

HARDIN COUNTY BOARD OF SUPERVISORS
MINUTES – MAY 22, 2020
FRIDAY - 10:30 A.M.
COURTHOUSE LARGE CONFERENCE ROOM

Chair Lance Granzow called the meeting to order. The meeting was held electronically due to COVID-19 public health risks. Also in attendance were Supervisors BJ Hoffman and René McClellan; and Taylor Roll, Darrell Meyer, Angela De La Riva, Jessica Sheridan, Bret Dublinske, Curt Groen, Lu Nelsen, Gene Newgaard, Justin Ites, Josh Odom, Mariah Lynne, Cody Smith, Kyle Day, Mark Buschkamp, Kristen Weaverling, Bette Dossman, Kerri Johannsen, Nick Boeyink, Raihan Rashidi, Laura Cunningham, Jake Ketzner, Paige Penningroth, Jacob Bolson, Roger Sutton, Ellen Oliver, Isaac Knutson, Becca Junker, and Denise Smith.

The purpose of the meeting was to review public comments and the Zoning Commission's recommended amendment to Article XXIII of Ordinance No. 29.

County Attorney Darrell Meyer reviewed the timeline of the proposed ordinance amendment, from November 2019 to moratorium to present. Meyer also shared maps of drainage districts and emergency towers, areas where wind turbine placement poses concerns.

Additions and changes to the original Article XXIII were reviewed and explained.

Discussion was held on the definition of dwelling unit. For clarification, McClellan suggested using a definition similar to that used for hog confinement applications. Granzow agreed.

Discussion was held on the definition of non-dwelling unit. Jessica Sheridan, Environmental Health Specialist/Zoning Administrator, suggested changing the definition to state "would require a building permit as per the current zoning ordinance," and Granzow concurred.

Meyer recommended adding a definition of setback to ensure all parties are in mutual understanding of the term.

Discussion was held on Section 4(2), Avoidance and Mitigation of Damages to Public Infrastructure. It was pointed out that the proposed ordinance amendment makes no mention of private tile under County roads, for which the County is responsible. Meyer suggested adding a definition of public drainage system as public or private tile in the public right-of-way and public drainage infrastructure.

Discussion was held on Section 4(3), Discontinuation and Decommissioning. It was decided to leave the C-WECS and accessory facilities removal requirement at 6 feet below ground, as landowners can allow variances. It was also decided to make decommissioning a recordable event with depth of removal documented, adding to Section 6 of the ordinance amendment.

In Section 5, Procedures, Hoffman suggested amending Item 3 to state "The WECS applicant is responsible in notifying the following state, federal, and local agencies...;" moving local commissions listed in Item 4 to Item 3; and striking Item 4. In addition, Hoffman requested that the Iowa Department of Natural Resources be added to, and the Hardin County Firemen's Association and EMS Council be removed from, the list of agencies.

In Section 7, Fees, Meyer recommended adding "Fees shall be set by resolution," to which all Supervisors agreed. Reference to an attached fee schedule will be stricken.

Discussion was held on setback requirements for non-commercial WECS, C-WECS, and meteorological towers as detailed in Table 1.

As the Pioneer Cemetery Commission can review and weigh in on applications, Meyer recommended striking the setback for cemeteries. Hoffman and McClellan agreed.

Attentions turned to the public right-of-way setback. County Engineer Taylor Roll suggested 1.2 X Total Height, at a minimum, or 2 X Total Height to conform with the property line setback. Granzow noted a road vacation would present compliance issues due to the property

line being the center of the road. McClellan preferred to leave the public right-of-way setback at 2 X Total Height.

Granzow moved on to the property line setback for C-WECS. Meyer expressed concern that only large landowners would be able to benefit under a 2 X Total Height requirement, while smaller landowners would be boxed out, and suggested rethinking the definition of property line. Hoffman suggested including the manufacturer's recommended guidelines in the setback. Both McClellan and Granzow stated they were not opposed to decreasing the property line setback to 1.3 X Total Height when strictly farmground is involved. Debate ensued on whether property line is measured from the right-of-way or the center of the road, with Roll preferring measuring from the right-of-way, and McClellan and Hoffman in agreement. Granzow stated he was fine with changing the property line setback to the greater of 1.3 X Total Height or the manufacturer's recommended setback.

Attentions turned to setbacks for dwelling units for C-WECS. Meyer advised that requiring a 3 X Total Height setback for dwelling units considers or allows for curtilage. McClellan stated she did not think 3 X Total Height was enough and that she preferred a setback at 0.5 mile, to which Hoffman agreed.

Granzow moved on to setbacks for non-dwelling units. While there was agreement on the 2 X Total Height setback, Granzow stated the ordinance amendment needed to define what non-dwelling units were, the focus being on human recreation. Meyer will create a definition.

Meyer advised the Supervisors they did not need to adopt any motions at the special meeting to follow. Rather, he will draft motions for review, and action will be taken on May 27, 2020.

McClellan expressed reservations at making changes to the Zoning Commission's recommendations, specifically in regard to public-right-of-way and communication or electrical line setbacks. Both Hoffman and McClellan agreed to leave those two setbacks at 2 X Total Height, noting developers can apply for variances. Granzow stated he preferred 1.3 X Total Height but would be fine with McClellan's and Hoffman's decision.

At 1:14 p.m. Chair Granzow called the special meeting to order. The meeting was held electronically due to COVID-19 public health risks. Also in attendance: Supervisors Hoffman and McClellan; and Kyle Day, Raihan Rashidi, Laura Cunningham, Jacob Bolson, Julie Duhn, Mariah Lynne, Nick Boeyink, Justin Ites, Curt Groen, Mark Buschkamp, Jessica Sheridan, Angela De La Riva, Thomas Craighton, and Angela Silvey.

The Pledge of Allegiance was recited.

Hoffman moved, McClellan seconded to approve the agenda with the following items stricken: 1) motions for proposed changes to Zoning Commission's recommended amendment to Article XXIII of Ordinance No. 29 and 2) set date and time for public hearing on, and first consideration of, Amendment to Article XXIII of Ordinance No. 29. Motion carried.

Thomas Craighton spoke about IDPH and Governor's Office recommendations on travel, and the following action was taken:

Hoffman moved, McClellan seconded to amend the County's COVID-19 Response Policy, adopted by Resolution 2020-15, to lift restrictions on intra- and interstate travel effective May 22, 2020. Roll Call Vote: "Ayes" Hoffman, McClellan, and Granzow. "Nays" None. Motion carried.

Other Business: None.

McClellan moved, Hoffman seconded to adjourn. Motion carried.

/s/ Lance Granzow
Lance Granzow, Chair
Board of Supervisors

/s/ Jessica Lara
Jessica Lara
Hardin County Auditor