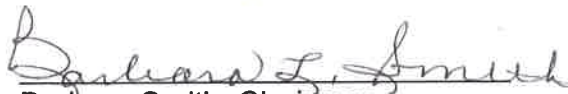
WHEREAS, the Board of Supervisors must consider the recommendation of the Grundy County Planning and Zoning Commission, and

WHEREAS, a hearing date must be established in accordance with Iowa law.

NOW, THEREFORE, BE IT RESOLVED by the Grundy County Board of Supervisors that it conduct a public hearing on the proposed new Grundy County Development Ordinance on the 20th day of May, 2024, at 9:00 o'clock A.M. at the Board Room of the Grundy County Courthouse, Grundy Center, Iowa, and

BE IT FURTHER RESOLVED that the Grundy County Auditor cause notice of the proposed hearing to be published in the official newspapers of the County in accordance with the County Zoning Ordinance.

PASSED AND ADOPTED this 6th day of May, 2024.


Barbara Smith, Chairman
County Board of Supervisors

ATTEST:


Alan T. Tscherter, County Auditor

NOTICE OF PUBLIC HEARING ON PROPOSED ORDINANCE
AMENDING THE GRUNDY COUNTY DEVELOPMENT ORDINANCE TO
ADDRESS REPOWERING OR REPLACEMENT OF COMMERCIAL
WECS

NOTICE IS HEREBY GIVEN, that the Grundy County Board of Supervisors will hold a public hearing on the 20TH day of May, 2024, at 9:00 o'clock A. M. in the Board of Supervisors meeting room of the Grundy County Courthouse, Grundy Center, Iowa, for purposes of considering an amendment to the Grundy County Development Ordinance Section V to include new Section V(G) regarding the repowering or replacing of Commercial WECS. This Ordinance regulates the repowering or replacement of commercial WECS, describes the procedures and requirements for said repowering or replacement, and contains other regulations regarding FAA lighting, emergency response and set backs. This is a summary of the proposed ordinance, a copy of which is available for review in the office of the Grundy County Auditor whose normal business hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. This ordinance will become effective upon passage and publication as provided by Iowa law.

GRUNDY COUNTY BOARD OF SUPERVISORS