

**May 5, 2021**

Board members present for special session at 7:00 p.m. were: Shelley, Hoadley, Twombly, Walker and Wedemeyer.

Also present: Mandy Berg, Bart Knox, Curt Beane, Andrea Beane, Colleen Oxley, Colleen Beane, Lyle Beane, Rusty Faust, Karen Seley, Jayne Steffin, Tammy Baier, Lee Linn, Jayne Cooper, Greg Cooper, Carolyn Williams, Darren Wilker, Dean Seley, Timothy Beane, Hannah Beane, Mike Schneider, Caleb Nelson, and Jerry Oxley. Ric Hansen – KJAN, KSOM, Nate Steffen, and Matt Ott joined via conference phone.

All motions were approved unanimously unless noted otherwise.

Due to heightened public health risk from the coronavirus outbreak, the Board Meeting was held via conference call pursuant to Iowa Code section 21.8 along with in-person public attendance using social distancing in the courtroom. Maximum occupancy for public attendance was 21 people.

**PUBLIC HEARING – ORDINANCE #38 – AN ORDINANCE REGULATING THE PLACEMENT OF UTILITY SCALE SOLAR ENERGY SYSTEMS ON PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADAIR COUNTY, IOWA:**

Moved by Hoadley and seconded by Walker to open the Public Hearing at 7:00 p.m. Approved. The Board listened to eight individuals' statements: Matt Ott voiced his concerns of taking away landowner rights as the current setbacks really limit the ability to put solar panels on their property. Ott stated that there is no impact from solar with noise and glare and would like the Board to follow the recommendations submitted by the Iowa Environmental Council and remove the airport setbacks as there would be no impact on airports. Ott stated the acre cap equates to 0.1% of Adair County's total acres and therefore is limiting solar to the first few people. Tammy Baier stated that the County was not prepared when the wind turbines came into the County, so she is here today to prepare for the worst-case scenario for solar panels. Baier wants to make sure there is a decommissioning clause and is an escrow account and that land is usable for farming and crops after the panels have been removed. Baier is also concerned about who would be responsible for cleaning up or damages if something like a derecho would happen and doesn't want them to just end up in the landfill. Baier recommended that the Board look into if the panels are concentrated energy and if they are on pedestals. Curt Beane thanked the supervisors that reached out and have talked to the residents about putting an ordinance in place. Beane stated that the setbacks would allow them to continue to enjoy their homes. Beane continued by saying the Supervisors are voted in by the residents and that the Supervisors are responsible for protecting the County. Lyle Beane stated that MidAmerican has not treated the residents of Adair County well with the wind turbines and still owe money to residents for the turbines. Beane stated that they have no reason to come in and abuse us now with the solar panels. Karen Seley thanked the Supervisors for the ordinance as it is a good start, but thinks there need to be minor tweaks. Seley believes it is important to maintain the 400-acre cap and it crucial for the Board to do their own research and not rely on what has been provided to them from MidAmerican. Seley would like the Supervisors to look into some of the other considerations she presented to the Board in a letter submitted April 13<sup>th</sup> and some of the possible nuisances with noise, internet, and broadband. Jayne Steffen stated she was also concerned about the nuisances Seley mentioned and that we should not rely of what MidAmerican has told us. Steffen thinks there is still work that needs to be done and questions that need to be answered. Steffen would like residents' concerns documented and submitted surveys of residents to be put on file. Lee Linn stated that he does not want solar panels, especially around his house as he already has wind turbines around his property. Linn would like setbacks of at least 2500 feet from his home and 500 feet from property in the case that there may be any damage by the panels ending up on a non-participating owner's property. Jane Cooper stated that living South of Bridgewater, that she doesn't have any wind turbines right outside of her door, but she can see them and hear them and can see the lights at night. Cooper doesn't want solar panels to come in and make things worse and thinks we need to know what issues these solar panels could cause before signing anything. Cooper stated that the wind turbines have not made our taxes or utilities go down and that we are stuck with them on our land and not reaping the benefits. Cooper stated that we need more information. One letter was received in the Auditor's office from Matt Ott, MidAmerican and was distributed to the Board. Karen Seley also submitted a written letter and surveys were submitted by Jayne Steffen at the time of the meeting. Moved by Wedemeyer and seconded by Walker to close the Public Hearing at 7:24 p.m. Approved. Chair Shelley performed the first reading of the Ordinance.

**CONSIDERATION OF 2<sup>ND</sup> AND 3<sup>RD</sup> READINGS:** Moved by Hoadley and seconded by Wedemeyer to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Roll Call Vote: Shelley, aye; Hoadley, aye; Wedemeyer, aye; Walker, aye; and Twombly, aye. Approved.

**ORDINANCE #38 APPROVAL RESOLUTION AND SIGNING:** Moved by Hoadley and seconded by Wedemeyer to approve **Resolution #2021 – 26** Approval Of Ordinance Number 38 An Ordinance Regulating The Placement Of Utility Scale Solar Energy Systems On Property Located In The Unincorporated Areas Of Adair County, Iowa Whereas, the Board of Supervisors of the County of Adair, State of Iowa, after public notice and hearing as prescribed by law; and WHEREAS, the purpose of this Ordinance is to establish minimum requirements and regulation of any Applicant/Developer/Owner engaged in the construction, erection, placement, location, maintenance, modification, operation, and decommissioning of Utility Scale Solar Energy Systems (US-SES) in Adair County, Iowa. WHEREAS, the intent of this Ordinance is to facilitate the construction, installation, and operation of Utility Scale Solar Energy Systems (US-SES) in Adair County in a manner that preserves and protects the rights, privileges, and property of the County and its residents, that ensures the protection of the health, safety, and welfare of the county's residents, and that provides an opportunity for economic growth and development, WHEREAS, all Utility Scale Solar Energy System projects not currently contracted by agreement, permitted, planned, and erected shall follow this Solar Energy Systems Ordinance. This Ordinance shall not apply to any US-SES project with an agreement signed before the effective date of this Ordinance. THEREFORE, the Board hereby adopts Ordinance 38, with the ordinance to be effective immediately since final publication of said ordinance was published on April 28<sup>h</sup> & 29<sup>h</sup>, 2021. Roll Call Vote: Shelley, nay; Wedemeyer, aye; Hoadley, aye; Walker, aye; and Twombly, nay. Approved. Moved by Walker and seconded by Hoadley for the chair to sign Ordinance No. 38. Supervisor Hoadley commented that this ordinance is for the protection of the County residents and that it is not saying we can't have solar. Hoadley stated that Matt Ott had the option of being upfront about this project earlier this year and did not. Supervisor Wedemeyer thinks that this will help protect the County and to be able to slow things down and be able to control the projects. Wedemeyer has not had one resident contact him in support of the solar panels. Supervisor Shelley stated that he had heard from residents on both sides and is not opposed to solar. Supervisor Walker stated that with the waiver in place, it will allow people to put them in with non-participants permission and that there is a

process that they can go through if they want solar. Supervisor Twombly stated that he voted nay on the resolution as he believes the 400-acre cap is too small and that the 1,000-foot setback was enough. Approved.

**ADJOURNMENT:** Moved by Wedemeyer and seconded by Walker to adjourn at 7:42 p.m. Approved.

**ADAIR COUNTY BOARD OF SUPERVISORS:** \_\_\_\_\_ Steve Shelley, Chairman

**ATTEST:** \_\_\_\_\_ Mandy Berg, Auditor