

AGENDA
REGULAR DRAINAGE MEETING
Wednesday, June 17, 2020 9:30 AM
Large Conference Room

Due to Covid-19 health concerns, this meeting will be open to the public via conference call only. The meeting date and time will remain the same. You may call at that time to access the hearing by following the instructions below:

To access the meeting call: 1-(312)-626-6799, when prompted enter meeting ID code: 662 016 552

You can also access the meeting online at:

<https://zoom.us/j/662016552>

1. Open Meeting
2. Approve Agenda
3. Approve Minutes

Documents:

[06_10_20 - DRAINAGE MINUTES.PDF](#)

4. DD 25 Lat 3 WO 209 - Discuss W Possible Action - Update

Documents:

[DD 25 LATERAL 3 - PROPOSED OUTLET MAP 04_02_20.PDF](#)

5. DD 42 WO 297 - Discuss W Possible Action
DD 42 WO 297 - David Sweeney reports 3' diameter blowout/sinkhole over main tile approximately 50 yards upstream from where the main tile crosses the south property line.

Documents:

[DD 42 WO 297.PDF](#)
[DD 42 WO 297 REQUEST FOR REPAIR.PDF](#)
[DD 42 WO 297 MAP.PDF](#)

6. DD 120 Ext 5 - Discuss W Possible Action - Vierkandt Drainage Issue
Kevin Vierkandt reports issues with overland flooding of 25 acres in parcel #892009100002, water is flowing overland from neighboring parcel.

Documents:

[DD 120 EXT 5 -MAP FOR KEVIN VIERKANT .PNG](#)

7. WO 2020-12 - Discuss W Possible Action - Heart Of Iowa Drainage Utility Permit Application
DD's 44, 62, 1, 128, 78, 63, 8, 93, & 94 - Heart of Iowa Communications Cooperative - Install fiber optic cable in rural areas of Eldora and Steamboat Rock.

Documents:

2020-12 HEART OF IOWA DRAINAGE UTILITY PERMIT APPLICATION.PDF
2020-12 HEART OF IOWA DRAINAGE UTILITY PERMIT.PDF

8. DD 56 - W03- Discuss W Possible Action - Landowner Meeting
9. Discuss W Possible Action -Wind Turbine Ordinance And Drainage Utility Permit Language & Process

Documents:

HARDIN COUNTY WIND TURBINE ORDINANCE APPROVED BY ZONING
COMMISSION_20200417.PDF
UTILITY PERMIT APPLICATION ACROSS DRAINAGE DISTRICT.PDF

10. Drainage Clerk Performance Review
11. Other Business
12. Adjourn Meeting

REGULAR DRAINAGE MEETING
Wednesday, June 10, 2020 9:30 AM
This meeting was held electronically due to Covid-19 concerns.

6/10/2020 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson Granzow opened the meeting. Also in attendance were Trustee BJ Hoffman; Trustee Renee McClellan; Lee Gallentine of Clapsaddle-Garber Associates; Michael Pearce; and Denise Smith, Drainage Clerk.

2. Approve Agenda

Motion by McClellan to approve the agenda. Second by Hoffman. All ayes. Motion carried.

3. Approve Minutes

Motion by McClellan to approve the minutes to Drainage Meeting dated June 3, 2020. Second by Hoffman. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by Hoffman to approve claims for payment with pay date of Friday, June 12, 2020. Second by McClellan. All ayes. Motion carried.

DD 14 WO 291 Prof Svc to 5/30/20 Inv Plugged tile	Clapsaddle-Garber Assoc	\$	589.70
DD 11 WO 294 Prof Svc to 5/30/20	Clapsaddle-Garber Assoc	\$	1,007.25
DD 1 WO 244 Prof Svc 3/27/20 to 5/30/20	Clapsaddle-Garber Assoc	\$	508.80
DD 48 WO 237 - Prof Svcs 4/25/20 to 5/30/20	Clapsaddle-Garber Assoc	\$	971.30
DD 9 WO 229 Prof Svc to 5/30/20 Reclass Hrg	Clapsaddle-Garber Assoc	\$	10,030.70
DD 14 WO 290 - Prof Svcs to 5/30/20 Blowout Repair	Clapsaddle-Garber Assoc	\$	2,264.05
DD 25 WO 1 - Prof Svcs After 4/25/20 to 5/30/20	Clapsaddle-Garber Assoc	\$	6,232.15
DD 26 WO 266 - Tile repair, parts, equip., labor	Honey Creek Land Improvement, LLC	\$	11,392.50
DD 31 WO 278 - Prof Svcs After 3/27/20 to 6/4/20	Clapsaddle-Garber Assoc	\$	1,076.25
DD 41 WO 194 - Prof Svcs After 9/14/2018 - 5/30/20	Clapsaddle-Garber Assoc	\$	217.00
DD 48 WO 274 - Prof Svcs After 4/25/20 to 5/30/20	Clapsaddle-Garber Assoc	\$	3,436.50
DD 52 WO 215 Crop Dmg Claim 2020-4 Alfalfa Sdg	Shaun Piel	\$	430.00
DD 55-3 WO 201 - Prof Svcs After 3/27/20 - 5/30/20	Clapsaddle-Garber Assoc	\$	751.30
DD 55-3 WO 284 - Prof Svc to 5/30/20 Beaver Dam Rmvl	Clapsaddle-Garber Assoc	\$	290.20
DD 68 WO 293 - Prof Svcs to 5/30/20 Inv Sum	Clapsaddle-Garber Assoc	\$	769.55
DD 86 WO 252 - Prof Svcs After 4/25/20 to 5/30/20	Clapsaddle-Garber Assoc	\$	1,130.20
DD 102 WO 265 Prof Svc to 5/30/20 Reclass Rpt	Clapsaddle-Garber Assoc	\$	753.30
DD 109 WO 269 - Tree Removal, labor, haul off	Honey Creek Land Improvement, LLC	\$	2,920.00
DD 109 WO 269 - Prof Svcs After 1/31/20 to 5/30/20	Clapsaddle-Garber Assoc	\$	1,603.00
DD 124 WO 259 - Prof Svc After 4/25/20 to 6/4/20	Clapsaddle-Garber Assoc	\$	641.90
DD 128 WO 279 - Prof Svcs After 4/25/20 to 6/4/20	Clapsaddle-Garber Assoc	\$	605.40
DD 131 WO 275 - Prof Svcs After 3/27/20 to 6/4/20	Clapsaddle-Garber Assoc	\$	935.80
DD 143 WO 241 - Prof Svc 3/27/20 to 5/30/20 Hearing	Clapsaddle-Garber Assoc	\$	285.00
DD 143 WO 261 - Prof Svcs After 3/27/20 to 5/30/20	Clapsaddle-Garber Assoc	\$	253.80
DD 158 WO 285 - Prof Svc to 5/30/20 Inv Plug Tile	Clapsaddle-Garber Assoc	\$	753.50
DD Big 4 Main WO 292 - Prof Svcs to 6/4/20	Clapsaddle-Garber Assoc	\$	1,093.05
DD Big 4 Lat 4 WO 195 - Prof Svc 4/6/18 to 5/30/20	Clapsaddle-Garber Assoc	\$	365.40

5. DD 121 - WO 295 - Discuss W Possible Action

DD 121 - WO 295 - Tom Gilmore reports blow out / plugged tile and water running across field on parcel # 862030400003.

Motion by Hoffman to have CGA investigate and report back findings, if it is something the lottery system can handle, it can be put in the lottery system to be addressed immediately. Second by McClellan. All ayes. Motion carried.

6. DD F-H 4-53 - WO 296 - Discuss W Possible Action

DD F-H 4-53 WO 296 - Jim Ziesman reports blowout with standing water on field on district tile in parcel # 89210400002, located near where tile enters field in grassy waterway. Smith has spoken with Franklin County Clerk, and Franklin County said we could write the work order on our end and send any invoices to them.

Motion by McClellan to have CGA investigate and report back findings, if it is something the lottery system can handle, it can be put in the lottery system to be addressed immediately. Second by McClellan. All ayes. Motion carried.

7. DD 10 WO 2020-11 Discuss W Possible Action - Midland Power Utility Permit Application

DD 10 WO 2020-11 - Midland Power Cooperative has submitted a Drainage Utility Permit Application for rebuild of 3 miles of overhead electrical distribution, in DD 10, Buckeye Township, Sections 3, 20, 14, and 15.

Motion by Hoffman to approve the Midland Power Cooperative Drainage Utility Permit Application # 2020-11. Second by McClellan. All ayes. Motion carried.

8. Discuss W Possible Action -Wind Turbine Ordinance And Drainage Utility Permit Language & Process

Wind Turbine Ordinance and Drainage Utility Permit Application were discussed. It was discussed that there have been concerns expressed that the Hardin County recommendations outlined in the proposed zoning ordinance were a project breaker. Granzow stated whether this is a project breaker for this we can still move forward with this, and if the Board were to make accommodations to the ordinance this may not help them either. Hoffman noted that the CWECs still have two means of relief- a variance or a waiver.

The Trustees reviewed the bullet points for possible changes discussed in the March 25, 2020 drainage minutes, and the reply from attorney Mike Richards covering these possible changes. Hoffman has concerns about what the Iowa Utilities Board is proposing to do to the entire process involving commercial wind production. Hoffman stated that the Iowa Utilities Board has opened a public comment on the use of eminent domain as a means of development, and Hoffman states that this is an issue for the Iowa Supreme Court, and it will not be good either way. Granzow stated this needs to go to the Iowa Supreme Court, and Granzow does not believe that legislators or lobbyists have any idea what kind of drainage structures exist underground, and if we are looking at drainage districts which are backed by federal and state laws, this could be a challenge. Granzow does not believe a CWEC should be able to tell us they will construct a wind turbine within our drainage district easement using eminent domain. Hoffman stated the big concern he sees is the conflict of interest in that the attorney that RWE has retained as council is the same attorney that successfully lobbied the Iowa Utilities Board to start this process. Granzow stated that is not a good situation for Iowa. Hoffman stated what is next if you are willing to use eminent domain for a wind turbine, what isn't prohibited. Granzow stated eminent domain is put in place for public use, the wind turbines are not generating good for the Hardin County public to the point where the use of eminent domain qualifies. Hoffman stated we saw that in the Rock Island Clean Line in which they want to run utility conduit through these places to transmit energy somewhere else, not to Iowa Falls but to Illinois, because it was cheaper to produce it here and ship it to Illinois than it was to produce it in Illinois. Hoffman stated at some point we will have to make a very bold statement that eminent domain factor is a clear and present danger, and we have a very loyal and educated constituency that is very passionate about this. Hoffman stated the Iowa Utilities Board is a public entity but they are not advertising that they may use eminent domain so you wonder how much public knowledge there is of this. Granzow stated our Senators and Legislators are very aware of this, but others may not be, and that the number of Senators and Legislators seats are based on population not surface area. Granzow stated they are making rules for low populated areas, yet they are making decisions based on population. Hoffman stated there are areas in southern Iowa that may have one seat for four counties, but if you look at an area like West Des Moines they may have 4 legislators for an area the size of a tenth of a county. That vote of those 4 people can negate the votes of Dave Deyoe, Pat Grassley and Annette Sweeney that are representing our geographical area that is larger than a county.

Granzow stated whatever we do we will have to enforce our permitting process. Hoffman stated he has seen videos from Iowa County and near Ogden of the damages caused by CWEC cranes. Hoffman stated that Taylor Roll had verified with Palo Alto County's Engineer, photos of project damages done in the hundreds of thousands of dollars. It was discussed that the developer here is RWE, but while the developer in Palo Alto County's case may be different, all of the developers use the same contractors because it is such a specialized field, that once the contractors have a presence, they are used for their unique equipment, because no other contractors have it. Hoffman stated the CWECs/contractors will push to see how much they can get away with knowing that you will have to spend a whole lot more money to enforce your rules than what you will get in return. McClellan stated that Gallentine had expressed there were few problems in Franklin County's CWEC project, but we don't know if we will be working with the same contractor.

Gallentine clarified that during construction last year there were no problems, this spring we had a half dozen tile issues that have surfaced, they were either collapsed by a crane and were not apparent last fall, or when they bored the contractors depth was off and they went through district tile. Gallentine stated given the number of crossings, a half dozen wasn't bad but it is still damage that is impeding drainage. McClellan asked if the CWEC was paying to repair those. Gallentine stated that yes, the CWEC is paying to repair those the big issue is once that turbine network is up and running you have to schedule that repair when there is an outage on those lines. Granzow stated when we talk about our ordinance, we would not have that problem because we have already put in place that the district facilities would be televised before and after turbine construction. Gallentine stated if Franklin County had done that, it would have revealed these tile damages last fall. Granzow asked if they built any of these turbine in Franklin County within the drainage district easements. Gallentine stated no, whether by plan or by luck, they have not had to relocate any tile for the turbine itself, that we know of, this is the honor system the CWEC comes in and says this is our plans for where we are crossing, CGA did not go out and verify that the CWEC knows where everything is. Granzow stated in our ordinance the CWEC would have to know where everything is.

McClellan asked if we have a time frame of when a repair needs to be done if a drainage problem is discovered. Granzow stated if they were not in our easement we should not have a problem, but it should state in our ordinance the CWEC will shut down for repairs with a 24 hour notice from us. Granzow stated it should state in our ordinance that the turbines shall shut down with 24 hour notice from us for a repair. Gallentine stated in Franklin County, White Construction is doing the repair because they were the initial contractor, and they have another job they are working on and they are trying to bounce back and for the between the repair and new construction. It was discussed that we do not need issue like the railroads, the CWECs would be coming into our easement, not us going in to theirs. Gallentine stated if you don't protect these tiles no one will. Granzow stated that is what we are doing as Trustees, Granzow would like to have County Attorney Darrell Meyer's comments on this and have Meyer attend the meeting next week for this discussion. Smith will contact Meyer.

Hoffman reviewed the four bullet points on the reply from attorney Mike Richards. Hoffman is not as concerned about bullet point number one, on the second bullet point he was glad that there was a substantial and legitimate reason to make revisions and was glad for the review by legal. Hoffman is most concerned with the third bullet point as when these repair issues occur it is important to repair them, and Hoffman does not want to disagree with Richards legal knowledge, if we don't have that \$50,000 repair fund in escrow and a handful of repairs come up it might stretch our ability to repair them in a timely manner fairly thin. McClellan stated the only time they would have to put up the \$50,000 is if the turbines are in a drainage district. Granzow stated that we spoke about this last week, that it would be \$50,000 per each turbine. Hoffman stated for example if they have 5 turbines in a district, there would be \$250,000 in escrow for repairs until turbines are complete and tiles have been televised, if there is no damage than \$200,000 would be returned and \$50,000 would remain in escrow for that district. Gallentine stated that was what we talked about, and Richards does not say it will be overturned this just that his gut instinct is that it will be challenged in court, that doesn't mean you can't adopt it, if someone wants to fight it, let them. McClellan states once they understand all but \$50,000 would be returned that would help, Granzow stated he is not for against wind turbines, and Hoffman stated he wanted the process done right and they are just used to someone laying down and rolling over to the CWECs demands, McClellan stated we have been urged to pass this.

Gallentine stated the intent is not to tie up the CWEC's money for a long amount of time. Hoffman stated it is to protect our landowners if something goes wrong. Gallentine stated the \$50,000 is enough to get their attention and say this is important to us, you need to pay attention to this. Granzow stated that we this money may be needed to make repairs. Hoffman stated it should not be the landowners waiting to get repairs done, and asked if in Franklin County, for the issues that arose, do they have to use the original install company to do the repairs. Gallentine stated they do not have to use the original company, the contractor has just acknowledged they did this and are making repairs and has not gone any farther than that. Hoffman stated when he spoke with Jacob Handsaker, Handsaker stated they had issues on the Garden City site, when Handsaker said we need these issues repaired, the contractor asked how do you want these fixed, Handsaker ended up doing the repairs himself because he is an expert in field tile repair. Hoffman stated these contractors come in from out of state and don't know anything about Hardin County and drainage tile. Hoffman stated when a landowner asks how long do I have to wait for a repair like this, what will we tell them, we already have an efficient system in place, that we meet every Wednesday, and can send CGA out to investigate, if there is a reasonable solution that meets the lottery criteria, we will take care of it and hopefully Paul Williams, Adam Seward, Jacob Handsaker, Justin Ross, can be out there within 12, 14 or 30 days. Hoffman does not want to put our landowners in a precarious situation where we are waiting on repairs and paying crop losses.

Granzow stated CWECs do have to perform repairs under our rules of repair, there will be an engineer there, they will use concrete collars and they will pay for that. Hoffman stated there will be issues with someone that does not have the turbine on their property that loses crops and then it will be everyone including themselves, paying for their crop losses, Hoffman thinks that is a horrible way to operate. Granzow asked if the CWEC stated they would pay for crop damages, Smith will go back and check the minutes to verify this. Granzow stated that if the CWEC did damage, they are responsible for crop loss no matter if it is 160 acres that flooded out because of it, this would be paid under that \$50,000 repair fund in escrow that we get in and fix it right away. Hoffman stated we could specify the CWEC has so many days to make the repair, or pay the crop loss. Granzow stated televising before and after will help with a lot of that, they will still be responsible for damages that come up.

Granzow is glad to have Richards and Meyer looking at this as it may go to court at some point, so before we pass the ordinance, let's make sure we pass the right ordinance.

9. Discuss W Possible Action - Iowa Drainage District Association Membership

Smith stated we had received an invoice for membership in the Iowa Drainage District Association (IDDA). Membership is not required to participate in the IDDA's events or trainings.

Motion by Hoffman to deny membership in the Iowa Drainage District Association. Second by McClellan. All ayes. Motion carried.

10. Drainage Clerk Performance Review

The Trustees provided performance review recommendations that will go to the Auditor for final review as the clerk position falls under the Auditor's supervision. The Trustees directed Smith to provide performance review objectives, and return to them to Trustees next week, and to add this item to next week's agenda.

11. Other Business

Other business was discussed prior to the Wind Turbine Ordinance and Drainage Utility Permit.

DD 86 - Smith received a report from DD 86 landowner Mary Hindraker, who reports a large washout to her driveway which is intersected by district tile. Smith stated she was unsure if this would be a district tile issue or a surface water issue. Smith shared photos of the washout. Hindraker reports that last year a drainage repair was done several years ago and about a year ago Hindraker reports work was done again in which her driveway was torn up. Hindraker reports that over the years some driveway rock would wash out, and that water comes from the back of the property to the front of the property at the driveway. Smith stated that the district tile does go under the driveway and Hindraker states this is the first time that the driveway has ever washed out to this extent.

Gallentine stated he stopped and looked at this this morning, and reports right where this is at, we replaced a section of DD 86 tile that had collapsed or was ready to collapse, in January of 2019. Gallentine stated the tile is 5' to 6' deep right there, and does not think the tile has caused the issue, but that in January they filled trench with rock, as all the material was frozen. Gallentine stated it appears that material washed away, if frozen material is not filled back in, the rock may wash away. Granzow stated it looks like the repair was not done correctly which may have caused this large washout. Smith stated the City of Iowa Falls had sent this to the Engineer's office, and the Engineer sent it on to the Drainage Clerk. Granzow stated it looks to be an issue related to the 2019 repair issue and needs to be repaired again. Granzow stated he is ok approving a repair as an emergency repair since the driveway

is gone. Hoffman stated this is a safety issue, if emergency services were needed at the home, they could not gain access since the driveway is out.

Motion by Hoffman to have CGA continue the investigation, document it and place in the lottery system for emergency repair sooner than later. All ayes. Motion carried.

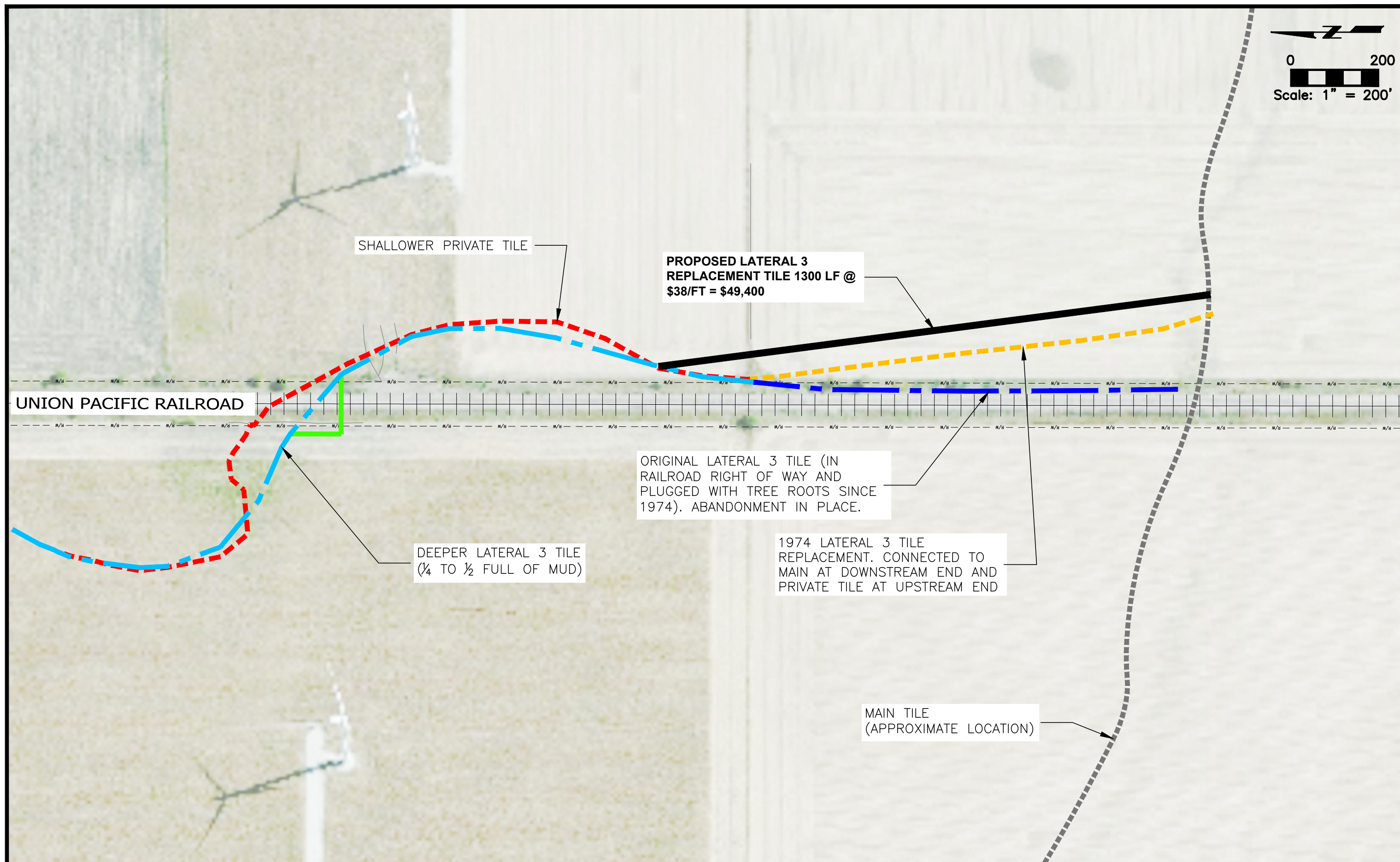
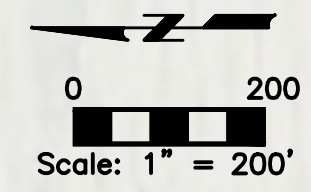
DD 56 - Smith stated we have a DD 56 Landowner Meeting scheduled for July 8, 2020, Smith was checking in with the Trustees to see if they want to hold meeting date as originally set and if they would like project options listed on the postcards. It was discussed that the State may be making some decisions on larger gatherings later this week, and that it can be on next week's agenda to make decisions moving ahead with that information.

IRUA - Hoffman stated he had inquiries about an IRUA issue with connection to a house on HWY D41, and that if Smith is contacted that this can be on the agenda for review, much like we did with the recent request from the Rolph's for service.

DD 102 - Gallentine updated that Rognes Brothers has started laying tile on the wetland project, and have laid about 700' of tile so far and the bottom of the trench has been a clay material that has spooned very well, and so far no rock bedding has been used. The contractor has run into a couple of sand pockets but they are all above the clay layer.

DD 25 Lateral 3 - McDowell has started on the project south of Garden City but has been delayed by heavy rains this week. Gallentine stated that McDowell reported that the first heavy rain, they said the water was backing up from the main tile, through the tile they had laid and filled the entire trench in and was flowing overground away from the trench and it had 7' to 10' of head pressure on it.

12. Adjourn Meeting



SHALLOWER PRIVATE TILE

PROPOSED LATERAL 3
REPLACEMENT TILE 1300 LF @
\$38/FT = \$49,400

UNION PACIFIC RAILROAD

ORIGINAL LATERAL 3 TILE (IN
RAILROAD RIGHT OF WAY AND
PLUGGED WITH TREE ROOTS SINCE
1974). ABANDONMENT IN PLACE.

DEEPER LATERAL 3 TILE
(1/4 TO 1/2 FULL OF MUD)

1974 LATERAL 3 TILE
REPLACEMENT. CONNECTED TO
MAIN AT DOWNSTREAM END AND
PRIVATE TILE AT UPSTREAM END

MAIN TILE
(APPROXIMATE LOCATION)

DRAWN BY: ZJS	APPROVED BY: LOG	REVISIONS:
DATE: 2020-03-30	PROJ. NO.: 6501	
FIELD BK: -		
P:\6501\CADD\SURVEY\6501 - PLANS+NEW_SHOTS_2.DWG; 4/1/2020		



Clapsaddle-Garber Associates, Inc
Main Office: 16 East Main Street
Marshalltown, Iowa 50158
Ph 641-752-6701
www.cgaconsultants.com

ADDRESS:
739 PARK AVENUE
ACKLEY, IOWA 50601
PH 641-847-3273 FAX 641-847-2303

PROJECT: REPAIRS TO MAIN AND LAT 3 DD 25
HARDIN COUNTY, IOWA
2020

SHT. NAME: INVESTIGATION MAP

SHT. NO.: 1 OF 1



Drainage Work Order Request For Repair

Hardin County

Date: 6/15/2020

Work Order #: WO00000297

Drainage District: DDs\DD 42 (51067)

Sec-Twp-Rge: 35-88-22 **Qtr Sec:** 88223510003

Location/GIS: 88-22-35-100-003

Requested By: David Sweeney / James Sweeney

Contact Phone: (641) 373-3131

Contact Email: _____

Landowner (if different): Cynthia Iorger

Description: DD 42 - David Sweeney reports a 3' diameter blowout/sinkhole over main tile approximately 50 yards upstream from where the Main tile crosses the south property line.

Repair labor, materials and equipment: _____

Repaired By: _____ **Date:** _____

Please reference work order # and send statement for services to:

Hardin County Auditor's Office
Attn: Drainage Clerk
1215 Edgington Ave, Suite 1
Eldora, IA 50627
Phone (641) 939-8111
Fax (641) 939-8245

For Office Use Only

Approved: _____ **Date:** _____



Drainage Work Order Request For Repair

Hardin County

Date 6/15/2020 Work Order # _____
District # #42 Lateral Main Tile Fund # _____
Township _____ Section 35 Twp 88 Rge 22 Qtr Sec SW NW

Repair Requested By David Sweeney
Address 21547 Hwy S27, Alden, IA 50006 (also the repair location) Phone 641-373-4340

Landowner Cynthia loerger
Address 19672 Hwy D15, Iowa Falls, IA 50126 Phone 641-640-2191

Request Taken By _____

Available for Repair Now? Yes Date Available _____

Problem Description 3-foot diameter blowout/sinkhole over main tile approximately 50 yards upstream from where the Main tile crosses the south property line.

Repair labor, materials and equipment _____

Potential Wetlands? Yes-Repair existing tile only No-Repair and maintain tile

Repaired By: _____

Date: _____

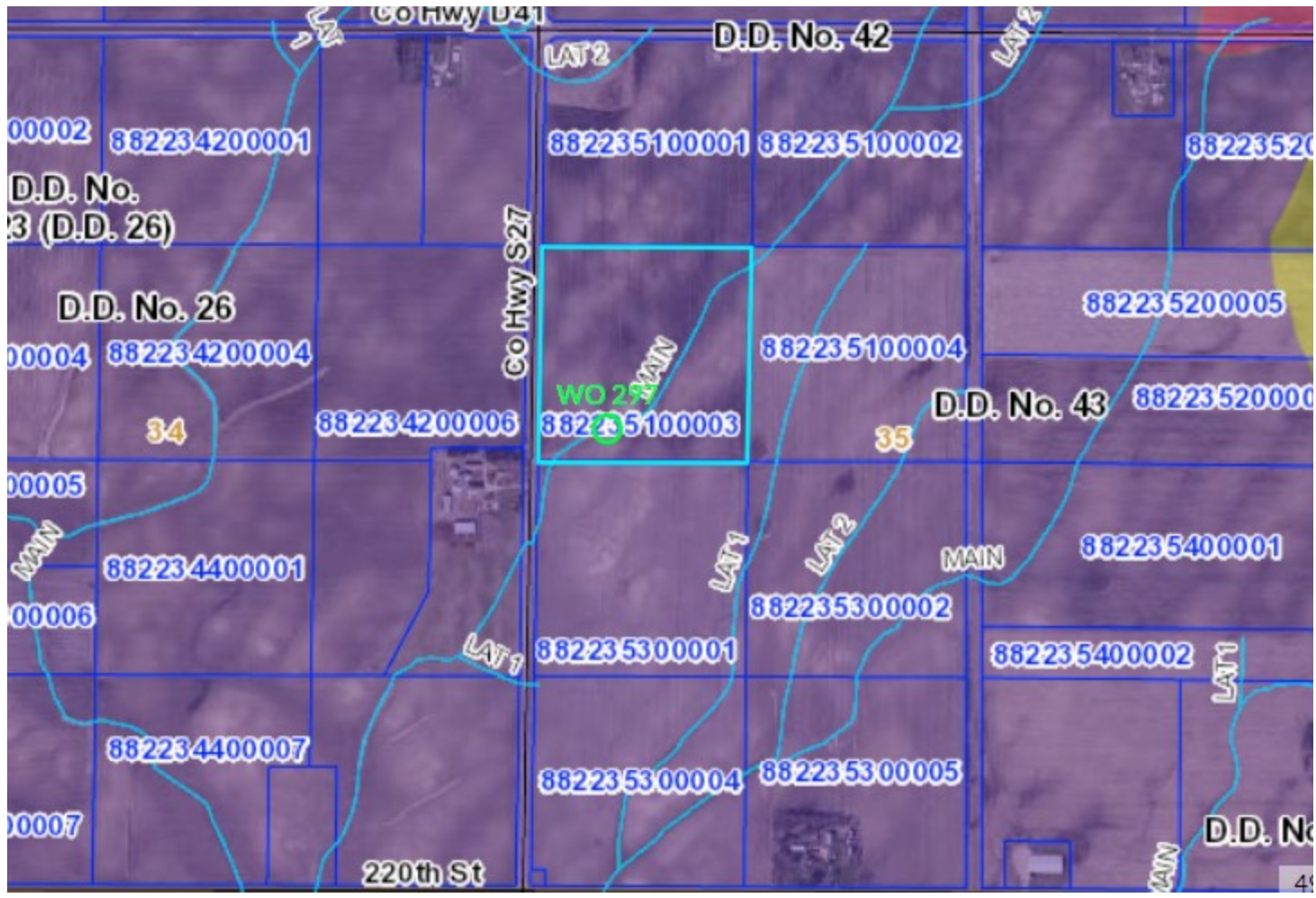
Please send statement for services to:

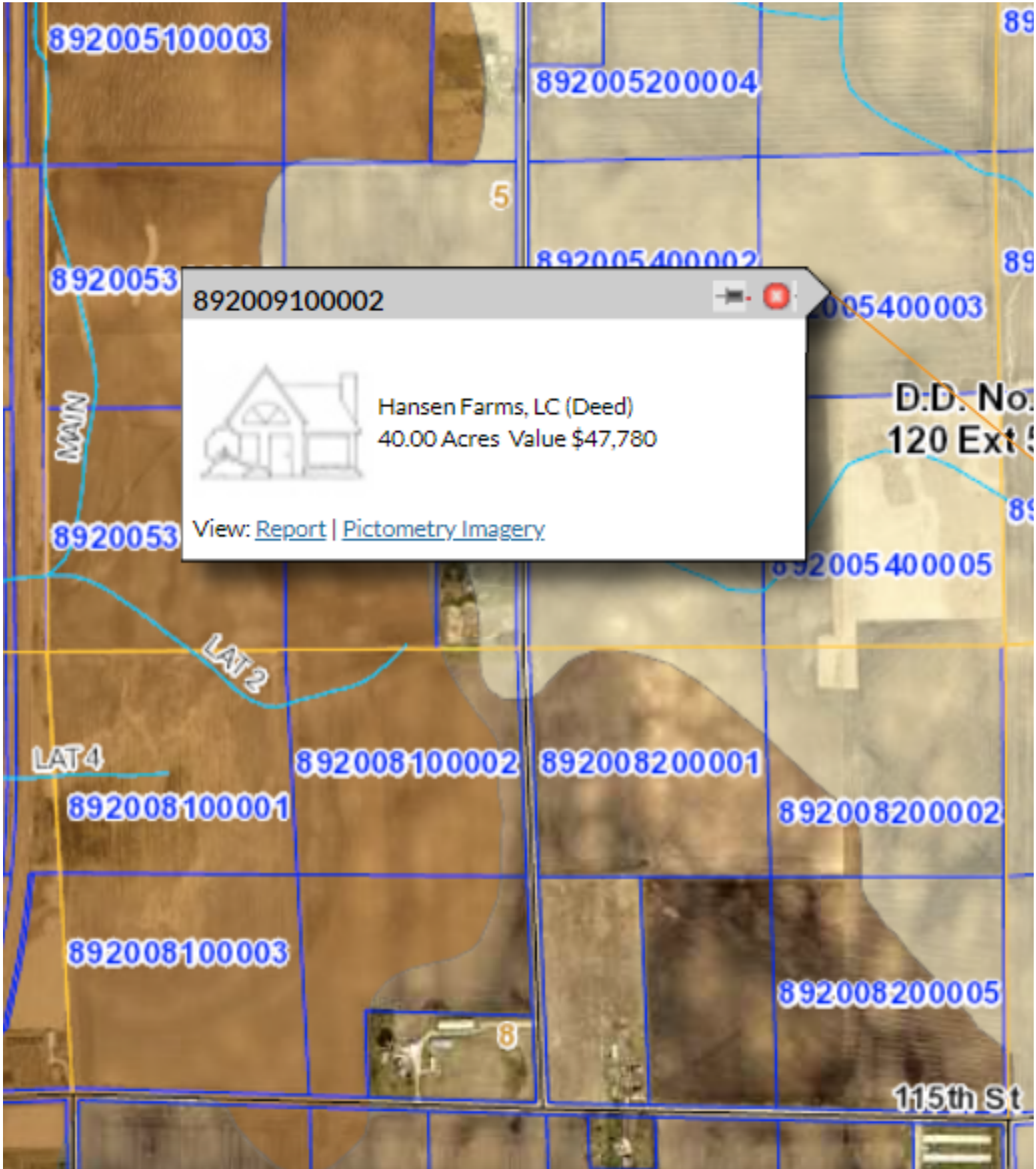
Phone (641) 939-8111
Fax (641) 939-8245

Hardin County Auditor's Office
Attn: Tina Schlemme
1215 Edgington Ave, Suite 1
Eldora, IA 50627

For Office Use Only

Approved: _____ Date: _____





892009100002



Hansen Farms, LC (Deed)
40.00 Acres Value \$47,780

View: [Report](#) | [Pictometry Imagery](#)



REQUIREMENTS FOR CONSTRUCTION ON, OVER, ACROSS OR BENEATH ESTABLISHED DRAINAGE DISTRICT

Upon issuance of a permit for utilities on, over, across or beneath established Hardin County Drainage Districts, the applicant shall be governed by these requirements and shall comply with all conditions contained herein.

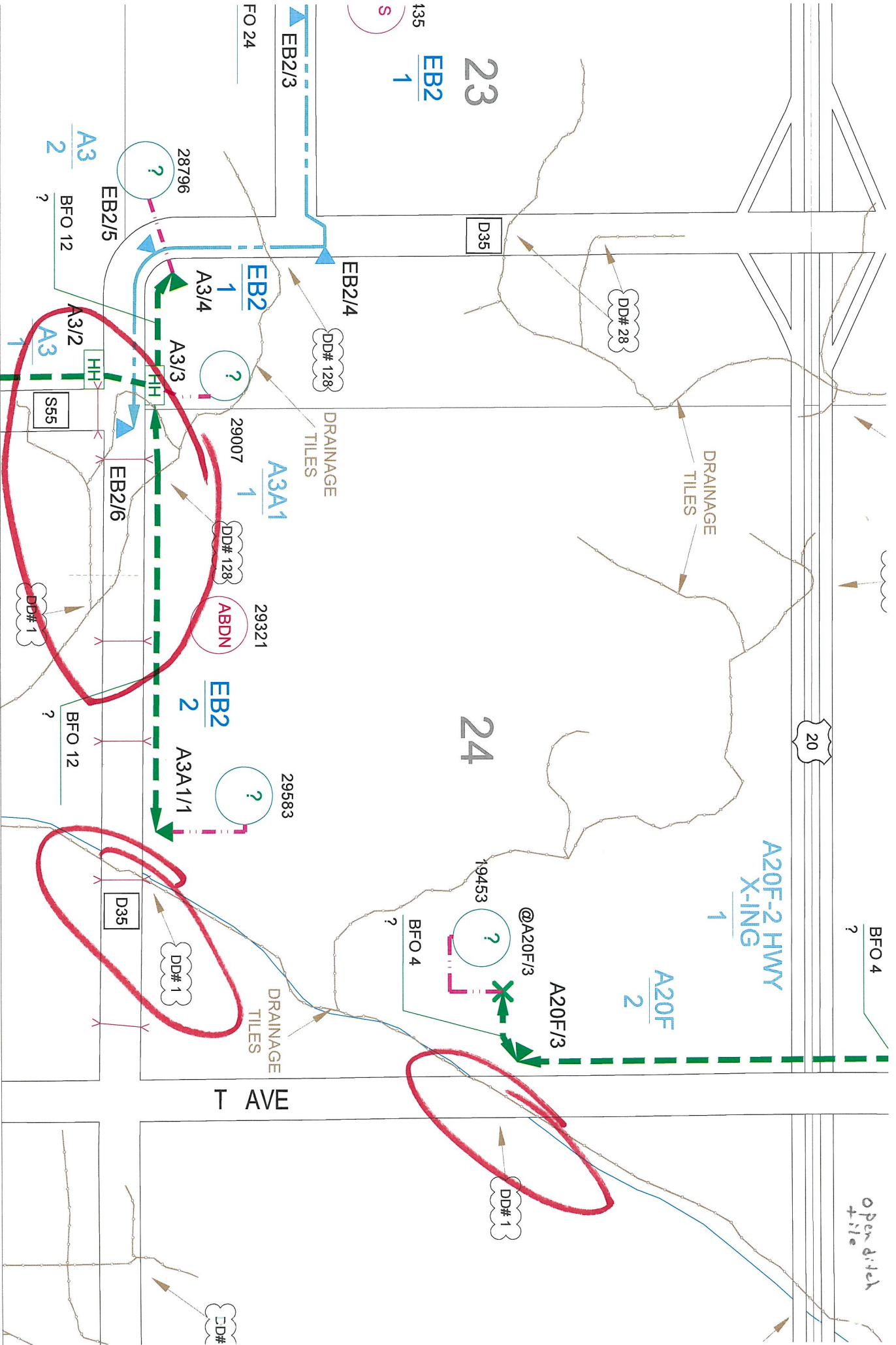
1. The Applicant shall furnish the Drainage District, or its representative, plats showing the exact location of the proposed construction. If it is found that such locations are in conflict with the present or proposed facilities and that a more desirable location is possible, the Applicant shall review such possible alignment changes. **No construction is to commence with the drainage facility without an approved application.**
2. Applicant shall comply with Iowa One-Call requirements prior to commencing any work.
3. The Drainage District shall provide Applicant access to maps or other information regarding the location of all known drainage district facilities so that reasonable care may be taken by Applicant to avoid un-necessary damage to said drainage district facilities.
4. The Applicant shall hold the Drainage District harmless from any damage that may result to the Drainage District facility because of the construction or maintenance of the utility, and shall reimburse the Drainage District for any expenditures that the Drainage District may have to make on said Drainage District facilities resulting from Applicant's construction and installation of utilities, or their subsequent repair or modification.
5. The Applicant shall take all reasonable precaution during the construction of said utility to protect and safeguard the lives and property of the public and adjacent property owners and shall hold the Drainage District harmless from any damages or losses that may be sustained by adjacent property owners on account of such construction operations. Further, Applicant agrees to replace, repair or reimburse all damages to private property occasioned by Applicant's installation of subsequent modification or repairs.
6. The Drainage District assumes no responsibility for damages to the Applicants property occasioned by any construction or maintenance operation of said Drainage District facilities, subsequent to Applicants installation.
7. A copy of a certificate of insurance naming the County/Drainage District as additional insured for their permit work shall be provided to the County Auditor prior to installation. The limit of liability under the insurance policy shall not be less than \$1,000,000 per occurrence.
8. The Applicant agrees to give the Drainage District twenty-four (24) hours (Saturday and Sunday excluded) notice of its intention to commence construction on any lands within the jurisdiction of the Drainage District. Said notice shall be made in writing to the County Auditor or to the designated Drainage District representative.
9. The Applicant agrees to place permanent, visible markers or monuments at locations where utility crosses Drainage District facilities. These monuments or markers shall identify the owners name, address and phone number.
10. The Drainage District Trustees may appoint a representative to inspect and approve all construction across Drainage District facilities as part of this permit. All compensation, wages, mileage and other expenses for this representative will be paid by the Applicant. It will be the responsibility of the Applicant to make all contacts with private parties (adjacent owners/operators) to determine the location of private drainage facilities. Said representative will also inspect all crossing of Drainage District facilities and may, if required, observe the crossing of private drainage facilities, and shall have the authority to require the Applicant to excavate and expose the crossing of any Drainage District facility where the representative believes it prudent to visually examine Applicants crossing of the Drainage District facility. Further, said representative has the authority to suspend construction and installation by the Applicant within any Drainage District jurisdiction by verbal order to the contractor at the site and a telephone call to Applicants contact person listed on page 1 within six (6) hours of the verbal order.



11. The construction and maintenance of Applicants installation shall be carried on in such a manner as to not interfere with or interrupt the function of said Drainage District facilities without the express written consent of the Drainage District Representative. In the event it becomes necessary to temporarily stop the flow of water, the following shall be completed by the Applicant:
 - a. If the crossing involves a tile line, the replacement of tile with approved materials, in the manner approved by the Drainage Districts designated representative, shall be performed as rapidly as possible. If the approved method of repair is impossible and the volume of water flowing in the tile is sufficient to create the possibility of crop loss or property damage, the Contractor will be permitted to temporarily block the tile line to prevent the flow of this tile water into the pipeline, or tile line ditch. In the event this tile line is so temporarily blocked, the Contractor will be expected to provide sufficient pumping equipment to pump the impounded tile water across the construction ditch to the undisturbed tile line. Such temporary blockages of said Drainage District tile lines will be removed as rapidly as possible and any tile repairs caused by this blockage will be immediately repaired at the Applicants expense.
 - b. If the crossing involves an open ditch that is carrying sufficient flow of water to make it necessary to place a temporary dam across said open ditch, such temporary dams may be constructed only upon approval from the Drainage District designated representative. The maximum elevation of this impounded water shall be determined by the designated Drainage District representative and all excess water must be allowed to flow across the construction ditch through either a closed metal culvert pipe or by pumping. All temporary dam structures are to be removed as soon as the crossing is completed. The construction and removal of these dams shall be in such a manner that the smooth and efficient function of the drainage ditch is not impaired, with all costs and damages borne by Applicant.
12. The Applicant will at any time subsequent to the commencement of construction, and at Applicants sole expense, reconstruct or replace its installation as may be necessary to conform to new grade or alignments resulting from maintenance or construction operations by the Drainage District in connection with any of its drainage facilities. Applicant agrees to do this within forty-five (45) days of receipt of written request from the Drainage District, or such longer time period as the Drainage District may specify, without cost to the Drainage District. Such reconstruction or realignment of Applicants improvements shall be made in accordance with and approved by the Drainage District or its designated representative. If the Applicant is unable to comply within the time period specified above, the Drainage District may cause the work to be done and the Applicant will pay the cost thereof upon receipt of a statement of such costs.
13. **CROSSING OF OPEN DITCH FACILITIES.** Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
 - a. Passage of installation in a horizontal plane five feet (5') below design grade of drainage ditch, as established by the Drainage District representative.
 - b. The above depth to extend to a point two (2) times the design base width of ditch either side of centerline of drainage ditch (measured along the centerline of utility) unless the existing base width is greater than the design bases width. If the existing base width is greater than the design with, the depth is to extend to a point two (2) times the existing width.
 - c. The rate of slope for transition from normal utility laying depth of crossings of drainage ditches shall not be steeper than 4:1.
 - d. If such ditch crossings occur at points of outlets of Drainage District or private tile lines or within twenty-five feet (25') of said outlets, such outlets must be relocated to a point not less than twenty-five feet (25') from such crossings. Such relocations shall be at the expense of the Applicant and as directed by the representative of the Drainage District.



14. CROSSING OF DRAINAGE DISTRICT TILE LINES. Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
- a. All proposed installations must be placed under the existing Drainage District tile lines. These requirements may be waived only upon the review by and approval of the designated representative of the Drainage District. Such waiver must be in writing.
 - b. A minimum of one foot (1') clearance below existing Drainage District facilities must be maintained.
 - c. At all crossings of Drainage District tile lines with the proposed utility, one of the following must be used:
 - i. Replace Drainage District tile with reinforced concrete pipe of same or larger diameter than existing tile. Concrete pipe to be 2,000 D strength (Iowa Department of Transportation approved) with standard tongue and groove joints. Pipe to have a minimum of three (3) bolt-type connectors at each joint.
 - ii. Replace Drainage District tile with cathodic protected corrugated metal pipe. Diameter of corrugated metal pipe to be a minimum of two inches (2") larger than outside diameter of tile line being replaced. (Specifications regarding gage, cathodic protection and other details to be subject to review and approval.)
 - iii. Dual wall plastic with specific approval of Drainage District representative.
 - iv. Bore new utility installation; maintain existing tile in an undisturbed state.
 - d. The length of tile to be replaced by any of the above alternates is as follows:
 - i. Eight-inch (8") tile and smaller: Six feet (6') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - ii. Ten inch (10") tile and larger: Ten feet (10') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - e. At all crossings of Drainage District tile lines where the Drainage District and private tile lines are damaged by the construction, maintenance or repair of Applicants installation shall be repaired as directed by the Drainage Districts designated representative.
15. This permit is subject to existing regulations and statutes of the State of Iowa and future regulations, which may be promulgated or enacted.
16. This application is subject to revocation by Hardin County, if in its judgment it is necessary for legitimate purposes. In such event, written notice shall be provided to permit holder.
17. Applicant agrees to pay all other legitimate costs, fees and expenses associated with its crossing of the Drainage District facility, including but not limited to, publication costs, engineering costs and legal service costs. Said costs will be paid within thirty (30) days of the mailing of the statements to the Applicant.
18. Applicant agrees to provide a copy of as-built plan of the utility route and location, showing route changes that may have taken place during construction.
19. Applicant agrees to include a copy of these requirements to all bidding specifications; or if the construction and installation contract has been let by the time this permit is approved, Applicant agrees to provide a copy of these requirements to the contractor and to advise them that they are bound by the terms of these requirements.



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open ditch
tile

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FO 24

EB2/3

A3
2

EB2/5

BFO 12

A3/4

A3/3

A3/2

A3

EB2/6

BFO 12

EB2

A3/4

A3/3

A3A1

EB2

A3A1/1

EB2

A3A1/1

EB2

A3A1/1

EB2

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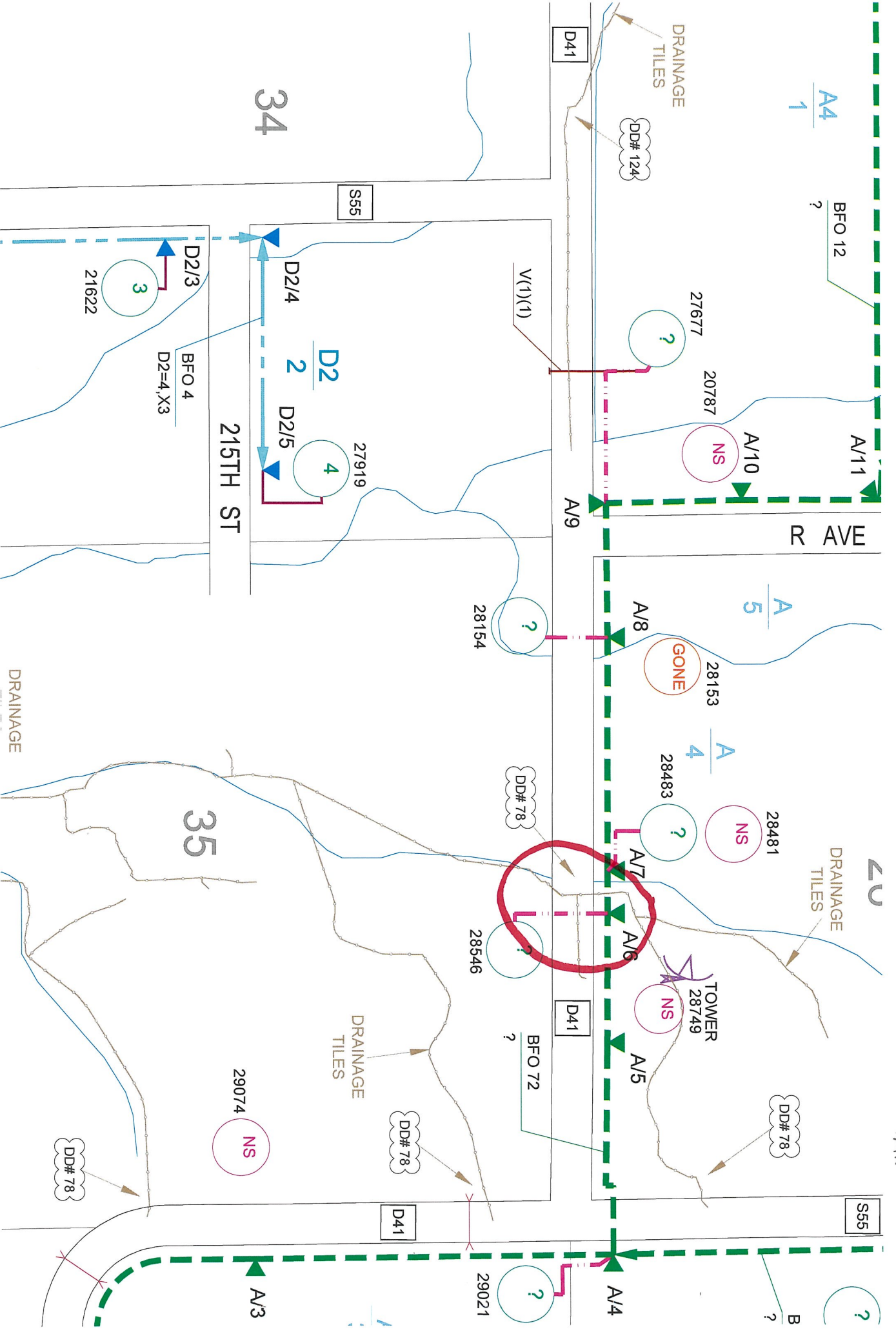
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BFO 4

BFO 4

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BFO 12
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DRAINAGE
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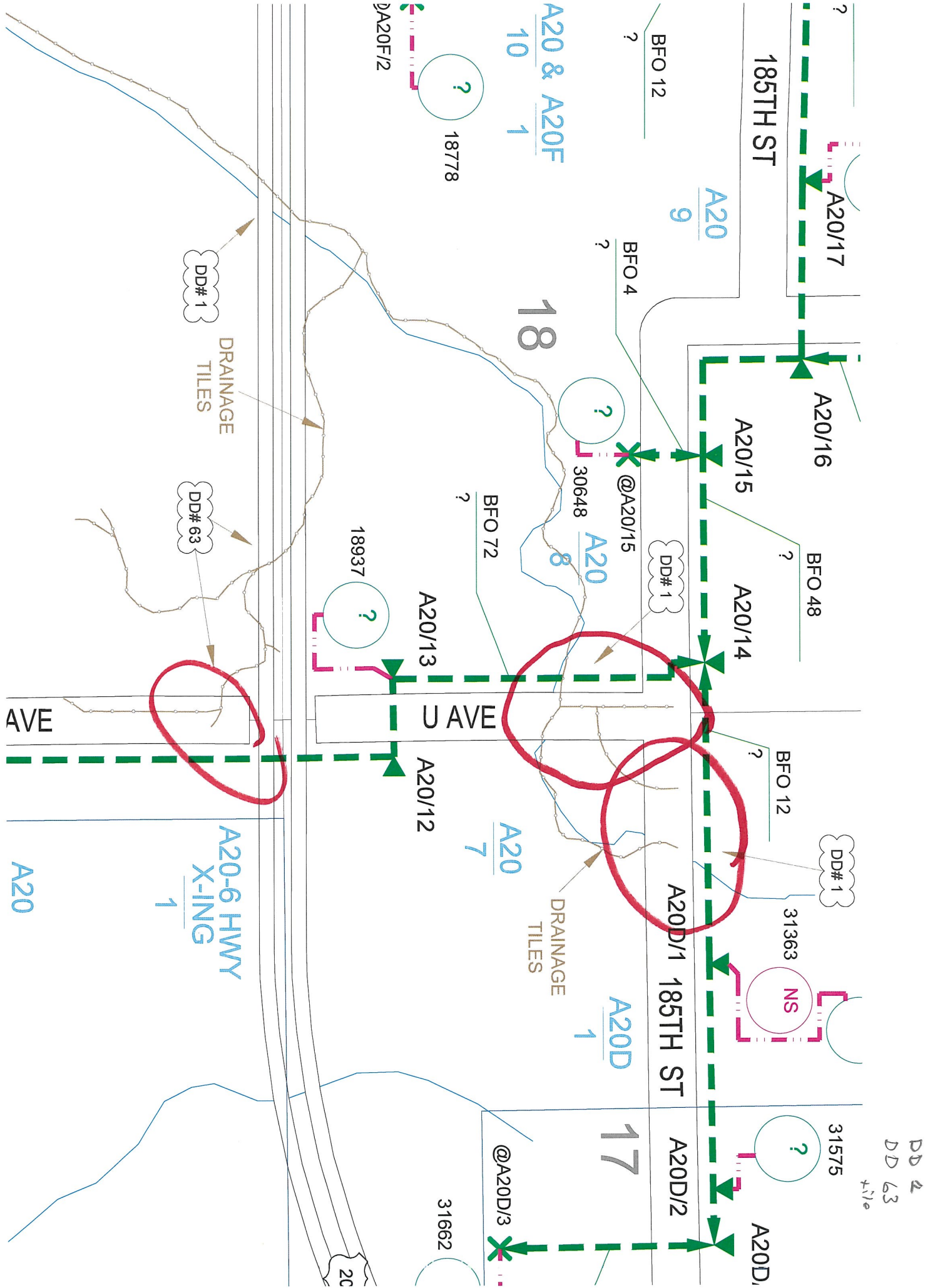
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DD 63
4/1/10

DD#1
DRAINAGE
TILES

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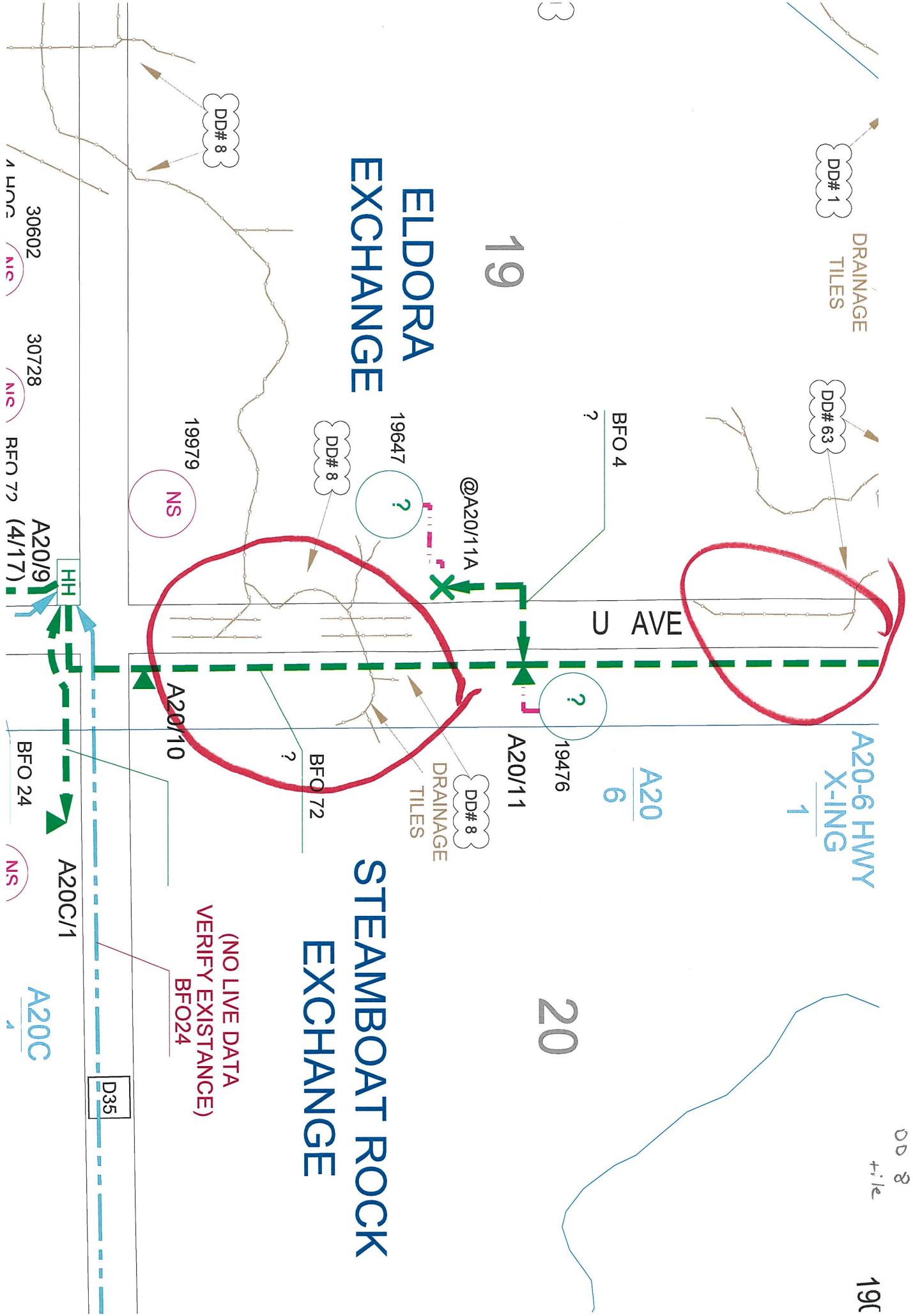
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EXCHANGE

U AVE

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(NO LIVE DATA
VERIFY EXISTANCE)
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D35



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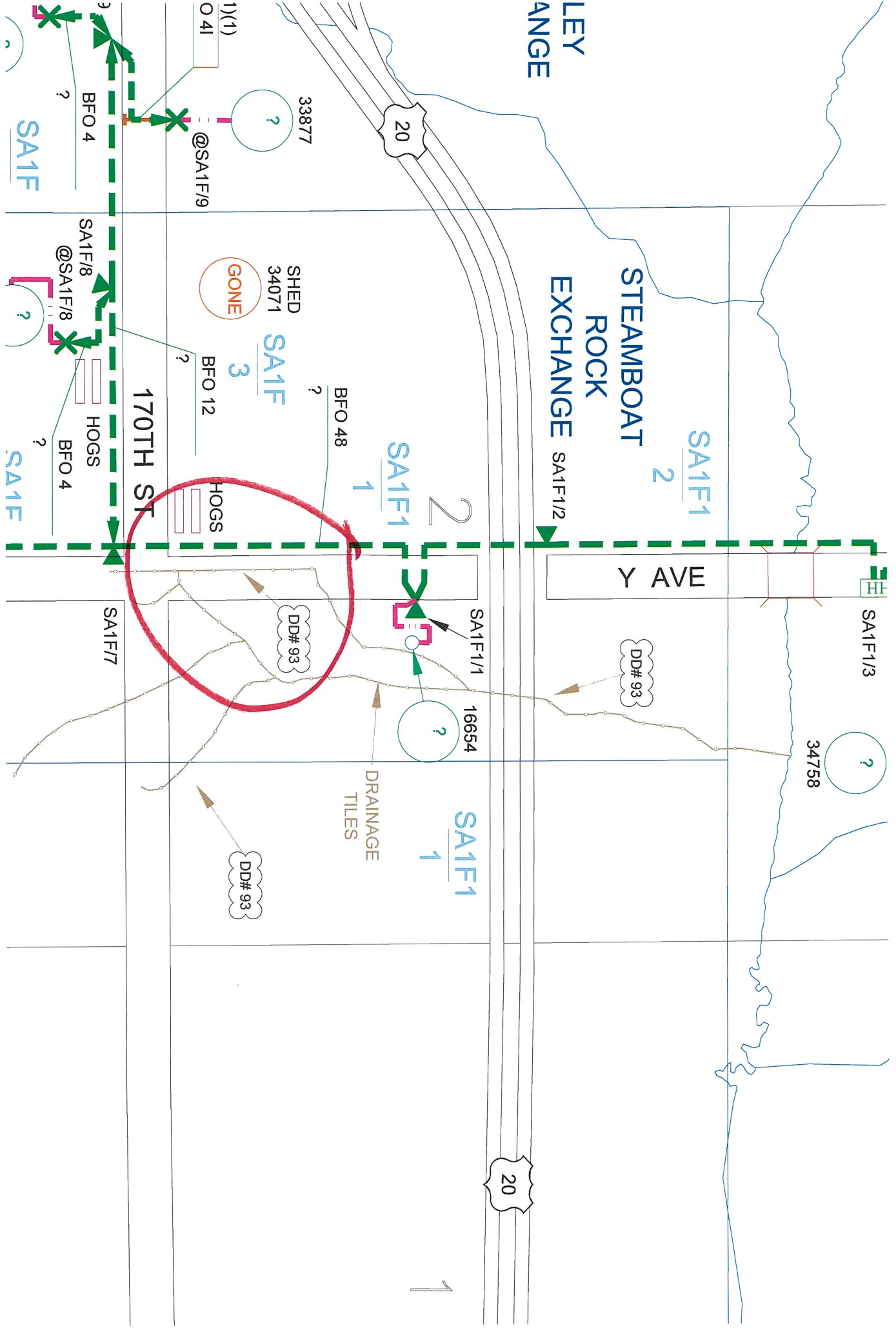
RFO 72
(4/17)

A20/9
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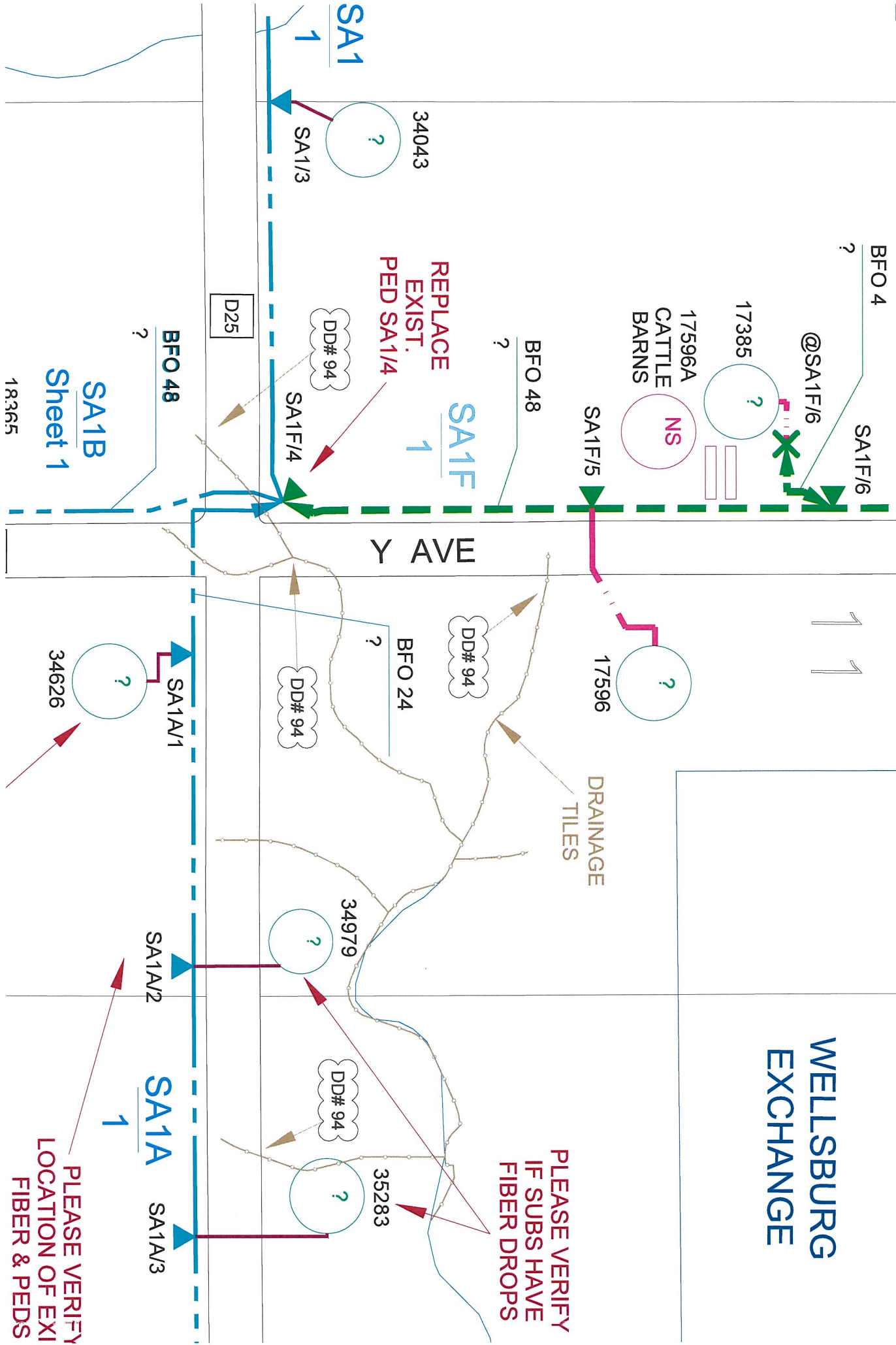
BFO 24

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WELLSBURG EXCHANGE



SA1B
Sheet 1

18365

PLEASE VERIFY
LOCATION OF EXI
FIBER & PEDS

PLEASE VERIFY
IF SUBS HAVE
FIBER DROPS



Drainage Utility Permit Application

Hardin County

Applicant: Heart of Iowa Communication Coop - Jay Duncan

Contact Email: jduncan@heartofiowa.coop

Contact Phone: (641) 486-2211

Utility Type: N/A - Utility Permits Only

Drainage District: DDs\DD 44 (51069)

Description of Work: DDs 44, 62, 1, 128, 78, 63, 8, 93 & 94 - Heart of Iowa - Install fiber optic cable in rural areas of Eldora & Steamboat Rock. Will work with CGA on facility crossings.

Pursuant to Code of Iowa Section 468.186, approval is hereby requested for the right, privilege and authority to construct, operate and maintain utilities on, over, across or beneath established Hardin County Drainage Districts, subject to the attached Requirements for Construction On, Over, Across or Beneath Established Drainage Districts. Failure to comply with said requirements shall be ground for revocation of the permit by the Hardin County Board of Supervisors.

Applicant Signature

Date

Submit Form and Location Plan To: Hardin County Auditor's Office
Attn: Drainage Clerk
1215 Edgington Ave, Suite 1
Eldora, IA 50627
Phone (641) 939-8111
Fax (641) 939-8245
drainage@hardincountyia.gov

For Office Use Only

Application Approval:

By: _____ **Date:** _____
Board of Supervisor Chairman, Acting as Drainage District Trustee

APPROVED PERMIT #: 2020-12

Application in TCM
 GIS Annotation
 Approval Emailed

ORDINANCE NO. 29

AMENDMENT NUMBER 4

ARTICLE XXIII. NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM PERMITTED USES AND COMMERCIAL CONDITIONAL USE WIND ENERGY CONVERSION SYSTEM STANDARDS.

Section 1. PURPOSE.

The purpose of this Article is to provide a regulatory means for the construction and operation of large and small wind energy facilities in Hardin County, subject to reasonable restrictions, which will preserve the public health, safety, and welfare. Hardin County adopts these provisions to promote the effective and efficient use of the County's wind energy resource.

Findings. Hardin County finds and declares that:

1. Wind energy is an abundant, renewable and nonpolluting energy resource of the County and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.
2. The generation of electricity from properly sited wind energy facilities, including small systems, can be cost effective and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other uses, or energy consumption at that location can be reduced.
3. Regulation of the siting and installation of wind energy facilities is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners and the general public.
4. Wind energy facilities represent significant potential aesthetic impacts because of their size, lighting, and shadow flicker effects, if not properly sited.
5. If not properly sited, wind energy facilities may present risks to the property values of adjoining property owners.
6. Wind energy facilities may be significant sources of noise, which, if unregulated, can negatively impact adjoining properties.
7. Without proper planning, construction of wind energy facilities can create traffic problems and damage local roads.
8. If not properly sited, wind energy facilities can interfere with various types of communications.

Section 2. DEFINITIONS.

Facility Owner shall be the entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.

Facility Operator is the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

Feeder Line shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

Dwelling Unit shall mean structures which are meant to and capable of being used for human habitation such as a house, apartment, or other place of residence.

Non-Dwelling Unit shall mean structures which are not meant to be used for human habitation such as a garage, storage shed, grain bin, animal confinement buildings, etc.

Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

Tower Height shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

Commercial WECS (C-WECS) shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

Meteorological Tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers to not include towers and equipment used by airports, the Iowa Department of Transportation, or other applications to monitor weather conditions.

Non-Commercial WECS shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of less than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Wind Energy Conversion System (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Wind Turbine shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Section 3. "A", AGRICULTURAL DISTRICT; "R-1", SINGLE-FAMILY RESIDENTIAL; "R-2", MULTI-FAMILY RESIDENTIAL; "R-3", MOBILE HOME PARK DISTRICT; "C", COMMERCIAL DISTRICT; "M", MANUFACTURING DISTRICT.

PERMITTED USES:

Non-Commercial WECS, subject to the following standards:

1. Tower Height: Parcels smaller than one (1) acre are not recommended for the placement of WECS and must seek a Conditional Use Permit. For property sizes between one (1) acre and two (2) acres the Total Height shall be limited to eighty (80) feet. For property sizes of two (2) acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Setback: No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.

3. Noise: Non-Commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
4. Engineer Certification: Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
5. Compliance with FAA Regulations: Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
6. Compliance with National Electric Code: Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
7. Utility Notification: No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 4. CONDITIONAL USE PERMITS FOR NON-COMMERCIAL WECS AND C-WECS STANDARDS.

- Non-Commercial WECS may be constructed as a principal or accessory use as outlined in **Table 2**. Non-Commercial WECS that are constructed as an accessory use to a principal permitted use and meet the setback (**see Table 1**), height (**see Section 3.I.1(a)**), and power output requirements (**see definition of Non-Commercial WECS**) of this section, shall not require a Conditional Use Permit approval, and shall only require building permit approval. All Non-Commercial WECS that are constructed as a principal permitted use, or Non-Commercial WECS that do not meet the setback, height, or power output requirements of this section, shall require Conditional Use Permit approval as set forth in **Section 4, General Requirements**.
- C-WECS shall be permitted as a Conditional Use within any district where the use is listed and allowed. (**See Table 2**)
- No C-WECS, or addition of a Wind Turbine to an existing C-WECS, shall be constructed unless a Conditional Use Permit has been issued to the Facility Owner or Facility Operator approving construction of the facility under this ordinance. Permit application of the expansion shall be based on the total rated capacity, including existing facility but excluding like-kind replacements.
- Any physical modification to an existing and permitted WECS that materially alters the size and/or type of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

1. GENERAL REQUIREMENTS

The requirements of this Ordinance shall apply to all WECS proposed after the effective date of this Ordinance. WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an

existing WECS shall be allowed without full compliance with this Ordinance. The Hardin County Zoning Director shall be responsible for creating a Conditional Use Permit Application for WECS to ensure substantial compliance with this ordinance.

General Requirements for C-WECS:

- a. **Color and Finish.** Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- b. **Tower configuration.** All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
- c. **Lighting.** C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- d. **Signage.** All signage on site shall comply with Hardin County Sign Standards. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
- e. **Feeder Lines.** All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a C-WECS shall be buried according to Hardin County Engineer unless set forth in other applicable requirements.
- f. **Waste Disposal.** Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Hardin County Health Department and disposed of in accordance with all applicable local, state, and federal regulations.
- g. **Minimum Ground Clearance.** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- h. **Signal Interference.** The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any WECS.
- i. **Federal Aviation Administration.** All C-WECS shall comply with FAA standards and permits.
- j. **Electrical Codes and Standards.** All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- k. **Safety.**

- I. All wiring between wind turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved conditionally by the Board of Adjustment upon recommendation from the County Engineer.
- II. Wind turbines and meteorological towers shall not be climbable up to 15 feet above ground level.
- III. All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced.
- IV. Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and C-WECS entrances.
- V. See **tables 1 and 2** for setback requirements. These setbacks and separation requirements shall apply to all wind turbines and meteorological towers; provided that the Board of Adjustment upon request of the land owner and recommendation by the Zoning Commission, after giving notice and opportunity for objection from any entity entitled to notice under the procedures contained below herein, may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby.
- VI. For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the C-WECS is within accepted professional standards, given local soil and climate conditions.
- VII. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Commission and Board of Adjustment.
- VIII. Landowners shall be given notice and opportunity to object to any variance request regardless of any agreement or waiver to the contrary.
 - I. **Noise.** Audible noise due to C-WECS sites operations shall not exceed sixty (60) dBA for any period of time, when measured at any dwelling, school, hospital, church, public library, long-term care facility, and early care and education facility existing on the date of approval of any conditional use permit from the property line. In the event audible noise due to C-WECS operations contains a steady tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph a of this subsection shall be reduced by five (5) dBA. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches, public libraries, long-term care facility, and early care and education facility. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level

measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location. In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment upon recommendation by the Commission provided that the following has been accomplished:

Written consent from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and

If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Hardin County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

- m. The Facility Owner shall designate and provide as part of the application, and shall maintain at the office of the Director, the name and contact information of a local agent (local meaning a person whose residence is in Hardin County, Iowa, or a business with its primary place of business or its registered agent located in Hardin County, Iowa, as listed with the Iowa Secretary of State). The Facility Owner shall authorize the local agent to accept service of legal notice and be served legal notice and can be a first point-of-contact by the public.

2. Avoidance and Mitigation of Damages to Public Infrastructure:

a. Roads.

- a. The applicant shall identify all county, municipal, or township roads to be used for the purpose of transporting C-WECS, substation parts, cement, and/or equipment for construction, operation, maintenance, and decommissioning of the C-WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
- b. At applicant's cost, the applicant shall conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road. The applicant is responsible for ongoing road maintenance and dust control measures identified by the Hardin County Engineer during all phases of construction.
- c. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the identified road(s), bridge(s), and associated infrastructure to preconstruction conditions. Financial security in a manner approved by the County Attorney shall be submitted covering 130% of the costs of all required improvements.

- d. A separate road agreement which clearly lays out the rights and obligations of the county and applicant with respect to the construction, maintenance, and use of county roads in connection with development and removal of the C-WECS will be required prior to the start of construction and shall be made a condition to the site plan review and approval of the C-WECS permit.

b. Drainage.

- a. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, maintenance and decommissioning of the C-WECS. For each C-WECS permit application that includes an area with a public drainage system, the applicant shall provide and maintain a security deposit in the amount of \$50,000.00 to be held in escrow by Hardin County and to be used by Hardin County at its discretion to make repairs during the productive life of the C-WECS.
- b. To complete such repairs, the applicant shall consult with the County Engineer and if recommended by the County Engineer hire appropriate contractor(s) with the approval of the County Engineer, with said costs to be paid from the security deposit.
- c. Regarding an application that is within a drainage district, the applicant must apply for a Wind Turbine Drainage District Utility Permit and include the approved permit with their application for C-WECS.

3. Discontinuation and Decommissioning

The Facility Owner shall provide to the Director proof of energy production every three (3) months per Commercial Wind Turbine. A C-WECS shall be considered a discontinued use after twelve (12) months without energy production, unless a plan is developed and submitted to and approved by the Director within that time outlining the steps and schedule for returning the C-WECS to service within six (6) months of approval. All discontinued C-WECS and accessory facilities shall be removed to six (6) feet below ground level or to the level of the bedrock if less than six (6) feet below ground level within twelve (12) months of the discontinuation of use. Each C-WECS shall have a decommissioning plan on file as part of the permit application, outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa and approved by the County Engineer. The plan (required under Section 5.2(n) below) shall also expressly agree to provide at the County's request, no more often than annually, the financial resources available to pay for the decommissioning and removal of the C-WECS and accessory facilities which shall include cash reserves, profit/loss statement, assets and liabilities, and signed guarantees from any lender holding an interest in the C-WECS or in any assets pledged as securities by the Facility Owner or assigns. Financial security in a manner approved by the County Attorney shall be submitted covering 130% of the costs of decommissioning. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.

Section 5. PROCEDURES.

1. A Conditional Use Permit Application must be submitted for each individual applicable Wind Turbine with the applicable fee. This does not prohibit joint proceedings, including notices, public hearings, reviews and approvals as appropriate. The Director is hereby authorized to establish the content and form of the Conditional Use Permit Application consistent with this ordinance.
2. In addition to submittal requirements defined for Conditional Use Permit Applications, all applications for WECS shall include the following information in form and substance approved by the Director:
 - a. The name(s) and address of the project applicant.
 - b. The name of the project owner.
 - c. The legal description of the site where the development is planned.
 - d. A description of the project including number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 - e. Site layout, including location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, all related accessory structures, and all areas to be used for staging during construction or for maintenance, including distances and drawn to scale.
 - f. Engineer's certification(s) as required in these supplemental standards.
 - g. Documentation of land ownership or legal control of the property.
 - h. The latitude and longitude of individual wind turbines.
 - i. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
 - j. Existing Resources Inventory. This should include assets and liabilities and executory energy contracts.
 - k. An acoustical analysis.
 - l. Approved FAA Permit Application.
 - m. Location of all known communications towers/facilities within two (2) miles of the proposed WECS.
 - n. Decommissioning plan.
 - o. Description of potential impacts on all nearby WECS and other wind resources on adjacent properties.
 - p. Identification of significant migratory patterns and nesting areas for birds within two (2) miles.
 - q. Proof of liability insurance.
 - r. The Facility Owner/Facility Operator shall be responsible for obtaining and submitting to the Director, at the time the Conditional Use Permit Application is made, showing the names and last known addresses of the owners of all property **within 5,280 feet (1 mile)** of the perimeter of the total project development site containing wind energy device(s). Prior to the approval for such Conditional Use Permit, notice shall be given by the Director by ordinary mail to all adjacent property owners and owners of property within 5,280 feet (1 mile) of the proposed site(s) for which the conditional use is requested.
3. The WECS applicant is responsible in notifying the following state or federal agencies of their planned project and allowing said entities 120 days to do a preliminary review. Documentation of notification by certified mail to these agencies, and any reports from the agencies must be provided to the county 30 days prior to the Board of Adjustment first public hearing on the matter. If the

entity does not act within 120 days, the plan may be deemed approved by the entity. It is recommended that any issues be addressed prior to the public hearing.

- Army Corps of Engineers
- Bureau of Land Management
- U.S. Fish and Wildlife
- U.S. Department of Agriculture (Local FSA and NRCS)
- Environmental Protection Administration (EPA)
- Federal Communications Commission (FCC)
- National Weather Service
- Iowa Pipeline Association

4. The WECS applicant is responsible in notifying the following boards, commissions, and bodies of their planned project and allowing said entities 120 days to do a preliminary review. The WECS application must have attached to it written approval or denial from each and every board, commission, and body listed below. An incomplete application will not be considered. A completed application will contain written verification of approval or denial from each and every board, commission, and body listed below. Such approval or denial shall be on a form provided by the Director. No application will be approved without the written approval of all the below-listed boards, commissions, and bodies. In the event of a denial, by a board, commission, or body listed below the applicant and applicable body, commission, or body listed below shall make a good faith effort to resolve the reason for the denial. An aggrieved applicant can then seek relief from the Board of Adjustment.

- Hardin County Conservation Board
- Hardin County E911 Service Board
- Hardin County Emergency Management Commission
- Private and Public Hardin County Drainage District Trustees
- Hardin County Drainage Clerk
- Hardin County and local EMS Fire and Rescue
- Hardin County Engineer's Office
- Hardin County Firemen's Association
- Hardin County EMS Council
- Hardin County Solid Waste Commission
- Hardin County Board of Health
- Iowa River Trail – Hardin Commission
- Pioneer Cemetery Commission
- Iowa Falls Airport
- Eldora Airport
- Ackley Airport
- Radcliffe Airport
- South Fork Watershed Alliance

Section 6. RECORDING REQUIREMENT

The applicant shall be responsible for recording with the Hardin County Recorder’s Office, within 60 days of completed construction of each C-WECS structure, documentation sufficient to identify by longitude and latitude and depth of all structures and underground utilities comprising each C-WECS, for deed and abstracting purposes.

Section 7. FEES.

The building permit fee and conditional use permit fee per tower shall be set by the Hardin County Board of Supervisors. This fee is due upon submission of application for a WECS project. Please see attached fee schedule.

Section 8. SEVERABILITY CLAUSE.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 9. EFFECTIVE DATE.

That this ordinance shall be effective immediately upon adoption and publication as provided by law. By enactment, the previous Article XXIII of Ordinance No. 29 (Hardin County Zoning Ordinance) is hereby repealed.

TABLE 1**Setback Requirements for Non-Commercial WECS, C-WECS, and Meteorological Towers**

	Non-Commercial WECS	Commercial WECS	Meteorological Tower
Property Lines**	2 X Total Height	2 X Total Height	2 X Total Height
Dwelling Units†	Greater of Manufacturer's Recommended Safety Setback Distance or 3 X Total Height	Greater of Manufacturer's Recommended Safety Setback Distance or 3 X Total Height	Greater of Manufacturer's Recommended Safety Setback Distance or 3 X Total Height
Non-Dwelling Units†	2 X Total Height	2 X Total Height	2 X Total Height
Public Right-of-Way**	2 X Total Height	2 X Total Height	2 X Total Height
Communication or Electrical Lines	2 X Total Height	2 X Total Height	2 X Total Height
Cemeteries	2 X Total Height	2 X Total Height	2 X Total Height
Other WECS	NONE	(1.1 X Total Height of Turbine 1) + (1.1 X Total Height of Turbine 2)	NONE

*Distance may be satisfied in whole or in part through acquisition of an easement from adjacent property owner

**Including above ground utility such as railroad and power lines

† A waiver could be obtained from affected property owners to lower this setback requirement to no less than 1.1 X the Total Height

TABLE 2**Zoning District Regulations for Use of Non-Commercial WECS, C-WECS, and Meteorological Towers**

	Non-Commercial WECS	Commercial WECS	Meteorological Tower
Agricultural (A)	A	CUP	CUP
Commercial (C)	A	CUP	CUP
Conservation-Greenbelt (G)	X	X	X
Manufacturing (M)	A	CUP	CUP
Mobile Home Park (R-3)	A	X	X
Multi-Family Residential (R-2)	A	X	X
Single-Family Residential (R-1)	A	X	X
Wilderness Preserve (W)	X	X	X

CUP – Requires a Conditional Use Permit, A – Allowed, X – Not allowed



HARDIN COUNTY

1215 EDGINGTON AVE., SUITE 1
ELDORA, IA 50627
(641) 939-8108

HARDIN COUNTY DRAINAGE DISTRICT UTILITY PERMIT APPLICATION

Applicant:

Company Name

Address

City State Zip

Applicant Contact:

Name (_____) _____ - _____
Phone

Email

Utility Type:

Drainage District(s) Crossed:

Facilities Crossed (specific tile, open ditch):

Description of Work:

*(Location plan of
proposed utility must
be attached.)*

Pursuant to Code of Iowa Section 468.186, approval is hereby requested for the right, privilege and authority to construct, operate and maintain utilities on, over, across or beneath established Hardin County Drainage Districts, subject to the attached Requirements for Construction On, Over, Across or Beneath Established Drainage District. Failure to comply with said requirements shall be ground for revocation of the permit by the Hardin County Board of Supervisors.

Applicant Signature

Date

Submit Form and Location Plan To:

Hardin County Auditor's Office
Attn: Drainage Clerk
1215 Edgington Ave, Suite 1
Eldora, IA 50627
Fax (641) 939-8225
drainage@hardincountyia.gov

For Office Use Only

Application Approval:

By: _____
Board of Supervisor Chairman, Acting as Drainage District Trustee

Date: _____

APPROVED PERMIT #: _____



REQUIREMENTS FOR CONSTRUCTION ON, OVER, ACROSS OR BENEATH ESTABLISHED DRAINAGE DISTRICT

Upon issuance of a permit for utilities on, over, across or beneath established Hardin County Drainage Districts, the applicant shall be governed by these requirements and shall comply with all conditions contained herein.

1. The Applicant shall furnish the Drainage District, or its representative, plats showing the exact location of the proposed construction. If it is found that such locations are in conflict with the present or proposed facilities and that a more desirable location is possible, the Applicant shall review such possible alignment changes. **No construction is to commence with the drainage facility without an approved application.**
2. Applicant shall comply with Iowa One-Call requirements prior to commencing any work.
3. The Drainage District shall provide Applicant access to maps or other information regarding the location of all known drainage district facilities so that reasonable care may be taken by Applicant to avoid un-necessary damage to said drainage district facilities.
4. The Applicant shall hold the Drainage District harmless from any damage that may result to the Drainage District facility because of the construction or maintenance of the utility, and shall reimburse the Drainage District for any expenditures that the Drainage District may have to make on said Drainage District facilities resulting from Applicant's construction and installation of utilities, or their subsequent repair or modification.
5. The Applicant shall take all reasonable precaution during the construction of said utility to protect and safeguard the lives and property of the public and adjacent property owners and shall hold the Drainage District harmless from any damages or losses that may be sustained by adjacent property owners on account of such construction operations. Further, Applicant agrees to replace, repair or reimburse all damages to private property occasioned by Applicant's installation of subsequent modification or repairs.
6. The Drainage District assumes no responsibility for damages to the Applicants property occasioned by any construction or maintenance operation of said Drainage District facilities, subsequent to Applicants installation.
7. A copy of a certificate of insurance naming the County/Drainage District as additional insured for their permit work shall be provided to the County Auditor prior to installation. The limit of liability under the insurance policy shall not be less than \$1,000,000 per occurrence.
8. The Applicant agrees to give the Drainage District twenty-four (24) hours (Saturday and Sunday excluded) notice of its intention to commence construction on any lands within the jurisdiction of the Drainage District. Said notice shall be made in writing to the County Auditor or to the designated Drainage District representative.
9. The Applicant agrees to place permanent, visible markers or monuments at locations where utility crosses Drainage District facilities. These monuments or markers shall identify the owners name, address and phone number.
10. The Drainage District Trustees may appoint a representative to inspect and approve all construction across Drainage District facilities as part of this permit. All compensation, wages, mileage and other expenses for this representative will be paid by the Applicant. It will be the responsibility of the Applicant to make all contacts with private parties (adjacent owners/operators) to determine the location of private drainage facilities. Said representative will also inspect all crossing of Drainage District facilities and may, if required, observe the crossing of private drainage facilities, and shall have the authority to require the Applicant to excavate and expose the crossing of any Drainage District facility where the representative believes it prudent to visually examine Applicants crossing of the Drainage District facility. Further, said representative has the authority to suspend construction and installation by the Applicant within any Drainage District jurisdiction by verbal order to the contractor at the site and a telephone call to Applicants contact person listed on page 1 within six (6) hours of the verbal order.



11. The construction and maintenance of Applicants installation shall be carried on in such a manner as to not interfere with or interrupt the function of said Drainage District facilities without the express written consent of the Drainage District Representative. In the event it becomes necessary to temporarily stop the flow of water, the following shall be completed by the Applicant:
 - a. If the crossing involves a tile line, the replacement of tile with approved materials, in the manner approved by the Drainage Districts designated representative, shall be performed as rapidly as possible. If the approved method of repair is impossible and the volume of water flowing in the tile is sufficient to create the possibility of crop loss or property damage, the Contractor will be permitted to temporarily block the tile line to prevent the flow of this tile water into the pipeline, or tile line ditch. In the event this tile line is so temporarily blocked, the Contractor will be expected to provide sufficient pumping equipment to pump the impounded tile water across the construction ditch to the undisturbed tile line. Such temporary blockages of said Drainage District tile lines will be removed as rapidly as possible and any tile repairs caused by this blockage will be immediately repaired at the Applicants expense.
 - b. If the crossing involves an open ditch that is carrying sufficient flow of water to make it necessary to place a temporary dam across said open ditch, such temporary dams may be constructed only upon approval from the Drainage District designated representative. The maximum elevation of this impounded water shall be determined by the designated Drainage District representative and all excess water must be allowed to flow across the construction ditch through either a closed metal culvert pipe or by pumping. All temporary dam structures are to be removed as soon as the crossing is completed. The construction and removal of these dams shall be in such a manner that the smooth and efficient function of the drainage ditch is not impaired, with all costs and damages borne by Applicant.
12. The Applicant will at any time subsequent to the commencement of construction, and at Applicants sole expense, reconstruct or replace its installation as may be necessary to conform to new grade or alignments resulting from maintenance or construction operations by the Drainage District in connection with any of its drainage facilities. Applicant agrees to do this within forty-five (45) days of receipt of written request from the Drainage District, or such longer time period as the Drainage District may specify, without cost to the Drainage District. Such reconstruction or realignment of Applicants improvements shall be made in accordance with and approved by the Drainage District or its designated representative. If the Applicant is unable to comply within the time period specified above, the Drainage District may cause the work to be done and the Applicant will pay the cost thereof upon receipt of a statement of such costs.
13. **CROSSING OF OPEN DITCH FACILITIES.** Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
 - a. Passage of installation in a horizontal plane five feet (5') below design grade of drainage ditch, as established by the Drainage District representative.
 - b. The above depth to extend to a point two (2) times the design base width of ditch either side of centerline of drainage ditch (measured along the centerline of utility) unless the existing base width is greater than the design bases width. If the existing base width is greater than the design with, the depth is to extend to a point two (2) times the existing width.
 - c. The rate of slope for transition from normal utility laying depth of crossings of drainage ditches shall not be steeper than 4:1.
 - d. If such ditch crossings occur at points of outlets of Drainage District or private tile lines or within twenty-five feet (25') of said outlets, such outlets must be relocated to a point not less than twenty-five feet (25') from such crossings. Such relocations shall be at the expense of the Applicant and as directed by the representative of the Drainage District.



14. CROSSING OF DRAINAGE DISTRICT TILE LINES. Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
- a. All proposed installations must be placed under the existing Drainage District tile lines. These requirements may be waived only upon the review by and approval of the designated representative of the Drainage District. Such waiver must be in writing.
 - b. A minimum of one foot (1') clearance below existing Drainage District facilities must be maintained.
 - c. At all crossings of Drainage District tile lines with the proposed utility, one of the following must be used:
 - i. Replace Drainage District tile with reinforced concrete pipe of same or larger diameter than existing tile. Concrete pipe to be 2,000 D strength (Iowa Department of Transportation approved) with standard tongue and groove joints. Pipe to have a minimum of three (3) bolt-type connectors at each joint.
 - ii. Replace Drainage District tile with cathodic protected corrugated metal pipe. Diameter of corrugated metal pipe to be a minimum of two inches (2") larger than outside diameter of tile line being replaced. (Specifications regarding gage, cathodic protection and other details to be subject to review and approval.)
 - iii. Dual wall plastic with specific approval of Drainage District representative.
 - iv. Bore new utility installation; maintain existing tile in an undisturbed state.
 - d. The length of tile to be replaced by any of the above alternates is as follows:
 - i. Eight-inch (8") tile and smaller: Six feet (6') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - ii. Ten inch (10") tile and larger: Ten feet (10') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - e. At all crossings of Drainage District tile lines where the Drainage District and private tile lines are damaged by the construction, maintenance or repair of Applicants installation shall be repaired as directed by the Drainage Districts designated representative.
15. This permit is subject to existing regulations and statutes of the State of Iowa and future regulations, which may be promulgated or enacted.
16. This application is subject to revocation by Hardin County, if in its judgment it is necessary for legitimate purposes. In such event, written notice shall be provided to permit holder.
17. Applicant agrees to pay all other legitimate costs, fees and expenses associated with its crossing of the Drainage District facility, including but not limited to, publication costs, engineering costs and legal service costs. Said costs will be paid within thirty (30) days of the mailing of the statements to the Applicant.
18. Applicant agrees to provide a copy of as-built plan of the utility route and location, showing route changes that may have taken place during construction.
19. Applicant agrees to include a copy of these requirements to all bidding specifications; or if the construction and installation contract has been let by the time this permit is approved, Applicant agrees to provide a copy of these requirements to the contractor and to advise them that they are bound by the terms of these requirements.