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Book 2021 Page 4034 Type 06 023 Pages 29

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Rec Amt \$.00

INDX

ANNO

SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Type of Document

Special Use Permit/Variance

PREPARER INFORMATION:

Zoning Office for MidAmerican Energy Company Arbor Hill Project

TAXPAYER INFORMATION:

MidAmerican Energy

RETURN DOCUMENT TO: *Madison Co. Zoning*

Brady Evans

MidAmerican Energy Company

Senior Project Developer- Wind Generation

4101 NW Urbandale Dr.

Urbandale, IA 50322

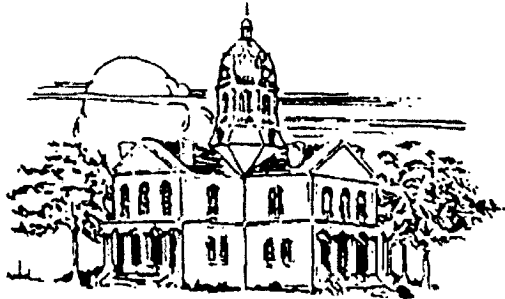
GRANTOR:

GRANTEE:

LEGAL DESCRIPTION:

See attached map and descriptions

Document or instrument of associated documents previously recorded:



Courthouse at Winterset
Madison County, Iowa
Built in 1876 of native limestone.

Prepared by
Return to
Madison County
Office of Zoning and Environmental Health

CJ. (Jeff) Nicholl, Environmental Health & Zoning Administrator

SPECIAL USE AND VARIANCE

PERMIT NO: 083-18

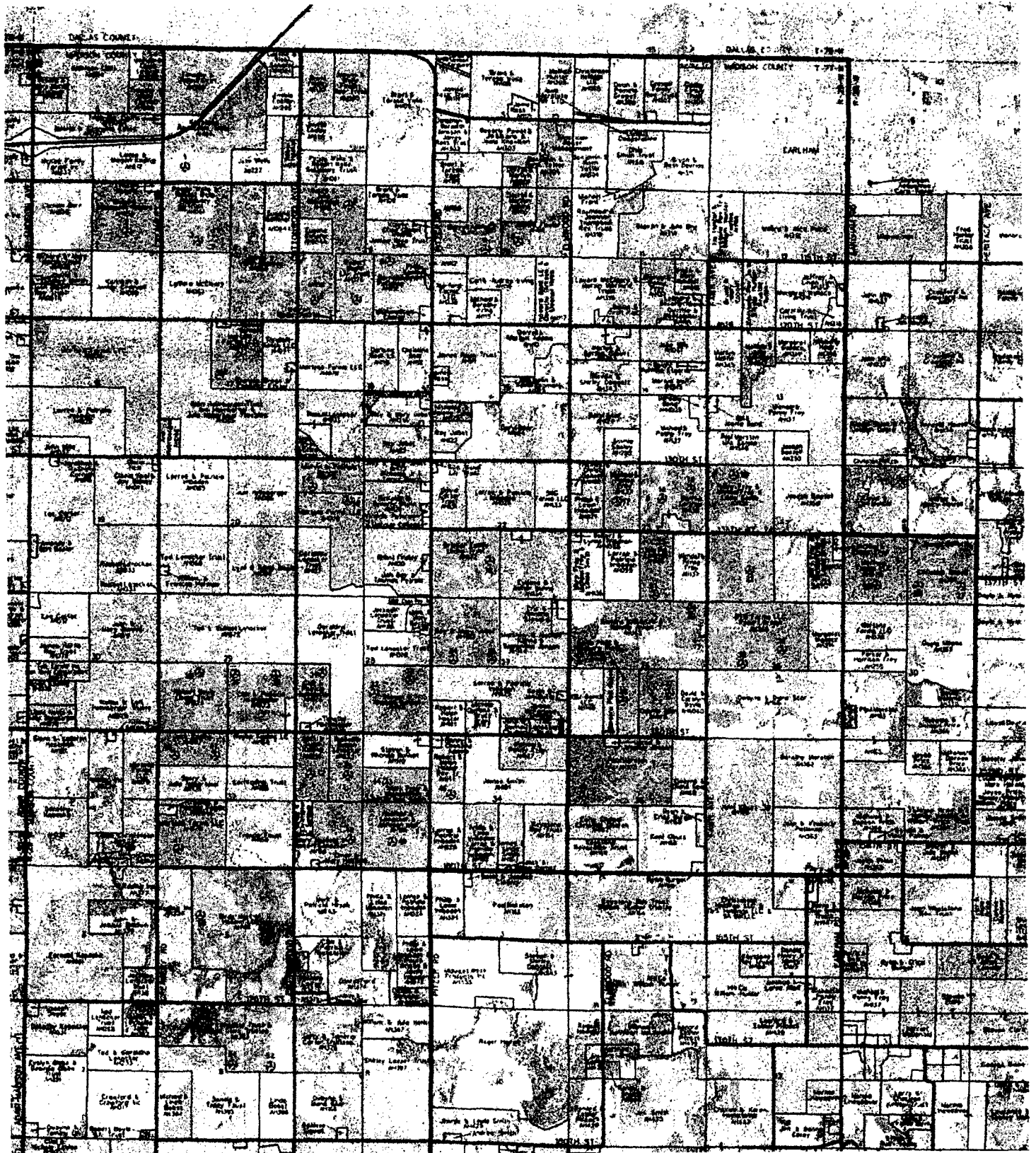
DATE: July 5, 2018

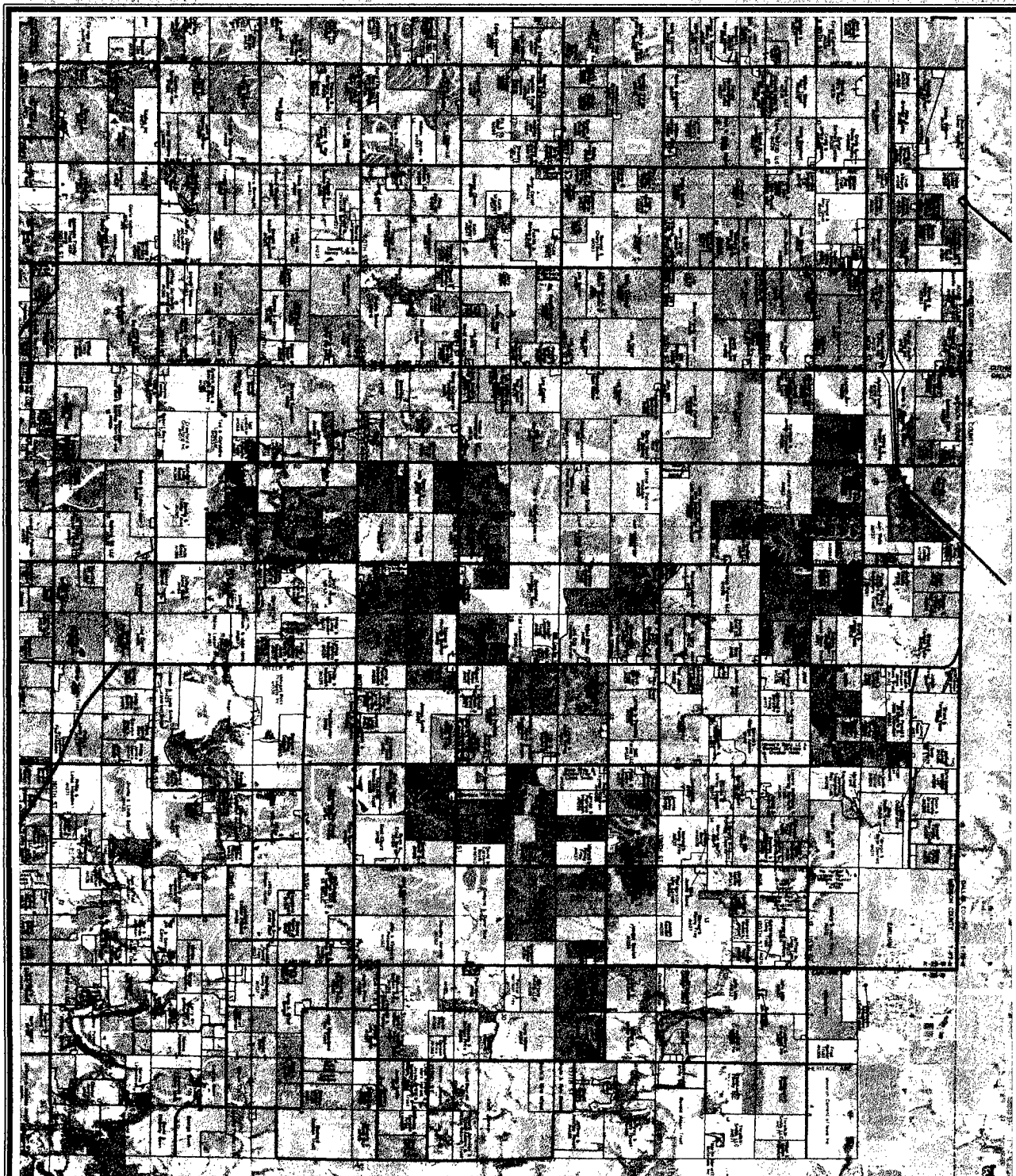
After a properly held Public Hearing on July 3, 2018, the Madison County Board of Adjustment hereby grants a Special Use Permit & Variance to MidAmerican Energy Company Arbor Hill Project on the following described real estate: *(Sections of Penn, Madison & Jackson Townships as identified on the attached site map)* for the following:

Up to fifty-two (52) wind energy device site locations each at a height up to 494 ft. The specific locations are identified on the attached site map

A Special Use permit and Variance is granted as required by the Madison County Zoning Ordinance under Section 14 C (1), 14E (12) & 14E (13).

C.J. Nicholl, Environmental Health & Zoning Administrator
Secretary to the Madison County Board of Adjustment



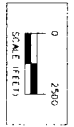


NOTE: INFORMATION SHOWN INCLUDING PROPERTIES WITH POSSIBLE TURBINE LOCATIONS IS NOT BASED ON LAND SURVEY AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL CONSTRUCTION SHALL BE DETERMINED BY THE ENGINEER AND SUBJECT TO FINAL DESIGN AND APPROVAL BY THE LOCAL AND STATE AGENCIES.

LEGEND

- PROJECT BOUNDARY
- PROPERTY LINES
- EXISTING PUBLIC ROADS
- PROPERTIES WITH POSSIBLE TURBINE LOCATIONS
- PROPOSED TURBINE LOCATIONS

FINAL DESIGN



ISSUE DATE: 07-27-2018

SNYDER ASSOCIATES

Project No: 1170365
Sheet 1 of 1

MIDAMERICAN ENERGY - ARBOR HILL

SITE PLAN

ADAIR & MADISON COUNTIES, IOWA

SNYDER & ASSOCIATES, INC.

1751 MADISON AVENUE
COUNCIL BLUFFS, IA 51503
712-322-3202 | www.snyder-associates.com

MARK	REVISION	DATE	BY
Engineer: BJF	Checked By: MGG	Scale: 1" = 2500'	
Technician: MD	Date: 04/14/17	Field No: Pjg	
Project No: 1170365		Sheet 1 of 1	

Turbine Number	WGS84 Coordinates			WGS84 Coordinates			UTM Zone #15			NAVD88			SPCS Iowa North 1401			NAVD88					
	Latitude	Longitude	Height	Latitude	Longitude	Height	Northing	Easting	Zone	Elevation	Units	Northing	Easting	Zone	Elevation	Units	Northing	Easting	Zone	Elevation	Units
1	41 29 27.98998	94 13 13.79133		41 49 17.0805	94 22 04.759		4593996.00	397149.19		345.10	4593996.00	397149.19	1443028.64		1132.20		544081.95	1443028.64		1132.20	
2	41 29 03.32025	94 13 42.25459		41 48 42.5565	94 22 40.405		4593244.58	397448.19		350.21	4593244.58	397448.19	1440841.72		1148.99		541603.28	1440841.72		1148.99	
3	41 28 00.20567	94 12 07.10362		41 48 33.9055	94 21 86.3989		4593137.00	398262.00		352.92	4593137.00	398262.00	1443514.33		1157.88		541265.84	1443514.33		1157.88	
4	41 28 55.83672	94 12 07.86274		41 48 20.0485	94 21 32.3965		4592989.00	398711.00		349.67	4592989.00	398711.00	1444930.38		1147.22		540821.57	1444930.38		1147.22	
5	41 29 14.27531	94 11 50.28267		41 48 29.8979	94 19 29.8979		4592596.00	400590.00		348.98	4592596.00	400590.00	1449373.92		1143.63		542642.19	1449373.92		1143.63	
6	41 28 38.07116	94 12 07.40343		41 47 72.4199	94 20 20.0651		4592435.00	399637.00		352.30	4592435.00	399637.00	1449039.88		1155.84		538988.48	1449039.88		1155.84	
7	41 28 38.26526	94 11 45.67617		41 47 44.1415	94 19 64.9796		4592389.00	400141.00		348.27	4592389.00	400141.00	1449683.80		1142.60		538994.83	1449683.80		1142.60	
8	41 28 58.03735	94 10 40.45357		41 48 27.8815	94 17 90.377		4592023.00	401662.00		347.31	4592023.00	401662.00	1450845.22		1141.54		540956.75	1450845.22		1141.54	
9	41 29 01.5373	94 10 24.25339		41 48 36.6381	94 17 30.372		4591914.00	402039.00		341.91	4591914.00	402039.00	1455909.21		1117.76		540562.58	1455909.21		1117.76	
10	41 29 34.32851	94 10 11.22392		41 48 28.6936	94 16 78.442		4591433.00	402355.00		338.65	4591433.00	402355.00	1458826.71		1111.71		54462.85	1458826.71		1111.71	
11	41 28 09.42117	94 12 55.37447		41 48 28.8368	94 21 53.180		4591210.00	398512.00		355.72	4591210.00	398512.00	1444364.73		1167.06		53918.59	1444364.73		1167.06	
12	41 28 09.31486	94 12 37.78304		41 48 25.413	94 21 04.9529		4591158.00	398920.00		353.92	4591158.00	398920.00	1445703.77		1161.14		536096.86	1445703.77		1161.14	
13	41 27 22.28238	94 12 07.84768		41 48 25.7844	94 20 22.436		4590752.00	399601.00		348.94	4590752.00	399601.00	1447963.46		1144.81		531824.17	1447963.46		1144.81	
14	41 27 22.08944	94 11 49.44884		41 48 02.415	94 19 06.907		4590696.00	400021.00		351.72	4590696.00	400021.00	1449344.88		1153.94		528980.41	1449344.88		1153.94	
15	41 26 59.72693	94 10 36.87115		41 48 02.415	94 17 68.5310		4590375.00	403164.00		345.81	4590375.00	403164.00	1459659.13		1154.54		531400.15	1459659.13		1154.54	
16	41 27 22.05820	94 09 33.99203		41 48 33.728	94 15 44.223		4590070.00	403689.00		340.00	4590070.00	403689.00	1461381.41		1151.47		531777.55	1461381.41		1151.47	
17	41 27 24.12583	94 09 11.38365		41 48 07.0162	94 14 90.0510		4590099.00	404034.00		343.53	4590099.00	404034.00	1462511.39		1127.05		532322.07	1462511.39		1127.05	
18	41 27 27.93815	94 08 56.58034		41 48 15.7680	94 14 09.0510		4590212.00	404034.00		343.53	4590212.00	404034.00	1464162.20		1121.92		532322.07	1464162.20		1121.92	
19	41 27 33.43912	94 08 34.95256		41 48 28.9855	94 13 04.238		4590375.00	403689.00		341.96	4590375.00	403689.00	1464162.20		1121.92		532322.07	1464162.20		1121.92	
20	41 26 42.67860	94 08 55.82476		41 48 50.0417	94 15 41.865		4589968.00	403689.00		343.70	4589968.00	403689.00	146574.74		1170.67		527686.57	146574.74		1170.67	
21	41 26 42.67860	94 08 55.82476		41 48 50.0417	94 15 41.865		4589968.00	403689.00		343.70	4589968.00	403689.00	146574.74		1170.67		527686.57	146574.74		1170.67	
22	41 26 42.67860	94 08 55.82476		41 48 50.0417	94 15 41.865		4589968.00	403689.00		343.70	4589968.00	403689.00	146574.74		1170.67		527686.57	146574.74		1170.67	
23	41 26 52.53015	94 07 47.88914		41 48 24.246	94 14 84.021		4589816.00	404725.00		348.12	4589816.00	404725.00	1462534.75		1109.33		528656.82	1462534.75		1109.33	
24	41 26 52.53015	94 07 47.88914		41 48 24.246	94 14 84.021		4589816.00	404725.00		348.12	4589816.00	404725.00	1462534.75		1109.33		528656.82	1462534.75		1109.33	
25	41 26 52.10804	94 07 21.99734		41 47 52.594	94 13 51.7331		4589807.00	405181.00		340.07	4589807.00	405181.00	1467330.67		1151.72		528155.37	1467330.67		1151.72	
26	41 26 52.10804	94 07 21.99734		41 47 52.594	94 13 51.7331		4589807.00	405181.00		340.07	4589807.00	405181.00	1467330.67		1151.72		528155.37	1467330.67		1151.72	
27	41 26 51.98750	94 06 40.23236		41 47 77.431	94 11 11.7566		4589702.00	406995.00		340.65	4589702.00	406995.00	1471265.48		1121.72		528107.67	1471265.48		1121.72	
28	41 26 16.18646	94 13 03.86151		41 47 77.431	94 11 11.7566		4589702.00	406995.00		340.65	4589702.00	406995.00	1471265.48		1121.72		528107.67	1471265.48		1121.72	
29	41 26 15.99768	94 12 45.84594		41 47 77.431	94 11 11.7566		4589702.00	406995.00		340.65	4589702.00	406995.00	1471265.48		1121.72		528107.67	1471265.48		1121.72	
30	41 26 15.99768	94 12 45.84594		41 47 77.431	94 11 11.7566		4589702.00	406995.00		340.65	4589702.00	406995.00	1471265.48		1121.72		528107.67	1471265.48		1121.72	
31	41 26 16.46268	94 12 01.51431		41 47 06.6359	94 20 69.7606		4589650.00	399165.00		356.82	4589650.00	399165.00	1446574.74		1170.67		524633.22	1446574.74		1170.67	
32	41 26 08.95526	94 11 35.09148		41 47 06.6359	94 20 69.7606		4589650.00	399165.00		356.82	4589650.00	399165.00	1446574.74		1170.67		524633.22	1446574.74		1170.67	
33	41 26 22.18442	94 10 16.69952		41 47 06.6359	94 20 69.7606		4589650.00	399165.00		356.82	4589650.00	399165.00	1446574.74		1170.67		524633.22	1446574.74		1170.67	
34	41 26 22.18442	94 10 16.69952		41 47 06.6359	94 20 69.7606		4589650.00	399165.00		356.82	4589650.00	399165.00	1446574.74		1170.67		524633.22	1446574.74		1170.67	
35	41 26 22.18442	94 10 16.69952		41 47 06.6359	94 20 69.7606		4589650.00	399165.00		356.82	4589650.00	399165.00	1446574.74		1170.67		524633.22	1446574.74		1170.67	
36	41 26 07.34723	94 09 30.06070		41 43 72.4288	94 18 79.209		4589216.00	401264.00		354.15	4589216.00	401264.00	1454659.54		1162.92		525174.88	1454659.54		1162.92	
37	41 26 10.30632	94 09 06.62947		41 43 72.4288	94 18 79.209		4589216.00	401264.00		354.15	4589216.00	401264.00	1454659.54		1162.92		525174.88	1454659.54		1162.92	
38	41 26 21.60188	94 08 29.72724		41 43 72.4288	94 18 79.209		4589216.00	401264.00		354.15	4589216.00	401264.00	1454659.54		1162.92		525174.88	1454659.54		1162.92	
39	41 26 26.99780	94 08 08.35266		41 43 72.4288	94 18 79.209		4589216.00	401264.00		354.15	4589216.00	401264.00	1454659.54		1162.92		525174.88	1454659.54		1162.92	
40	41 25 44.74554	94 13 15.85445		41 43 72.4288	94 18 79.209		4589216.00	401264.00		354.15	4589216.00	401264.00	1454659.54		1162.92		525174.88	1454659.54		1162.92	
41	41 25 44.74554	94 12 55.43265		41 42 59.0568	94 21 07.068		4587112.00	399448.00		361.21	4587112.00	399448.00	1444239.89		1191.41		521489.09	1444239.89		1191.41	
42	41 25 37.88106	94 12 07.17987		41 42 59.0568	94 21 07.068		4587112.00	399448.00		361.21	4587112.00	399448.00	1444239.89		1191.41		521489.09	1444239.89		1191.41	
43	41 25 37.88106	94 11 47.10265		41 42 59.0568	94 21 07.068		4587112.00	399448.00		361.21	4587112.00	399448.00	1444239.89		1191.41		521489.09	1444239.89		1191.41	
44	41 25 34.84950	94 11 27.52021		41 42 59.0568	94 21 07.068		4587112.00	399448.00		361.21	4587112.00	399448.00	1444239.89		1191.41		521489.09	1444239.89		1191.41	
45	41 25 30.68215	94 10 55.22892		41 42 59.0568	94 21 07.068		4587112.00	399448.00		361.21	4587112.00	399448.00	1444239.89		1191.41		521489.09	1444239.89		1191.41	
46	41 25 30.68215	94 10 55.22892		41 42 59.0568	94 21 07.068		4587112.00	399448.00		361.21	4587112.00	399448.00	1444239.89		1191.41		521489.09	1444239.89		1191.41	
47	41 25 08.77775	94 13 13.45746		41 42 59.0568	94 21 07.068		4587112.00	399448.00		361.21	4587112.00	399448.00	1444239.89		1191.41		521489.09	1444239.89		1191.41	
48	41 25 13.16502	94 11 46.05918		41 42 59.0568	94 21 07.068		4587112.00	399448.00		361.21	4587112.00	399448.00	1444239.89		1191.41		521489.09	1444239.89		1191.41	
49	41 25 13.16502	94 11 46.05																			

BOARD OF ADJUSTMENT FINDINGS OF FACT AND LEGAL PRINCIPLES UPON WHICH THE BOARD ACTS:

Section 14 of the Madison County Zoning Ordinance defines the Exceptions, Modifications, Interpretations and Conditional Uses that are permitted when authorized by the granting of a conditional use permit by the Board of Adjustment.

Section 14 Exceptions, Modifications, Interpretations and Conditional Uses

E. Conditional Uses.

The development and administration of a comprehensive zoning ordinance is based upon the division of the County into zoning districts with uniform regulations defining permitted uses of land and structures within each district. It is recognized, however, that there are occasions when in addition to the principal permitted uses, conditional uses may be allowed after careful consideration of the impact of the particular uses upon the neighborhood and public facilities therein. The following uses may be authorized by a conditional use permit granted by the Board of Adjustment. Under no conditions shall the sum or any part thereof be refunded for failure of said application to be approved.

Section 6-2(a) of the Madison County Zoning Ordinance states the following regarding height:

SECTION 6 – APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, as hereinafter provided:

1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located except agricultural uses are exempt.
2. ***No building or other structure shall hereafter be erected or altered:***
 - a. *To exceed the height;*
 - b. *To accommodate or house a greater number of families;*
 - c. *To occupy a greater percentage of lot area;*
 - d. *To have narrower or smaller rear yards, front yards, side yards, or other open spaces;*
 - e. *In any other manner contrary to the provisions of this Ordinance.*

Section 9-(C) of the Madison County Zoning Ordinance states the following regarding height:

SECTION 9 – AGRICULTURAL DISTRICT REGULATIONS

C. Height Regulations.

No building shall exceed two, and one-half (2 ½) stories or thirty-five (35) feet in height, except as provided in Section 14.

Section 14 of the Madison County Zoning Ordinance defines the Exceptions, Modifications, Interpretations and Conditional Uses that are permitted when authorized by the approval and authority of the Madison County Board of Adjustment.

SECTION 14 EXCEPTIONS, MODIFICATIONS, INTERPRETATIONS AND CONDITIONAL USES

C. Structures Permitted Above Height Limits

The building height limitations of this Ordinance shall be modified as follows:

- 12. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, penthouses, stacks, silos, tanks, water towers, ornamental towers and spires, radio or television tower or *necessary mechanical appurtenances may be erected to a height approved by the Board of Adjustment.*

Section 17 of the Madison County Zoning Ordinance defines the jurisdiction and powers of the Board of Adjustment as prescribed by the State of Iowa.

SECTION 17 D JURISDICTION AND POWERS OF THE BOARD OF ADJUSTMENT

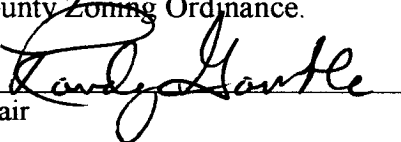
D. Jurisdiction and Powers of the Board of Adjustment.

- 1. The Board of Adjustment shall have the following powers and duties.
 - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in enforcement of this Ordinance.
 - b. To hear and decide applications for conditional use permits and exceptions upon which the Board is required to address by other sections of this Ordinance.
 - c. To grant a variance from the terms of this Ordinance when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or where by reason of exceptional topographical conditions of other extraordinary or exceptional situation, the strict application of the terms of this Ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. To establish unnecessary hardship, a property owner must show all of the following elements:
 - i. The land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the land in question. It is not sufficient merely to show that the value of the land has been depreciate by the regulations or that a variance would permit the owner to maintain a more profitable use; and
 - ii. The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood; and
 - iii. The use to be authorized by the variance will not alter the essential character of the locality of the land in question.
- 2. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 16 of this Ordinance.

3. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
4. Under no circumstances shall the Board grant a variance unless and until the Board shall be satisfied that granting the variation will not:
 - a. Merely serve as a convenience to the applicant and is not necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variation.
 - b. Impair the general purpose and intent of the regulations and provisions contained in this Ordinance.
 - c. Impair an adequate supply of light and air to adjacent properties.
 - d. Increase the hazard from fire and other danger to said property.
 - e. Diminish the value of land and buildings in the County.
 - f. Increase the congestion and traffic hazards on public roads.
 - g. Otherwise impair the public health, safety and general welfare of this inhabitants of the County.
5. Every variance, exception or conditional use permit granted or denied by the Board shall be supported by testimony or evidence submitted in connection therewith.

After careful consideration of all the information that has been presented, and for the factual reasons set forth in the above noted and Section 17 both of which are incorporated by this reference herein, the Board of Adjustment hereby finds:

The applicant MidAmerican Energy Company Arbor Hill Wind Farm Projects Request for Variance & Special Use Permits has x / has not met the requirements of the Madison County Zoning Ordinance.


Chair


Secretary

Original Filed with the Secretary of the Board of Adjustment on July 5, 2018.

MADISON COUNTY BOARD OF ADJUSTMENT

Application for Special Use & Variance
MidAmerican Energy Arbor Hill Wind Farm Project

DECISION

Date: 7-3-18

On July 3, 2018 at 7:00 p.m., pursuant to the rules of procedure of the Board of Adjustment, a public hearing was re-opened from April 3, 2018 on the Application for Special Use & Variance filed by MidAmerican Energy Arbor Hill Wind Farm Project on March 1, 2018 regarding numerous properties located in sections of Penn, Madison & Jackson Townships as shown on the attached map. At the hearing the Board of Adjustment reviewed the relevant provisions of the Madison County Ordinances, all documents constituting the record from the April 3, 2018 meeting, new documents received from all interested parties, heard the statements, remarks and comments by the Zoning Administrator, the Applicants, as well as statements, remarks and comments by others in attendance. After all information had been received and all interested parties heard by the Board of Adjustment, the hearing was closed pursuant to the rules of procedure of the Board of Adjustment.

At the close of the hearing a motion was made by Randy Gambal to approve deny the request for the Variance applications. The motion was seconded by Randall Johnson. A roll call vote was conducted with the following votes:

Randy Gambal –	<u>yes</u>
Mindy Nelson –	<u>no</u>
Randall Johnson –	<u>yes</u>
Carrie Larson –	<u>yes</u>
Mary Terry –	<u>no</u>

The Variance request was approved denied

A motion was made by Carrie Larson to approve deny the request for the Special Use applications. The motion was seconded by Randall Johnson. A roll call vote was conducted with the following votes:

Randy Gambal –	<u>yes</u>
Mindy Nelson –	<u>no</u>
Randall Johnson –	<u>yes</u>
Carrie Larson –	<u>yes</u>
Mary Terry –	<u>no</u>

The Special Use request was approved denied

A motion was made by Carrie Larson to approve as written the "Board of Adjustment Findings of Fact and Legal Principals Upon Which the Board Acts," which is attached hereto and incorporated herein by its reference. The motion was seconded by Randall Johnson. A roll call vote was conducted with the following votes

Randy Gambal –	<u>Yes</u>
Mindy Nelson –	<u>no</u>
Randall Johnson –	<u>Yes</u>
Carrie Larson –	<u>Yes</u>
Mary Terry –	<u>no</u>

The "Board of Adjustment Findings of Fact and Legal Principals Upon Which the Board Acts" was adopted by the Board of Adjustment YES X NO _____

DECISION:

The request for Special Use & Variances are hereby approved X denied _____

Dated this 3rd day of July 2018

Acknowledged as to Accuracy:

Randy Gambal
Chair

[Signature]
Secretary

Original Filed with the Secretary of the Board of Adjustment on July 3, 2018.

Written Notification of Decision sent to:

MidAmerican Energy
666 Grand Ave.
Des Moines, Iowa 50309

**BOARD OF ADJUSTMENT FINDINGS OF FACT AND LEGAL
PRINCIPLES UPON WHICH THE BOARD ACTS:**

Section 14 of the Madison County Zoning Ordinance defines the Exceptions, Modifications, Interpretations and Conditional Uses that are permitted when authorized by the granting of a conditional use permit by the Board of Adjustment.

Section 14 Exceptions, Modifications, Interpretations and Conditional Uses

E. Conditional Uses.

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2. ***No building or other structure shall hereafter be erected or altered:***
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After careful consideration of all the information that has been presented, and for the factual reasons set forth in the above noted and Section 17 both of which are incorporated by this reference herein, the Board of Adjustment hereby finds:

The applicant MidAmerican Energy Company Arbor Hill Wind Farm Projects Request for Variance & Special Use Permits has _____ / has not _____ met the requirements of the Madison County Zoning Ordinance.

Chair

Secretary

Original Filed with the Secretary of the Board of Adjustment on July 5, 2018.

I Dissent:

I disagree with the approval of the Arbor Hill Project For- reasons included in our Madison Co. zoning Ordinances Sect. 14 + 17. All comments^{of mine} were stated and on the record during our July 3rd 2018 Meeting.

Mindy Nelson
Mindy Nelson 7/31/18

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dissect: Findings of fact

There was no evidence submitted that an unnecessary hardship exists as required by Section 17 D 1 (c)

There was sufficient evidence submitted that granting the variance would diminish land value, would impair light (flickering) and there was evidence that it would impair the general welfare & others use of land (noise, flickering, kids can't play outside, disrupts migration, prevents enjoyment of rural atmosphere. "Under -

Section 17 D(4) if these elements are demonstrated
you must deny variance.

Mary Jerry

7/3/2018

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Chair

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I think the regulations have been met
Harold Johnson

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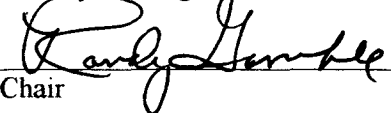
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*Mid America provided data + research from
 Credible Sources + independent Studies.
 People against provided concerns and statements gathered
 from independent Sources giving me only concern But
 Not documented proof.*



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3. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
4. Under no circumstances shall the Board grant a variance unless and until the Board shall be satisfied that granting the variation will not:
 - a. Merely serve as a convenience to the applicant and is not necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variation.
 - b. Impair the general purpose and intent of the regulations and provisions contained in this Ordinance.
 - c. Impair an adequate supply of light and air to adjacent properties.
 - d. Increase the hazard from fire and other danger to said property.
 - e. Diminish the value of land and buildings in the County.
 - f. Increase the congestion and traffic hazards on public roads.
 - g. Otherwise impair the public health, safety and general welfare of this inhabitants of the County.
5. Every variance, exception or conditional use permit granted or denied by the Board shall be supported by testimony or evidence submitted in connection therewith.

After careful consideration of all the information that has been presented, and for the factual reasons set forth in the above noted and Section 17 both of which are incorporated by this reference herein, the Board of Adjustment hereby finds:

The applicant MidAmerican Energy Company Arbor Hill Wind Farm Projects Request for Variance & Special Use Permits has _____ / has not _____ met the requirements of the Madison County Zoning Ordinance.

Chair

Secretary

Original Filed with the Secretary of the Board of Adjustment on July 5, 2018.

I believe the variance was valid based on the underlined passages. I do not believe that just because "wind turbine" was not specifically listed, that it automatically disqualifies it. Based on scientific info provided, not anecdotal evidence the variance is approved.



**MADISON COUNTY
SECONDARY ROAD DEPARTMENT
1105 E. COURT AVE.
WINTERSET, IOWA 50273
(515)462-1136 FAX(515)462-2506**



TODD R. HAGAN, P.E.
COUNTY ENGINEER

MIKE HACKETT, P.E./P.L.S.
ASSISTANT ENGINEER

KERRY STAPLES
OFFICE ASSISTANT

RAY PARKER JR.
MAINTENANCE SUPERINTENDENT

**Impact Report
For
MidAmerican Energy Company Arbor Hill Project**

Submitted to:
Madison County Zoning Commission
Office of Zoning & Environmental Health
P.O. Box 152
Winterset, IA 50273

On:
March 21, 2018

By:
Todd R. Hagan, P.E.
Madison County Engineer

IMPACT REPORT: (CONTINUED)

LOCATION: Various locations in Penn, Madison and Jackson Township
Madison County, Iowa

INTRODUCTION:

This report examines the impact of the proposed fifty-two (52) wind energy device site locations, each up to a height of 494 ft., on Madison County Secondary Roads and other infrastructure areas within the road right of way.

ADVANTAGES:

Increased revenue from utility taxes.

DISADVANTAGES:

The Madison County Secondary Road System will be exposed to heavy loads and increased truck traffic beyond the average use.

There will be additional private road intersections installed and road intersections temporarily widened.

MITIGATION:

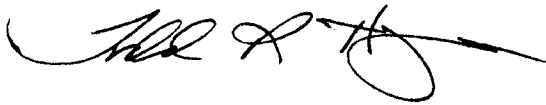
In the event there are any damages that occur during construction or maintenance of any wind energy device, the owner/developer shall be fully responsible to mitigate and correct any damages to public infrastructure.

Costs of replacement, maintenance, restoration, and/or damage to county roads, rights-of-way, or any county infrastructure resulting from modifications, adjustments, heavy or frequent use during construction and operation of the wind energy devices shall be the responsibility of the owner/developer of such project. A separate roads agreement that clearly and specifically lays out the rights and obligations of Madison County and the owner/developer with respect to the construction, maintenance and use of roads in connection with the development project will be required as a condition of the permit.

IMPACT REPORT: (CONTINUED)

CONCLUSION:

The proposed fifty-two (52) wind energy device site locations, each up to a height of 494 ft. will have a negative effect on the Madison County Secondary Road System. However, the owner/developer shall be fully responsible to mitigate and correct any damages to public infrastructure.

A handwritten signature in black ink, appearing to read 'Todd R. Hagan', with a long horizontal flourish extending to the right.

TODD R. HAGAN, P.E.
Madison County Engineer