



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 23-6

Hearing Date: March 28, 2023

Staff Contact: John Robbins, Planning and Zoning Administrator

Applicant:

Indigo Wind, LLC
120 Garret Street, Suite 700
Charlottesville, VA 22902

Owner

Multiple (See Exhibit 1)

Property Address: Not assigned

Brief Legal Description: Multiple (See Exhibit 1)

Zoning: A-1 Agricultural

Special Use Requested: 20.2(J) Commercial microwave, radio and television towers, public utility structures

Special Use Area: About 1 acre for each tower **Parcel Area:** 120 acres total

Special Use Description

Indigo Wind, LLC is requesting to construct three temporary, 197'-8.25"-tall meteorological towers for the purpose of measuring wind resources in the area. The proposed tower locations are located in Mount Vernon, Grimes, and Pleasant Valley Townships respectively.

FINDINGS OF FACT

1. Timothy J. & Laura A. Tracy are the owners of the subject property in Mount Vernon Township. Larry Brandt is the owner of the subject property in Grimes Township. Calvin D. Dorenkamp is the owner of the subject property in Pleasant Valley Township.
2. Indigo Wind, LLC is the applicant for the special use request.
3. All subject properties are zoned A-1 Agricultural.
4. Indigo Wind, LLC is requesting a Special Use Permit for three proposed meteorological towers.
5. Meteorological towers are a special permitted use in the A-1 District as a public utility structure or communication tower, subject to the requirements and conditions as granted by the Board of Adjustment.
6. The application was filed on February 27, 2023 with the Planning and Zoning Office.

BACKGROUND INFORMATION

Purpose of Special Use Request

Indigo Wind, LLC (Indigo) is requesting a Special Use Permit (SUP) for the purpose of erecting three temporary meteorological towers on three separate parcels in Mount Vernon, Grimes, and Pleasant Valley Townships (See Figures 1-3). The overall height of the guyed towers, with appurtenances, is 197'-8.25". According to the narrative, the towers are intended to measure site-specific wind resource conditions for the purpose of aiding in the development of a potential wind farm. The bases of the three proposed towers are over 700 feet from the nearest residences from any respective tower (Proposed tower location in Mount Vernon Township).

Existing Land Use and Zoning Classification of Property

All three proposed tower locations are located on fields in agricultural production in the A-1 Agricultural District.

Land Use and Zoning Classification of Surrounding Property

All three proposed tower locations are surrounded by fields in agricultural production in the A-1 Agricultural District. In Mount Vernon Township, the nearest residences are 9168 160th Street (See Figure 4) and 9213 160th Street (See Figure 5) at roughly 800' to the west and 700' to the southwest respectively. In Grimes Township, there are no residences within greater than a ¼-mile from the proposed tower location. The closest buildings are an animal confinement located about 1,000' southeast from the proposed tower location (See Figure 6). In Pleasant Valley Township, the nearest residences are located greater than 2,000' southerly from the proposed tower location.

GENERAL FINDINGS

Harmony and Accord with General Principles and Proposals of the Zoning Ordinance

Section 20.2(J) of the Zoning Ordinance allows towers to be placed in any zoning district except residential. The subject properties are zoned A-1 Agricultural. The requirements are intended to promote co-location of antennas, though this is not practical for the purposes of meteorological towers. Applicants are required to provide information on why existing towers cannot be used. The ordinance discourages the location of communication towers being located within one mile of other existing communication towers. The applicant has provided aerial photographs that do not show any nearby communication towers, and it was confirmed with the county's geographic information system that there are no existing communication towers within at least several miles of any of the proposed tower locations.

The Zoning Ordinance requires that permits from other governmental entities are obtained prior to making application or the applicant must acknowledge that any SUP granted would be contingent on such permits being filed. According to the narrative, the towers are below the minimum requirement imposed by the FAA for lighting. An e-mail was received from David Sims, Mason City Airport Manager, stating that the proposed tower are far enough away from the Mason City Municipal Airport that they should not cause impediments to regular air traffic from the airport. Determinations of no hazard were received—and are included in your packet stating that none of the proposed towers will be a hazard to air traffic. Mr. Sims further

recommended that Indigo follow the recommendations of the FAA (located on page 4 of each determination) and place high visibility markers on each of the proposed towers, as these can be a safety risk for agricultural aircraft if not easily visible. This should be a condition of the SUP, if approved.

Compatibility of Use with the Appearance and Essential Character of Area

The proposed meteorological towers have a minimally visible monopole design that is supported by several guyed wires anchored into the ground (See Figure 7). From a distance, they are generally unnoticeable visually. The immediate area is comprised of agricultural production and rural residences. The closest residences are at least 700' from any of the proposed locations, so the proposed towers will not likely be apparent.

Impact on Existing and Futures Uses, Vicinity, and Community as a Whole

The towers' impact is likely to be more aesthetic on the immediate vicinity than safety oriented, so long as the tower and guyed wires have highly visible marking as recommended to mitigate hazard to agricultural aircraft, which should be a condition of any approval. The impact is localized and not something that will impact the county as a whole.

Adequacy of Public Services

(i.e., highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities, or schools)

No new driveway will be needed to access the proposed tower sites as indicated in Appendix C area maps. The narrative states that only periodic maintenance (a few times per year) is needed and that the condition of the towers will be monitored by Indigo during the time the towers are on site. There should not be any noticeable increase in the average annual daily traffic count of 10 vehicles per day on 160th Street for the proposed tower location in Mount Vernon Township. The same is true for the proposed tower location in Grimes Township, which also sees 10 vehicles per day, and the proposed tower location in Pleasant Valley Township, which receives 20 vehicles per day on average. All of the roads in which the proposed tower locations are accessed are gravel-surfaced, so damage to the road is a possibility from heavy trucks transporting materials during construction. Repairing any damage to the roads resulting from said construction should be at the expense of the applicant and a condition of the SUP.

Law enforcement protection is provided for both locations by the Cerro Gordo County Sheriff's Office. Fire protection is from the Swaledale Fire Department for the proposed the tower location in Mount Vernon Township. Fire protection is provided by the Thornton Fire Department for the proposed tower location in Grimes Township. Fire protection is provided by the Rockwell Fire Department for proposed the tower location in Pleasant Valley Township. No foreseeable demand for these services will be created by the proposed towers' use.

None of the proposed tower locations are located near any regulated floodplains. The proposed tower location in Grimes Township is located within Drainage District 65. Indigo will be required to complete a review process for potential impact to public drainage infrastructure and will need to file for easement within a public drainage district right-of-way with the County Auditor's Office prior to any construction. At this time, Indigo has filed the appropriate paper work for that purpose.

Neither tower should have any impact on refuse disposal. Well or sewage facilities are not necessary to serve the tower sites. There will be no impact on schools.

Public Cost for Additional Public Facilities and Services

No upgrades are necessary to any applicable public streets to accommodate the proposed use. No other costs to the public are anticipated.

Potential Detriments to Persons, Property, or General Welfare

(i.e., excessive traffic, noise, smoke, glare, or odors)

The additional traffic generated by the proposed towers will be negligible. Excessive noise, smoke, fumes, or odors will not be created by the proposed towers. Any glare created by the towers will be the applicant's responsibility to correct. The application states the towers' lighting or markings will be consistent with FAA rules and regulations and will not be necessary since the tower will be less than 200 feet in height.

Signal interference created by the towers is the applicant's responsibility to correct. No separate permits or approvals are required by the FCC for towers under 200'; however, requiring correction of signal interference should be made a condition of the SUP, if approved.

Compatibility and Consistency with the Intent and Purpose of the Zoning Ordinance

The stated purpose of the A-1 district is to permit the continued use of agricultural land for agricultural uses. Telecommunications towers are not an agricultural use but are allowed by SUP in the A-1 district. Farming may continue around the base of the tower and the guy wire orientation. Each tower will take about an acre out of production. The applicant states the towers will be temporary, and the disturbed land will be returned back to its original condition once data collection is complete.

Compatibility with County Comprehensive Plan

The county's Comprehensive Plan Update, adopted March 2, 2004, does not specifically address communications towers and facilities. There are, however, several objectives and policy statements that relate to the proposed special use.

Objective 2.1 of the plan encourages, "A land use balance in order to promote the preservation, protection and efficient provision of appropriate land use, essential services, generation of revenues which cover the costs of those services, and a mixture of housing, shopping, and employment opportunities." Policy 2.1.5 under this objective states, "Incorporate performance standards, where appropriate, into land development regulations and criteria; particularly to encourage compatible development projects. Performance standards are a flexible method of regulating development, and are related to the effects of the development on adjacent properties or uses. The means of meeting development performance standards are flexible, and may be determined by the developer and the public representatives. Performance standards set the upper limits on those measurable effects of development, such as noise levels, water and air pollution, and other impacts on adjacent properties or upon the community area in general." A remote tower such as this is used by the wind industry to determine appropriate locations for wind farms. Where there are no regulatory reasons to deny a SUP for a tower, care must be taken to make sure the towers, which are obvious

additions to the landscape but generally have a minimal visual impact from a distance, are made as compatible with surrounding development as possible.

Objective 2.4 of the plan discourages, “Non-farm rural uses, and those uses which propose to locate outside of cities in established urban fringe areas, from locating in active agricultural areas or on productive agricultural soils or on sensitive environmental land.” Policy statement 2.4.3 under this objective states, “In order to protect and maintain the existing natural character of the land, such as topography, scenic views, existing vegetation, and waterways of the county, non-farm rural uses should be limited to areas that are appropriate for such development, and designed to blend with the natural character as much as possible through the use of screening, building placement, and scale or size of buildings.” A meteorological tower is a non-farm use, but the land around the tower and guyed wire orientations will continue to be farmed. It is nearly impossible for a 197’-8.25”-tall tower to blend in with its surroundings entirely.

COMPLIANCE WITH ADDITIONAL ARTICLE 20 REQUIREMENTS

Staff comments are in bold below. Additional requirements for the special use requested are as follows:

20.2 SPECIAL USES

- J. Commercial microwave, radio and television towers, public utility structures and accessory equipment, including their transmitting stations and towers, and wireless telecommunications facilities. Any district except residential, provided the following requirements are met:
1. Application. In making application for a Special Use Permit, the applicant shall file the following in addition to the standard application for Special Use Permit:
 - a. A site plan, drawn to scale, identifying the site boundary; tower or facility location; height of structure(s); guy wires and anchors; and existing and proposed structures including accessory structures. **The plans filed with the application materials meet this requirement.**
 - b. If the applicant is not the site owner, written authorization from the site owner. **The owner of the proposed tower location in Mount Vernon Township is Timothy J. & Laura A. Tracy. The owner of the proposed tower location in Grimes Township is Larry Brandt. The owner of the proposed tower location in Pleasant Valley Township is Calvin D. Dorenkamp. Documentation with the owners’ signatures giving Indigo permission to apply for the SUP for the towers on each property was submitted with the application.**
 - c. The applicant shall provide evidence that available public or private sites are unsuitable for operation of the facility under applicable telecommunications regulations and applicant’s technical design requirements. A new tower shall not be permitted if co-location can be found upon an existing or alternative tower structure

that meets engineering requirements of an applicant's wireless network within a one (1) mile radius of the proposed new tower site. Cost shall not be used as a reason against co-locating of antennas. **There are no other towers within one mile of the proposed tower site.**

- d. Evidence that all permits required by any other governmental entity have been obtained, or, if all such permits cannot practicably be obtained prior to the public hearing, the written acknowledgement by the applicant that any special use permit granted will be contingent upon the applicant obtaining all such permits and providing conclusive evidence thereof to the Administrative Officer, as the latter may require. **No other permits are required for the proposed towers. Indigo has provided documentation from the FAA that states none of the towers will be a hazard to air traffic.**
2. Conditions. Any applicant shall provide documentation that all of the following applicable conditions will be met for all towers:
 - a. The tower shall be constructed or easily modifiable, within thirty (30) days, to support the equipment of at least three (3) communications companies. The towers will not be able to support wireless communications carriers since they will be built only for monitoring meteorological conditions. **Meteorological towers are not designed to hold multiple antennas for communication carriers and is not applicable to this specific type of special use. This requirement should be waived by condition if the application is approved.**
 - b. Towers and telecommunications facilities shall be of camouflage design, if possible. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, communications and telecommunications towers designed to blend into the surrounding environment or to look like an object other than a tower. Where camouflage design is impossible or impractical, the tower shall be built of materials that make it nearly invisible. Lighting on the tower shall be of the least conspicuous type and exist only to satisfy Federal Aviation Administration (FAA) requirements. **Due to the proposed location of the towers, camouflage design is not practical. In addition, there are no structures of significant height in proximity close to the proposed sites. According to the narrative, the towers will be narrow profile, being monopole structures. Lighting will not be required because the tower will be less than 200' in height. However, high visibility markings as recommended by the FAA and the Mason City Municipal Airport should be made a condition of any approval.**
 - c. The tower owner and the tower operator shall provide proof of adequate liability insurance in writing to the Administrative Officer of Cerro Gordo County for Planning and Zoning, under such further conditions and in such amounts as the Board of Adjustment or the Administrative Officer may direct, but in no event shall such proof be required more often than annually. **Indigo has submitted a certificate of liability insurance for the proposed towers with the application.**

- d. The base of the tower shall be at least the height of the tower from any public right-of-way and any existing principal or accessory structure, other than the base station. Guy wires, guy anchors, and base station structures shall comply with all setbacks for the zoning district in which they are located. No guy anchors, towers, or base station structures shall be located in an easement located on the property except that held by the applicant. **The scaled site plan and diagram filed with the application shows that both of the 197'-8'25'-tall meteorological towers will be more than 220 feet from the base of each tower to the closest right of way and property lines. The guyed wire anchors of the proposed tower closest to any of the applicable street right-of-way will extend approximately 164' from the base of the tower, being approximately 56' from the closest right-of-way (the proposed tower located in Mount Vernon Township from 160th Street) which meets the required 50' front yard setback in the A-1 District.**
- e. Any signal interference complaints associated with the tower or related equipment shall be addressed within thirty (30) days in accordance with Federal Communications Commission (FCC) rules and procedures. **The applicant's narrative states that they will comply with the above requirement. This should be a required condition of the SUP, if approved.**
- f. The tower and all appurtenances shall be removed upon the end of its useful life and the site restored to its condition prior to tower placement within one hundred eighty (180) days. **The narrative states that the proposed towers are intended to be on the premises temporarily. The applicant states that the tower and all appurtenances will be removed and the property restored to its original condition once the tower is no longer in use. This should be a required condition of the SUP, if approved.**
- g. Access from any public road shall be subject to the standards of the County Engineer. An access permit shall be obtained from the County Engineer prior to construction. **Documents accompanying the application state that no additional accesses are proposed. A condition that prohibits any additional accesses should be part of the SUP, if approved.**
- h. A zoning permit shall be applied for and approved, subject to Article 22 of the Zoning Ordinance, prior to any construction. **This should be a required condition of the SUP, if approved.**
- i. A sign shall be placed on the base station structure or at the base of the tower that identifies a name and phone number of whom to contact in case of emergency. No advertising device is permitted anywhere on the facility except as permitted by this Ordinance. **The applicant states in its narrative that this requirement will be complied with. This should be a required condition of the SUP, if approved.**

3. Exceptions. The Special Use Permit procedure shall not apply where:
- a. An applicant proposes to add an antenna to an existing tower and the addition of such antenna will not increase the total height of the tower.

In such cases, the applicant shall file an Application for Zoning Certificate for review by the Zoning Administrator, along with evidence that the required FAA and FCC permits have been obtained. Since this request is for new towers, this requirement does not apply.

4. Transmission lines. The routing of transmission lines shall be restricted to locations that minimize the disruption of agricultural activity and developed residential areas. **No transmission lines should be needed to power the towers. A condition of the SUP, if approved, should limit new transmission lines to be underground only.**

ZONING DISTRICT REQUIREMENTS

Requirements of the zoning district for which the proposed special use is to be located are as follows:

The property is zoned A-1 Agricultural.

- Minimum parcel size is 10 acres. **The towers will be located on parcels of more than 10 acres.**
- 7.5 Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet. **The proposed tower will be 197'-8.25" in height. Towers above district height limits may be granted at the Board of Adjustment's discretion under Article 6.27 of the Zoning Ordinance and is not a concern for special permitted uses such as this.**
- 7.6 Yard Requirements. Each lot shall have front, side and rear yards not less than the depths or widths following:
 - A. Front yard depth, fifty (50) feet.
 - B. Each side yard width, twenty-five (25) feet.
 - C. Rear yard depth, thirty (30) feet.

The site plans and diagram submitted with the application show the closest guyed wire anchors extend 164' from the base of the proposed towers. The closest setback of any of the proposed guyed wire anchors will be 56' from the closest right-of-way way (the proposed tower located in Mount Vernon Township from 160th Street), which meets the required 50' front yard setback in the A-1 District.

DEPARTMENT COMMENTS

County Engineer: Brandon Billings, the County Engineer, stated he has no concerns. No separate road use agreement or permits are required for these types of structures.

County Auditor: The parcel in Grimes Township is located within Drainage District 65. Indigo will be required to complete a review process for potential impact to public drainage infrastructure and will need to file for easement within a public drainage district right-of-way prior to any construction with the County Auditor’s Office. At this time, Indigo has filed the appropriate paper work. Being responsible to repair any damaged drainage infrastructure should be made a condition of any approval.

Mason City Municipal Airport: Airport Manager David Simms acknowledges the statements of no hazard for the proposed towers but further recommends that Indigo follow FAA recommendations to place high visibility marking, specifically painting, high visibility sleeves, and spherical markers on guyed wires. This should be made a condition of any approval.

STATUTORY REQUIREMENTS

Additional requirements under federal, state, or local law pertain to the special use applied for:

An FAA finding of no hazard to air navigation was filed with the application stating that all three proposed meteorological towers will not be a hazard to air traffic.

No other federal or state approvals are required, except there may be a possibility that oversized permits may be required by the Iowa DOT for transporting the tower to each site. It will be the applicant’s responsibility to ensure they obtain such a permit if required.

The parcel in Grimes Township is located within Drainage District 65. Indigo will be required to complete a review process for potential impact to public drainage infrastructure and will need to file for easement within a public drainage district right-of-way prior to any construction with the County Auditor’s Office. At this time, Indigo has filed the appropriate paper work. Being responsible to repair any damaged drainage infrastructure should be made a condition of any approval.

STAFF ANALYSIS AND RECOMMENDED ACTION

The Board of Adjustment reviewed similar meteorological towers in 2015 to the ones currently being proposed by Indigo (See Figure 7). Again, it is intended that the proposed towers will be temporary while Indigo measures wind data to determine whether these parts of Cerro Gordo County would be appropriate for wind farm development. Since the towers will be on the premises for a short period, their impacts are also temporary.

Indigo has filed a thorough application. In the narrative, they state intent to comply with the minimum requirements of the Zoning Ordinance, except the provision requiring towers to be easily modifiable to support the equipment of three telecommunications carriers, which is not applicable to meteorological towers. Otherwise, all minimum requirements appear to be met.

The Board of Adjustment has traditionally been a proponent of alternative energy systems, beginning with its approval of the Cerro Gordo Windfarm project in 1998, and subsequent redevelopment in 2019. Approval of the SUP request is recommended, subject to the conditions suggested below.

RECOMMENDED CONDITIONS TO BE MET IF POSITIVE VOTE BY BOARD OF ADJUSTMENT

Note: In granting a Special Use Permit, the Board of Adjustment may attach conditions which it finds are necessary to carry out the purpose of the Zoning Ordinance, in conformance with what is provided in Article 20 of the Zoning Ordinance, and where reasonable and necessary may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping to reduce noise and glare and maintain the property in character in keeping with the surrounding area. Special uses shall ordinarily comply with the standards of the district concerned for principal uses which are permitted therein, except as modified by the Board of Adjustment in granting a Special Use Permit.

1. This Special Use Permit may be reviewed at any time in the future upon the request of the applicants or a majority of the Board of Adjustment members.
2. The provisions and/or regulations as stated shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations, or ordinances are at a variance, the most restrictive shall govern.
3. It is contemplated that from time to time during the operation of temporary meteorological towers that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said facility should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to ensure compliance with such rules and regulations.
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
5. County representatives shall have the right to enter the premises at any time upon notification to the permit holder for the purposes of enforcing the provisions of this Special Use Permit.
6. Any other necessary permits or licenses required by federal, state, and local agencies shall be obtained by the applicant and current copies placed on file with the county Planning and Zoning Office.
7. This Special Use Permit is granted to Indigo Wind, LLC and its successors and assigns and is transferrable and applicable to any future owners of any of the meteorological towers, whether owned separately or in combined ownership.
8. The site plan and operator's statement is hereby adopted as presented and the applicant shall adhere to said site plan and all accompanying documentation. The Board of Adjustment shall have the right to review any proposed change in or expansion of the special use and shall require an amendment to this Special Use Permit be approved.
9. All construction shall strictly comply with the site plan submitted with the application. A Zoning Permit Application shall be completed and a Zoning Permit issued prior to any new construction on the site related to the special use, subject to Article 22 of the Zoning Ordinance

10. In acknowledgement of the type of towers proposed and their temporary location on the premises, the requirement that the tower shall be constructed or easily modifiable, within thirty (30) days, to support the equipment of at least three (3) communications companies, is hereby waived.
11. The tower owner and the tower operator shall provide proof of adequate liability insurance for each tower in writing to the Administrative Officer of Cerro Gordo County for Planning and Zoning, under such further conditions and in such amounts as the Board of Adjustment or the Administrative Officer may direct, but in no event shall such proof be required more often than annually.
12. The base of each tower shall be at least the height of the respective tower, and all antennas and appurtenances, from any public right-of-way, structure or non-participating property, except for structures owned by the applicant.
13. Any signal interference complaints associated with the towers or related equipment shall be addressed within thirty (30) days from the date of notification in accordance with Federal Communications Commission (FCC) rules and procedures.
14. Any glare caused as a result of the towers or related equipment shall be corrected within thirty (30) days from the date of notification.
15. The towers and all appurtenances shall be removed upon the end of their useful life and each site restored to their original condition prior to tower placement within one hundred eighty (180) days.
16. No additional driveway shall be permitted for the purpose of accessing the towers. The applicant shall use existing accesses to get to the tower sites.
17. A sign shall be placed on each base station structure or at the base of either tower that identifies a name and phone number of whom to contact in case of emergency.
18. Any electrical service not generated by solar power to either tower shall be by underground service only.
19. Any road damaged as a result of the construction of the special use shall be restored to its pre-construction condition. Costs of repair of damage to county roads or rights-of-way resulting from the construction phase of this project shall be the responsibility of the applicant.
20. If the applicant requests an E911 address for either tower, the cost for the sign and post of the address shall be at the expense of the applicant.
21. The project shall not adversely impact any duly established drainage district or private drainage facilities. Damage to drainage structures resulting from the construction of the special use shall be repaired at the applicant's expense. The applicant shall conduct a pre-construction assessment documenting the existing condition of all drainage structures within the project area.
22. The applicant shall mark each tower with highly visible markings as recommended by the FAA in the determinations of no hazard submitted with the application.
23. Refuse removal during construction shall be the responsibility of the applicant.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested Special Use Permit Application subject to any condition as deemed necessary by the Board (The Board reserves the right to remove, amend, or add additional conditions from those recommended as deemed necessary).
2. Deny the requested Special Use Permit Application.

The following motions are provided for the Board's consideration:

Provided motion of **approval**:

To adopt the staff report as the Board's findings and to grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for the placement of an agricultural-commercial neighborhood business, and further, that the grant of the application be made effective immediately and on the condition that Indigo Wind, LLC shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, consistent with the proposed conditions and recommendations approved by the Board of Adjustment, until such time as a formal resolution is drafted and adopted by the Board of Adjustment, not to exceed 60 days.

Provided motion of **denial**:

To adopt the staff report as the Board's findings and to deny the application for the reasons stated in the staff report as well as for the following reasons: **[STATE ADDITIONAL REASONS FOR DENIAL, IF ANY]**. Said reasons for denial shall be stated in the official transcript and minutes of the Board of Adjustment, and shall be made in writing to the applicant in letter form by the Board's secretary.

EXHIBITS

- Exhibit 1: List of properties and deed owners
- Exhibit 2: Figures
- Exhibit 2: Special Use Permit Application
- Exhibit 3: Operator's statement
- Exhibit 4: Site plans and diagram (Appendix A)
- Exhibit 5: Area maps (Appendix C)
- Exhibit 6: FAA determination of no hazard
- Exhibit 7: Certificate of liability insurance
- Exhibit 8: Aerial photos of sites

List of Properties and Deed Owners

Parcel # 10-33-300-005-00

SE¼ of the SW¼, Section 33, Mount Vernon Township

Timothy J. & Laura A. Tracy

9716 160th Street

Swaledale, IA 50477

Parcel # 13-02-200-004-00

SE¼ of the NE¼, Section 2, Grimes Township

Larry Brandt

607 River Oak Drive

Ames, IA 50010

Parcel # 14-01-400-002-00

NE¼ of the SE¼, Section 1, Pleasant Valley Township

Calvin D. Dorenkamp

324 Lakeview Drive

Mason City, IA 50401

Figure 1

Looking at the proposed location of the meteorological tower in Mount Vernon Township from 160th Street



March 8, 2023, J. Robbins

Figure 2

Looking at the proposed location of the meteorological tower in Grimes Township from Mallard Avenue



March 8, 2023, J. Robbins

Figure 3

Looking at the proposed location of the meteorological tower in Pleasant Valley Township from Finch Avenue



March 8, 2023, J. Robbins

Figure 4

Looking at the property at 9186 160th Street, located approximately 800' west of the proposed tower location in Mount Vernon Township



March 8, 2023, J. Robbins

Figure 5

Looking at the property at 9186 160th Street, located approximately 700' southwest west of the proposed tower location in Mount Vernon Township



March 8, 2023, J. Robbins

Figure 6

Looking at the property at the animal confinement at 6221 Finch Avenue, located approximately 1,000' southeast of the proposed tower location in Grimes Township



March 8, 2023, J. Robbins

Figure 7

Looking at an existing meteorological constructed in 2015 on 190th Street in Owen Township, similar in design to the proposed towers



April 11, 2016, J. Robbins



February 23, 2023
Indigo Wind MET Application
Brandt Application
Dorenkamp Application
Tracy Application

SPECIAL USE PERMIT

APPLICATION

Date Filed 2/27/23

Date Set for Hearing 3/28/23

Case Number: 23-6

Applicant Name: Indigo Wind, LLC Phone: 217-371-6639 E-Mail: caroline.casler@apexcleanenergy.com

Mailing Address: 120 Garrett Street, Suite 700 Charlottesville, VA 22902

Property Owner Name: Timothy J & Laura A Tracy Phone: 641-420-0380 E-Mail: ltracy@frontiernet.net

Property Owner Address: 9716 160TH ST Swaledale, IA 50477

Property Description (Not to be used on legal documents): Parcel # 103330000500 Township MTVER

Property Address: 42.99544, -93.33321 Zoning: A-1 - Agricultural

Brief Legal Description:

SE SW 33-95-21

Type of Special Use Requested: Meteorological Tower

Special Use Description: Please provide a general description of the proposed special use.

Indigo Wind, LLC, applicant, on behalf of Timothy J & Laura A Tracy, owner, is requesting approval of a Special Use Permit to install one (1) temporary meteorological tower including guy wires and anchors in the A-1 Agricultural Zone District.

The meteorological tower ("met tower") will gather meteorological data to evaluate the wind resource in the area.

***Attach all required items listed in the application checklist, including written operator's statements, site plan, filing fee, and all other materials required to be submitted with this application**

I am the Owner Contract Purchaser Other (Explain) Applicant holds wind energy lease with property Owner.
_____ of the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner or that I am authorized and empowered to make the accompanying application; and that the information provided is true and correct, and actual construction, as applicable, and operation of the proposed special use will proceed in accordance with the purposes herein stated on the application and all submitted materials. I further agree to any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this application.

Applicant Signature Caroline Casler

Date 01/05/2023

SPECIAL USE PERMIT

APPLICATION

Date Filed 2/27/23

Date Set for Hearing 3/28/23

Case Number: 23-6

caroline.casler@apexcleanenergy.com

Applicant Name: Indigo Wind, LLC

Phone: 217-371-6639

E-Mail: _____

Mailing Address: 120 Garrett Street, Suite 700 Charlottesville, VA 22902

Property Owner Name: Larry Brandt

Phone: 515-290-3608

E-Mail: mhmayer@metronet.net

Property Owner Address: 607 River Oak Dr, Ames, IA 50010

Property Description (Not to be used on legal documents): Parcel # 130220000400 Township Grime

Property Address: 42.99071, -93.40006 Zoning: A-1 - Agricultural

Brief Legal Description:

SE NE 02-94-22

Type of Special Use Requested: Meteorological Tower

Special Use Description: Please provide a general description of the proposed special use.

Indigo Wind, LLC, applicant, on behalf of Larry Brandt, owner, is requesting approval of a Special Use Permit to install one (1) temporary meteorological tower including guy wires and anchors in the A-1 Agricultural Zone District.

The meteorological tower ("met tower") will gather meteorological data to evaluate the wind resource in the area.

***Attach all required items listed in the application checklist, including written operator's statements, site plan, filing fee, and all other materials required to be submitted with this application**

I am the Owner Contract Purchaser Other (Explain) Applicant holds wind energy lease with property Owner.
_____ of the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner or that I am authorized and empowered to make the accompanying application; and that the information provided is true and correct, and actual construction, as applicable, and operation of the proposed special use will proceed in accordance with the purposes herein stated on the application and all submitted materials. I further agree to any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this application.

Applicant Signature Caroline Casler

Date 01/05/2023

SPECIAL USE PERMIT

APPLICATION

Date Filed 2/27/23

Date Set for Hearing 3/28/23

Case Number: 23-6

caroline.casler@apexcleanenergy.com

Applicant Name: Indigo Wind, LLC

Phone: 217-371-6639

E-Mail: _____

Mailing Address: 120 Garrett Street, Suite 700 Charlottesville, VA 22902

Property Owner Name: Calvin D Dorenkamp

Phone: 641-423-2798

E-Mail: cddnyd@gmail.com

Property Owner Address: 324 LAKEVIEW DR, Mason City IA 50401

Property Description (Not to be used on legal documents): Parcel # 140140000200 Township PLVAL

Property Address: 42.9866, -93.26627 Zoning: A-1 - Agricultural

Brief Legal Description:

NE SE 01-94-21

Type of Special Use Requested: Meteorological Tower

Special Use Description: Please provide a general description of the proposed special use.

Indigo Wind, LLC, applicant, on behalf of Calvin D Dorenkamp, owner, is requesting approval of a Special Use Permit to install one (1) temporary meteorological tower including guy wires and anchors in the A-1 Agricultural Zone District.

The meteorological tower ("met tower") will gather meteorological data to evaluate the wind resource in the area.

***Attach all required items listed in the application checklist, including written operator's statements, site plan, filing fee, and all other materials required to be submitted with this application**

I am the Owner Contract Purchaser Other (Explain) Applicant holds wind energy lease with property Owner.

_____ of the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner or that I am authorized and empowered to make the accompanying application; and that the information provided is true and correct, and actual construction, as applicable, and operation of the proposed special use will proceed in accordance with the purposes herein stated on the application and all submitted materials. I further agree to any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this application.

Applicant Signature Caroline Casler

Date 01/05/2023



February 23, 2023

Dear Cerro Gordo County Board of Adjustment:

Please let this letter serve as the "Written Operator's Statement" for the Special Use Permit application that Indigo Wind, LLC, is submitting on behalf of landowners.

- The Special Use Permit will be used for a meteorological tower ("met tower") that will gather meteorological data to evaluate the wind resource in the area. A team consisting of installation and remote operations employees will be on site to install the tower. We do not expect the data gathering to cause any automotive or pedestrian traffic disruptions, and employees will visit the met tower only a few times after installation. Materials include the tower itself, the steel baseplate, and guy wires. No additional permits from state or federal agencies are required.
- The met tower will be 197 feet 8 inches tall. There will be no lights on the tower, as it is less than 200 feet in height and is therefore not subject to Federal Aviation Administration (FAA) jurisdictional requirements for tower lighting. The met tower will be located on private agricultural ground away from densely populated areas. The tower should minimally impact traffic conditions and produce no noise, odors, fumes, glare, dust, or other matter pertaining to public safety, health, and general welfare.
- Addressing Section 24.4(A)(2)(b)((1)-(7)) in the Zoning Ordinance:
 1. The met tower use is in accordance with the general principles and proposals of the Cerro Gordo County Zoning Ordinance.
 2. The open farm field is suitable for the temporary met tower as it provides an unobstructed measurement of the wind profile. The tower will have a small foundation in the center, then four down guy anchors--each 90 degrees from the other--for support. Only minimal sitework is needed.
 3. The met tower poses little to no risk. The area will remain suitable for current and future agricultural practices and will have no adverse effects on the community.
 4. Existing public facilities are sufficient for use and will only be utilized during installation and removal.
 5. The met tower will not create additional public costs for public facilities and services. No additional improvements to public facilities are required.
 6. The met tower will not involve uses, activities, processes, materials, equipment, or conditions of operations that will be detrimental to any person, property, or

c/o Apex Clean Energy
120 Garrett Street, Suite 700 | Charlottesville, VA 22902
T 434.220.7595 | F 434.220.3712
apexcleanenergy.com

general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare, or odors.

7. The proposed use of the met tower is consistent with the intent and the purpose of the zoning district in which it is proposed to locate such use.
- Addressing the performance standards in subsection J of Article 20.2 in the Zoning Ordinance:
 1. Application:
 - a. The site plan is drawn to scale and identifies the site boundary, the tower and tower height, guy wires, and anchors. The site plan is included in Appendix A.
 - b. Written authorization from the site owner is included in Appendix B of the application package.
 - c. Evidence that no existing towers reside in the vicinity and no co-locating of antennas is present is included in Appendix C of the application package.
 - d. Evidence that no additional governmental permits are required is included in Appendix D of the application package.
 2. Conditions:
 - a. The met tower will be fully installed within 30 days of the start of construction.
 - b. The met tower will be built from materials that make it nearly invisible. Lighting is not required on the tower, as it is less than 200 feet tall and compliant with the FAA jurisdiction.
 - c. Indigo Wind, LLC, or Apex Clean Energy has provided proof of adequate liability insurance in the application package.
 - d. The base of the tower is at least 198 feet from any public right-of-way and any other existing structures. The guy wires, guy anchors, and base station structure comply with all zoning setbacks for agricultural districts within Cerro Gordo County. The guy anchors, towers, and base stations will all be located within a Wind Energy Easement located on the property held between Apex Clean Energy (applicant) and Owner. A memorandum of easement is provided in Appendix E of the application package.
 - e. Any signal interference complaints associated with the tower or related equipment will be addressed within 30 days in accordance with Federal Communications Commission (FCC) rules and procedures.
 - f. The met tower and all appurtenances will be removed within 180 days upon the end of its useful life, and the site will be restored to its original condition prior to tower placement.
 - g. A public road access permit has been deemed unnecessary by the County Engineer as existing driveways will be used for construction purposes.
 - h. A zoning permit will be applied for and approved, subject to Article 22 of the Cerro Gordo County Zoning Ordinance.

- i. A sign identifying a name and phone number of contact in case of emergency will be placed by the tower.
- 3. Exceptions:
 - a. No additional antenna to the existing tower will be proposed, so no height will be added to the tower.
- 4. No transmission line routing or rerouting will accompany this special use.

Please let me know if you have any questions. I can be reached at 217-371-6639 or caroline.casler@apexcleanenergy.com.

Sincerely,

Caroline Casler
Project Developer



Appendix A

093540000500

093540000600

093630000300

160th St



130220000100

130220000200

130110000100

Finch Ave




130220000300

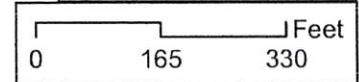
130220000400

42.99071, 90°
-93.40006 239 ft

236 ft

130110000300

-  Met Tower
-  Parcels
-  Road Right of Way



Location of parcel boundaries and features shown on map are approximate and subject to final survey.

Dimension: 1081_210x340_1081x210x340_1081x210x340_1081x210x340

103330000100

103330000200

103340000100



103330000300

103330000500

103340000300

103340000400

103330000400

42.99544,
-93.33321

487 ft

90°

222 ft

160th St

140410000200

140410000300

140410000100



Location of parcel boundaries and features shown on map are approximate and subject to final survey.

140

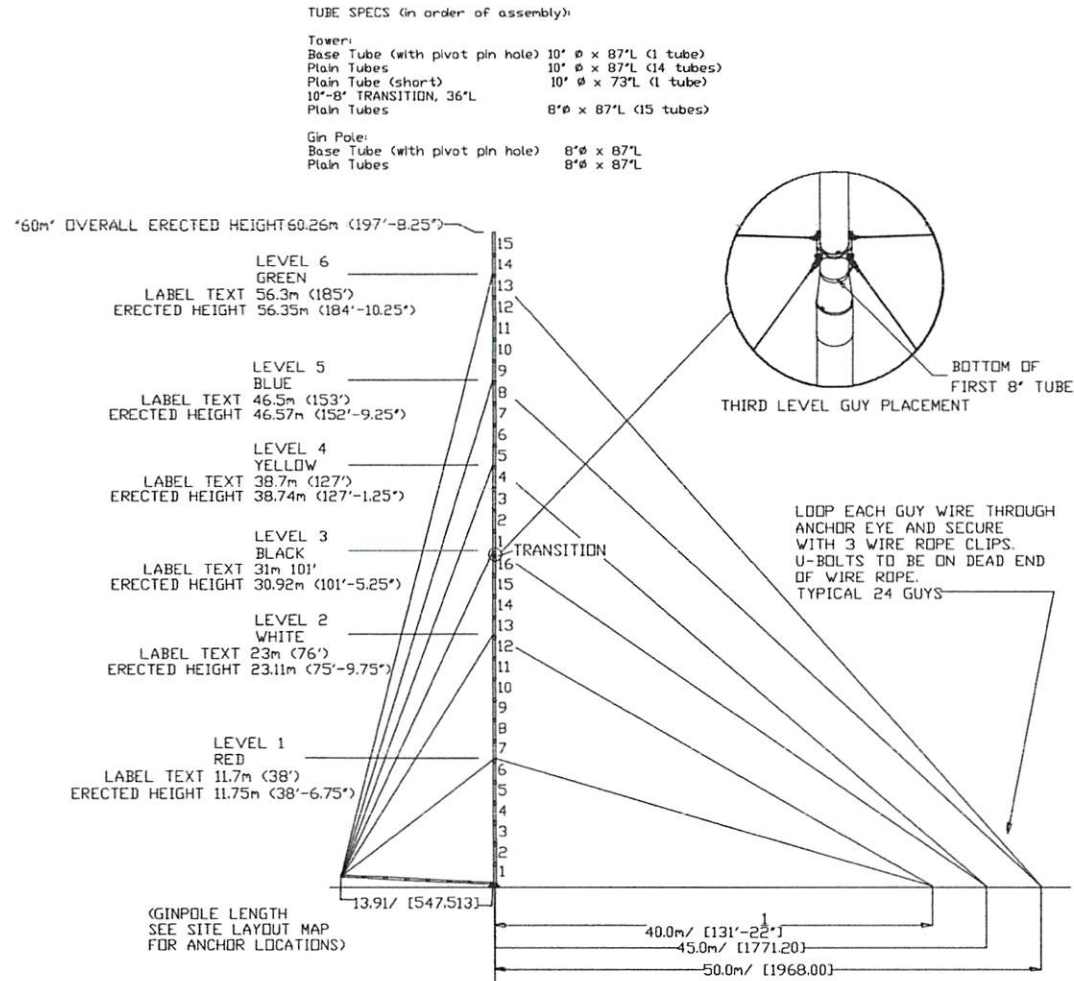
- Met Tower
- Parcels
- Road Right of Way

0 175 350 Feet

Document Path: \\G:_Project\BID\140410000100\140410000100.dwg

Appendix B: 60m XHD with Standard Footprint

Tower Layout





Appendix C



093530000300

093530000500

093530000600

093540000300

093540000500

Union

093630000300

093630000600

Brandt MET Driveway

093540000600

160th ST

160th ST

130210000100

130210000200

130220000100

130220000200

130110000100

130110000600

Brandt MET 42.99071 - 93.40006

Grimes

130210000300

130210000400

130220000300

130220000400

130110000300

130110000600

130230000100

130230000200

130240000100

130240000200

130130000500

130130000600



140110000200

140120000600

140120000200

150610000100

150610000200

150620000000

140110000500

140120000300

140120000400

150610000300

150610000400

150620000000

Pleasant Valley

Dorenkamp MET 42.98661, -93.26777



140130000200

140140000100

140140000200

150630000100

150630000200

150640000000

Geneseo

Dorenkamp MET Driveway



140130000500

140140000500

140140000400

150630000300

150630000400

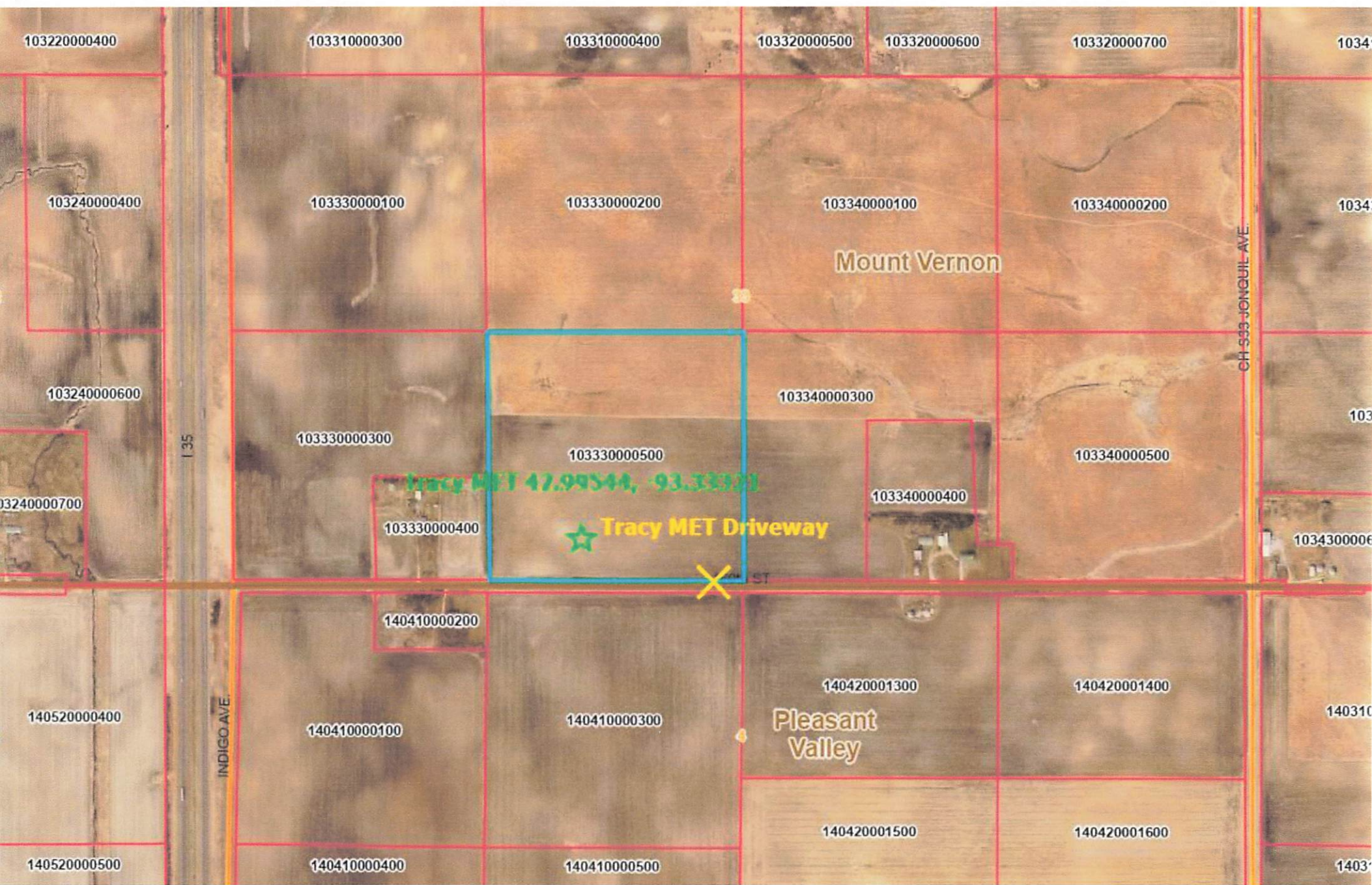
150640000000

140130000600

CH B60 160th ST

12

7



Mount Vernon

Pleasant Valley

Tracy MET 47.99544, -93.33321

Tracy MET Driveway

I 35

INDIGO AVE

CH-533 JONGUIL-AVE.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-WTE-661-OE

Issued Date: 03/06/2023

Holly Nelson
Indigo Wind LLC
120 GARRETT STREET SUITE 700
CHARLOTTESVILLE, VA 22902

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Met Tower (w/WT Farm) IA_Tracy1214-02
Location: Mason City, IA
Latitude: 42-59-43.58N NAD 83
Longitude: 93-19-59.54W
Heights: 1218 feet site elevation (SE)
196 feet above ground level (AGL)
1414 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does not exceed obstruction standards and would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

Construction of a permanent structure at this location requires separate notice to the FAA.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes in coordinates and/or heights will void this determination. Any future construction or alteration, including increase to heights, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (847) 294-7576, or Wayne.Reynolds@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-WTE-661-OE

Signature Control No: 573690246-575075097

(TMP -WT)

Buck Reynolds
Specialist

Additional Condition(s) or Information for ASN 2023-WTE-661-OE

Proposal: To construct and/or operate a(n) Met Tower (w/WT Farm) to a height of 196 feet above ground level, 1414 feet above mean sea level.

Location: The structure will be located 9.74 nautical miles south of MCW Airport reference point.

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Aeronautical study revealed that the temporary structure will not exceed any Part 77 obstruction standard. Aeronautical study confirmed that the temporary structure will have no effect on any existing or proposed arrival, departure or en route instrument/visual flight rules (IFR/VFR) operations or procedures. Additionally, aeronautical study confirmed that the temporary structure will have no physical or electromagnetic effect on the operation of air navigation and communications facilities and will not impact any airspace and routes used by the military. Based on this aeronautical study, the FAA finds that the temporary structure will have no adverse effect on air navigation and will not impact any aeronautical operations or procedures.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

As a condition to this Determination, the structure is to be marked/lighted with Spherical Marker and paint.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This determination expires on 09/06/2024 unless extended, revised, or terminated by the issuing office.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed within 5 days after the temporary structure is dismantled.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

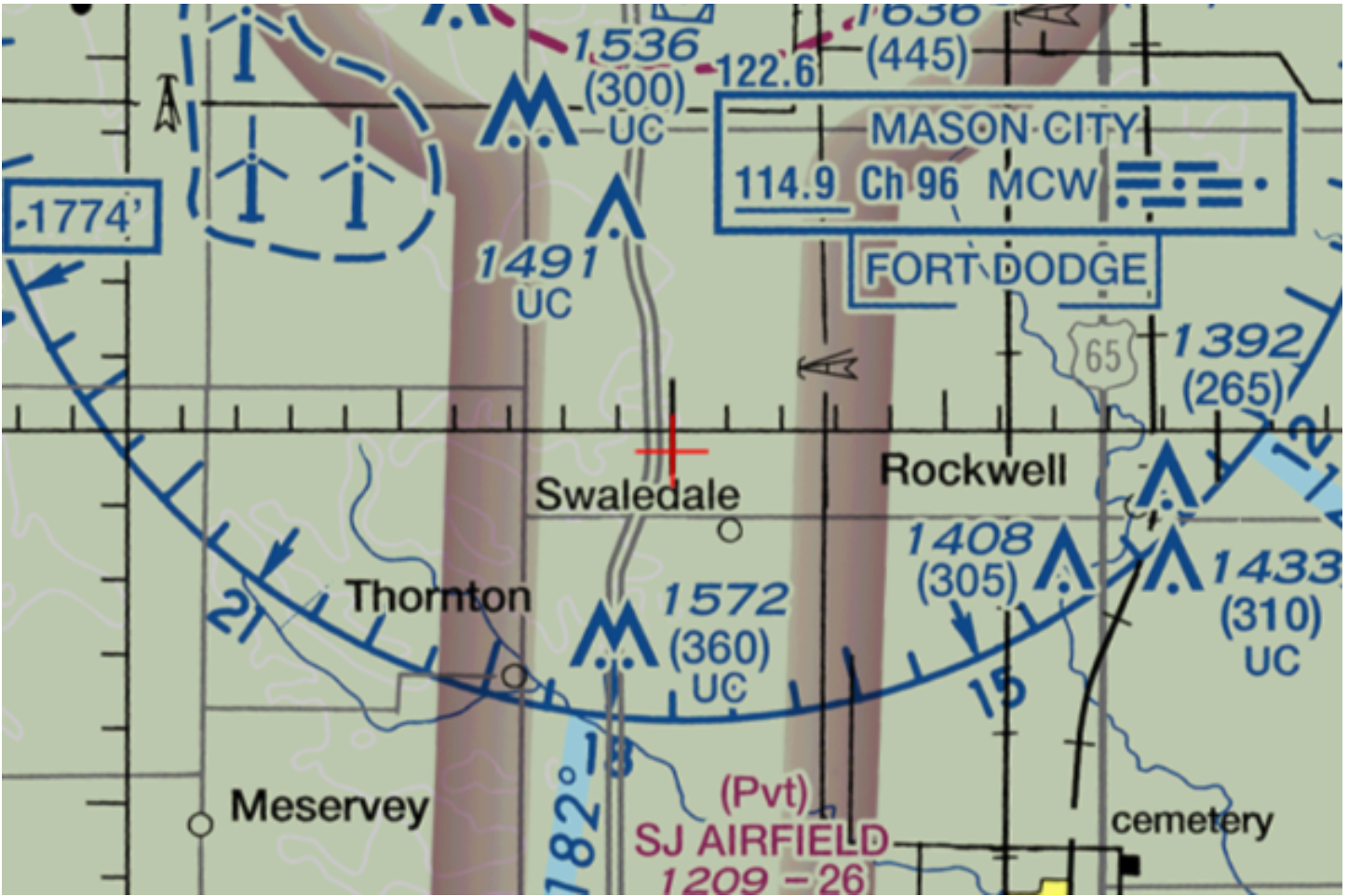
Additional information for ASN 2023-WTE-661-OE

The FAA recommends voluntary marking of Meteorological Evaluation Towers (MET) less than 200 feet (60.96 m) AGL in accordance with marking guidance contained in AC 70/7460-1. Historically, this guidance has not been applied. However, the FAA recognizes the need to address safety impacts to low-level agricultural flight operations, and it believes that voluntarily marking METs less than 200 feet (61 m) AGL in remote and rural areas enhance the conspicuity of these structures.

1. Painting - The MET should be painted in accordance with the criteria contained in Chapter 3 and Chapter 15, with alternate bands of aviation orange and white paint. In addition, paragraph 3.3.1 states that all markings should be replaced when faded or otherwise deteriorated.
2. High-visibility sleeves - If applicable, it is recommended that several high-visibility sleeves be installed on the MET's outer guy wires. One high-visibility sleeve should be installed on each guy wire, as close to the anchor point as possible, but at a height well above the crop or vegetation canopy. A second sleeve should be installed on the same outer guy wires midway between the location of the lower sleeve and the upper attachment point of the guy wire to the MET.
3. Spherical markers - If applicable, it is also recommended that high-visibility aviation orange spherical marker (or cable) balls be attached to the guy wires. Spherical markers should be installed and displayed in accordance with Chapter 11.

The FAA recognizes that various weather conditions and manufacturing placement standards may affect the placement and use of high-visibility sleeves and/or spherical markers. Thus, some flexibility is allowed when determining sleeve length and marker placement on METs.

Sectional Map for ASN 2023-WTE-661-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-WTE-662-OE

Issued Date: 03/06/2023

Holly Nelson
Indigo Wind LLC
120 GARRETT STREET SUITE 700
CHARLOTTESVILLE, VA 22902

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Met Tower (w/WT Farm) IA_Dorenkamp1214-03
Location: Mason City, IA
Latitude: 42-59-11.78N NAD 83
Longitude: 93-15-44.16W
Heights: 1103 feet site elevation (SE)
196 feet above ground level (AGL)
1299 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does not exceed obstruction standards and would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

Construction of a permanent structure at this location requires separate notice to the FAA.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes in coordinates and/or heights will void this determination. Any future construction or alteration, including increase to heights, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

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If you have any questions, please contact our office at (847) 294-7576, or Wayne.Reynolds@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-WTE-662-OE

Signature Control No: 573692156-575075096

(TMP -WT)

Buck Reynolds

Specialist

Additional Condition(s) or Information for ASN 2023-WTE-662-OE

Proposal: To construct and/or operate a(n) Met Tower (w/WT Farm) to a height of 196 feet above ground level, 1299 feet above mean sea level.

Location: The structure will be located 10.71 nautical miles south of MCW Airport reference point.

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Aeronautical study revealed that the temporary structure will not exceed any Part 77 obstruction standard. Aeronautical study confirmed that the temporary structure will have no effect on any existing or proposed arrival, departure or en route instrument/visual flight rules (IFR/VFR) operations or procedures. Additionally, aeronautical study confirmed that the temporary structure will have no physical or electromagnetic effect on the operation of air navigation and communications facilities and will not impact any airspace and routes used by the military. Based on this aeronautical study, the FAA finds that the temporary structure will have no adverse effect on air navigation and will not impact any aeronautical operations or procedures.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

As a condition to this Determination, the structure is to be marked/lighted with Spherical Marker and paint.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This determination expires on 09/06/2024 unless extended, revised, or terminated by the issuing office.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed within 5 days after the temporary structure is dismantled.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

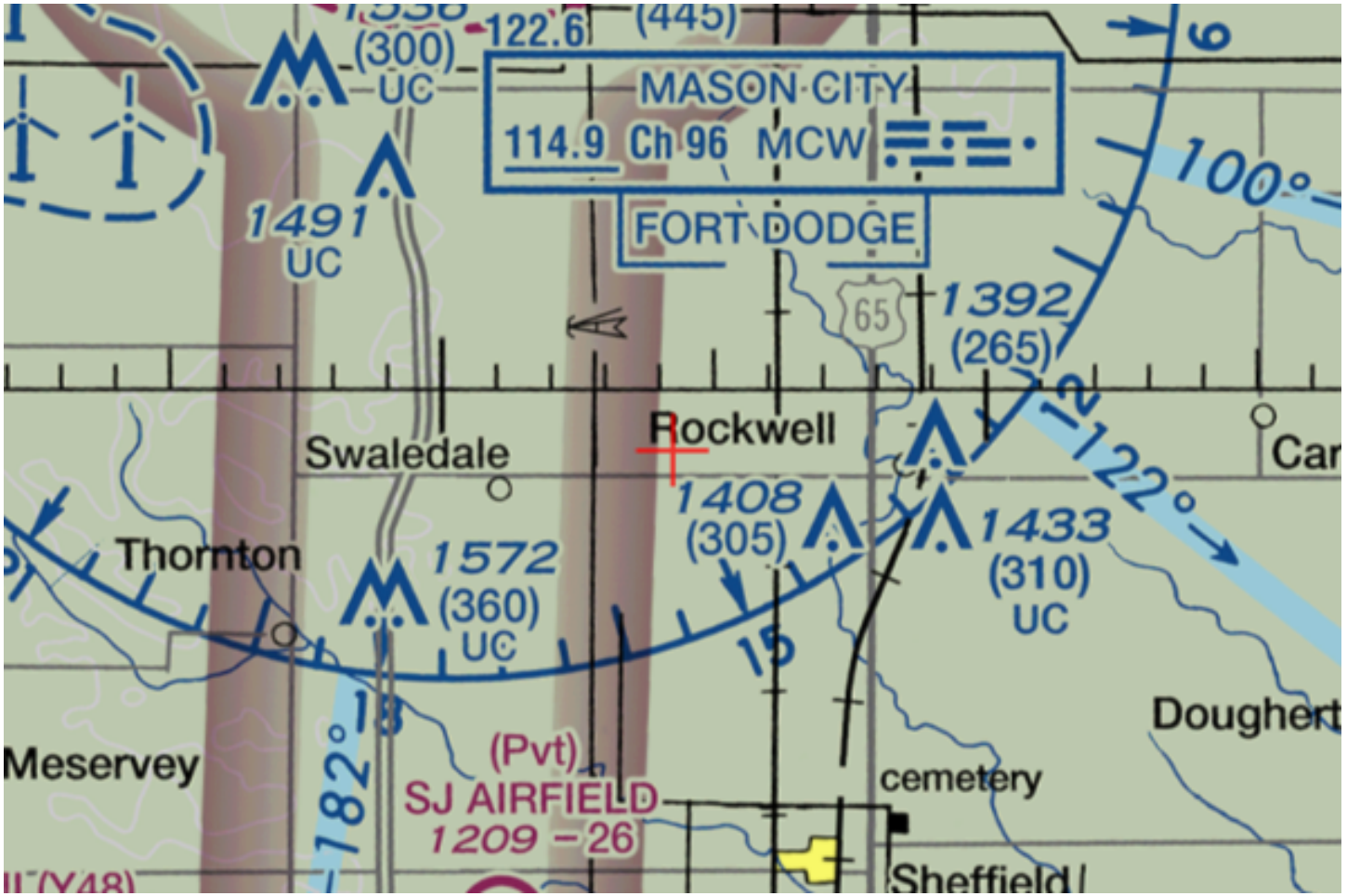
Additional information for ASN 2023-WTE-662-OE

The FAA recommends voluntary marking of Meteorological Evaluation Towers (MET) less than 200 feet (60.96 m) AGL in accordance with marking guidance contained in AC 70/7460-1. Historically, this guidance has not been applied. However, the FAA recognizes the need to address safety impacts to low-level agricultural flight operations, and it believes that voluntarily marking METs less than 200 feet (61 m) AGL in remote and rural areas enhance the conspicuity of these structures.

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3. Spherical markers - If applicable, it is also recommended that high-visibility aviation orange spherical marker (or cable) balls be attached to the guy wires. Spherical markers should be installed and displayed in accordance with Chapter 11.

The FAA recognizes that various weather conditions and manufacturing placement standards may affect the placement and use of high-visibility sleeves and/or spherical markers. Thus, some flexibility is allowed when determining sleeve length and marker placement on METs.

Sectional Map for ASN 2023-WTE-662-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-WTE-660-OE

Issued Date: 03/06/2023

Holly Nelson
Indigo Wind LLC
120 GARRETT STREET SUITE 700
CHARLOTTESVILLE, VA 22902

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Met Tower (w/WT Farm) IA_Brandt1214-01
Location:	Mason City, IA
Latitude:	42-59-26.55N NAD 83
Longitude:	93-24-00.23W
Heights:	1253 feet site elevation (SE) 196 feet above ground level (AGL) 1449 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does not exceed obstruction standards and would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

Construction of a permanent structure at this location requires separate notice to the FAA.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes in coordinates and/or heights will void this determination. Any future construction or alteration, including increase to heights, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (847) 294-7576, or Wayne.Reynolds@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-WTE-660-OE

Signature Control No: 573689800-575075095

(TMP -WT)

Buck Reynolds

Specialist

Additional Condition(s) or Information for ASN 2023-WTE-660-OE

Proposal: To construct and/or operate a(n) Met Tower (w/WT Farm) to a height of 196 feet above ground level, 1449 feet above mean sea level.

Location: The structure will be located 10.47 nautical miles south of MCW Airport reference point.

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Aeronautical study revealed that the temporary structure will not exceed any Part 77 obstruction standard. Aeronautical study confirmed that the temporary structure will have no effect on any existing or proposed arrival, departure or en route instrument/visual flight rules (IFR/VFR) operations or procedures. Additionally, aeronautical study confirmed that the temporary structure will have no physical or electromagnetic effect on the operation of air navigation and communications facilities and will not impact any airspace and routes used by the military. Based on this aeronautical study, the FAA finds that the temporary structure will have no adverse effect on air navigation and will not impact any aeronautical operations or procedures.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

As a condition to this Determination, the structure is to be marked/lighted with Spherical Marker and paint.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This determination expires on 09/06/2024 unless extended, revised, or terminated by the issuing office.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed within 5 days after the temporary structure is dismantled.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

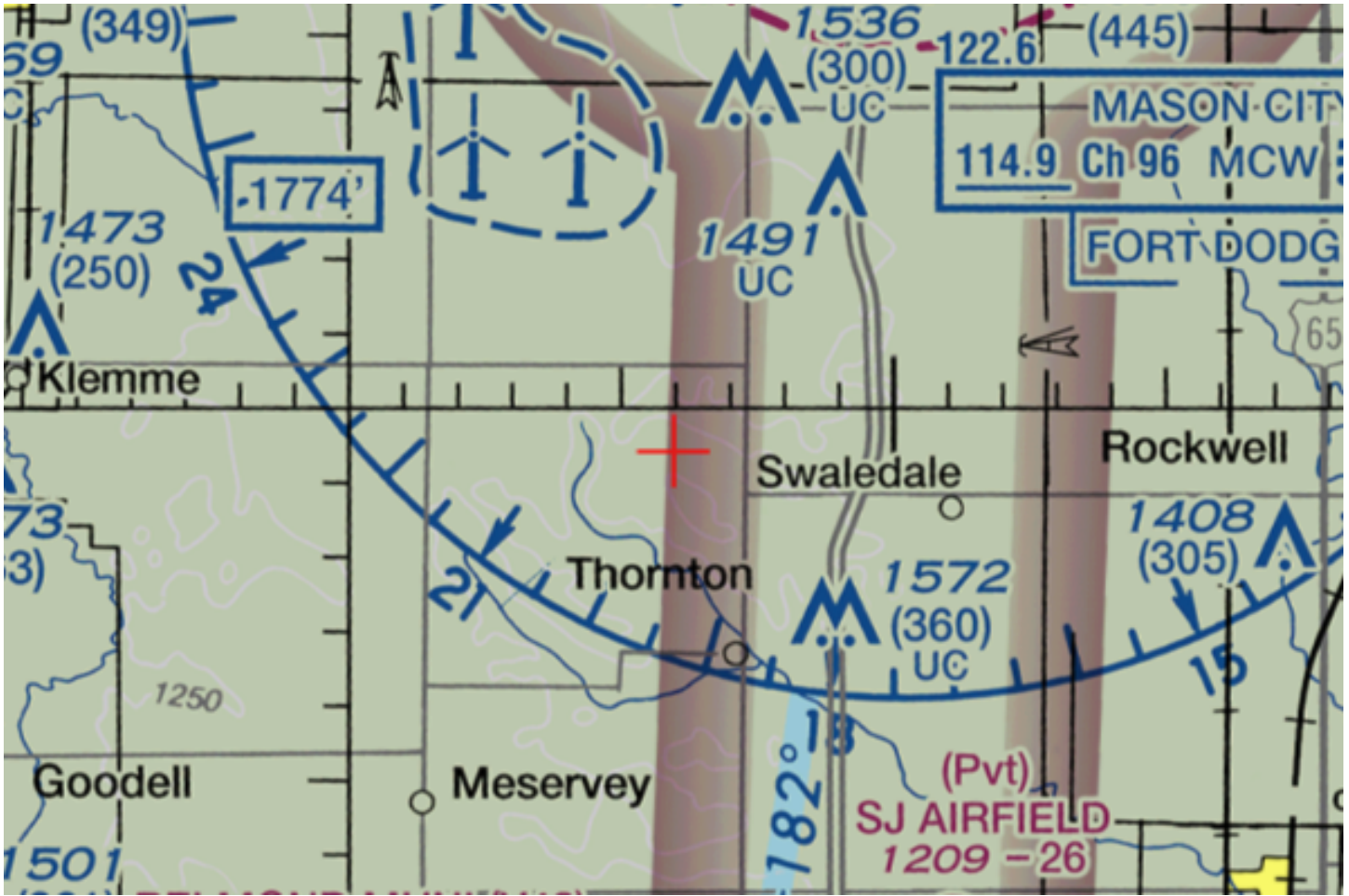
Additional information for ASN 2023-WTE-660-OE

The FAA recommends voluntary marking of Meteorological Evaluation Towers (MET) less than 200 feet (60.96 m) AGL in accordance with marking guidance contained in AC 70/7460-1. Historically, this guidance has not been applied. However, the FAA recognizes the need to address safety impacts to low-level agricultural flight operations, and it believes that voluntarily marking METs less than 200 feet (61 m) AGL in remote and rural areas enhance the conspicuity of these structures.

1. Painting - The MET should be painted in accordance with the criteria contained in Chapter 3 and Chapter 15, with alternate bands of aviation orange and white paint. In addition, paragraph 3.3.1 states that all markings should be replaced when faded or otherwise deteriorated.
2. High-visibility sleeves - If applicable, it is recommended that several high-visibility sleeves be installed on the MET's outer guy wires. One high-visibility sleeve should be installed on each guy wire, as close to the anchor point as possible, but at a height well above the crop or vegetation canopy. A second sleeve should be installed on the same outer guy wires midway between the location of the lower sleeve and the upper attachment point of the guy wire to the MET.
3. Spherical markers - If applicable, it is also recommended that high-visibility aviation orange spherical marker (or cable) balls be attached to the guy wires. Spherical markers should be installed and displayed in accordance with Chapter 11.

The FAA recognizes that various weather conditions and manufacturing placement standards may affect the placement and use of high-visibility sleeves and/or spherical markers. Thus, some flexibility is allowed when determining sleeve length and marker placement on METs.

Sectional Map for ASN 2023-WTE-660-OE





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/06/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER McGriff Insurance Services, LLC P.O. Box 10265 Birmingham, AL 35202	CONTACT NAME: PHONE (A/C, No, Ext): 1-800-476-2211	FAX (A/C, No):
	E-MAIL ADDRESS:	
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: Federal Insurance Company		20281
INSURED Apex Clean Energy, Inc. including Indigo Energy Project, LLC 120 Garrett Street Suite 700 Charlottesville, VA 22902		
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

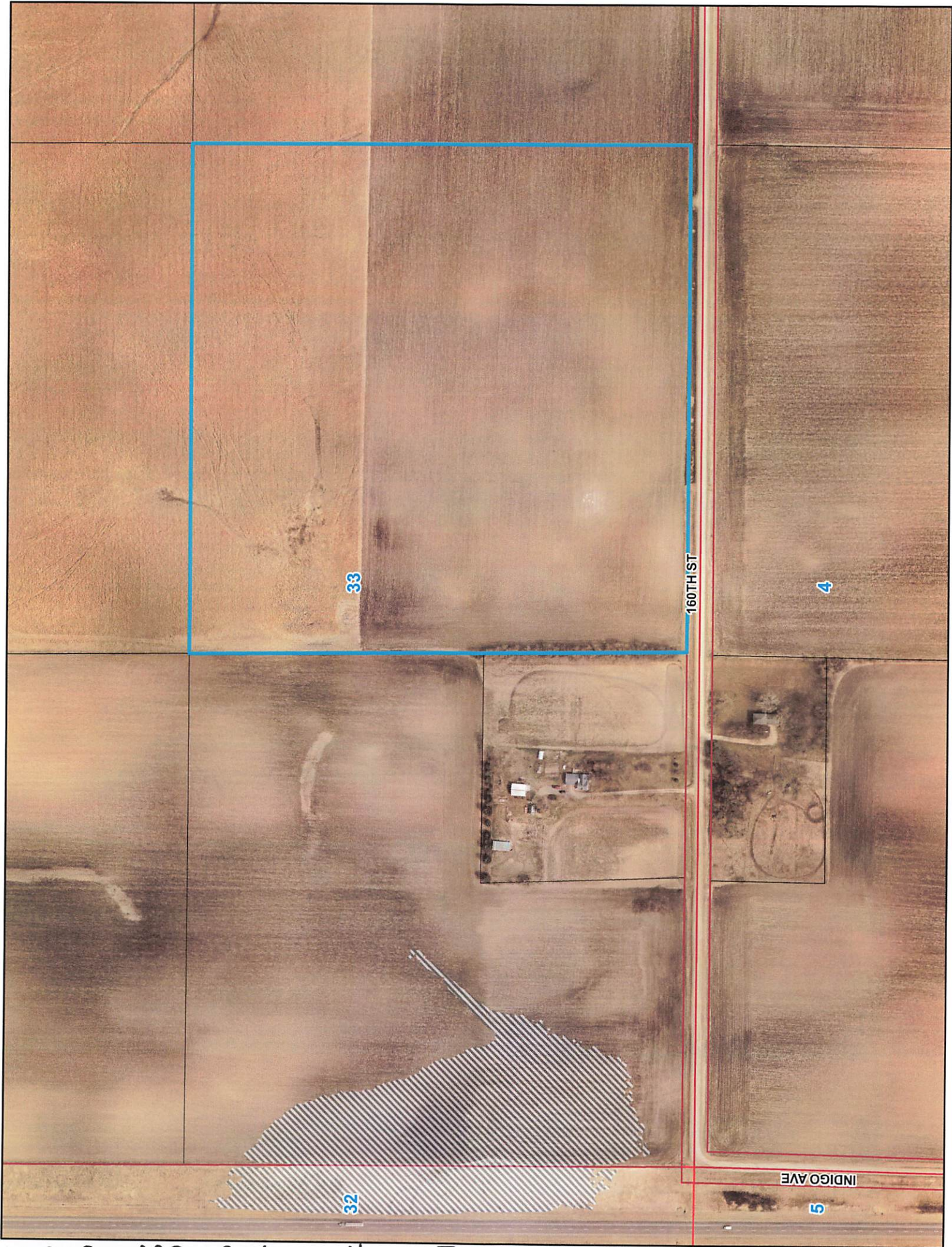
COVERAGES **CERTIFICATE NUMBER:**5GKZTGER **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Time Element Poll \$1,000,000 Limit GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			36060202	03/15/2022	03/15/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Combined Total Agg: \$ 10,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY			99481129	03/15/2022	03/15/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp/Coll Ded \$ \$500
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			78188883	03/15/2022	03/15/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$ \$
A	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	71750043 (WC not included in AL, CA, FL, KS, ND, NH, NJ, OH, WA, WY)	03/15/2022	03/15/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000 \$ \$ \$ \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER EVIDENCE OF INSURANCE	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



10-33-300-005-00 Mount Vernon Twp

160TH ST 35

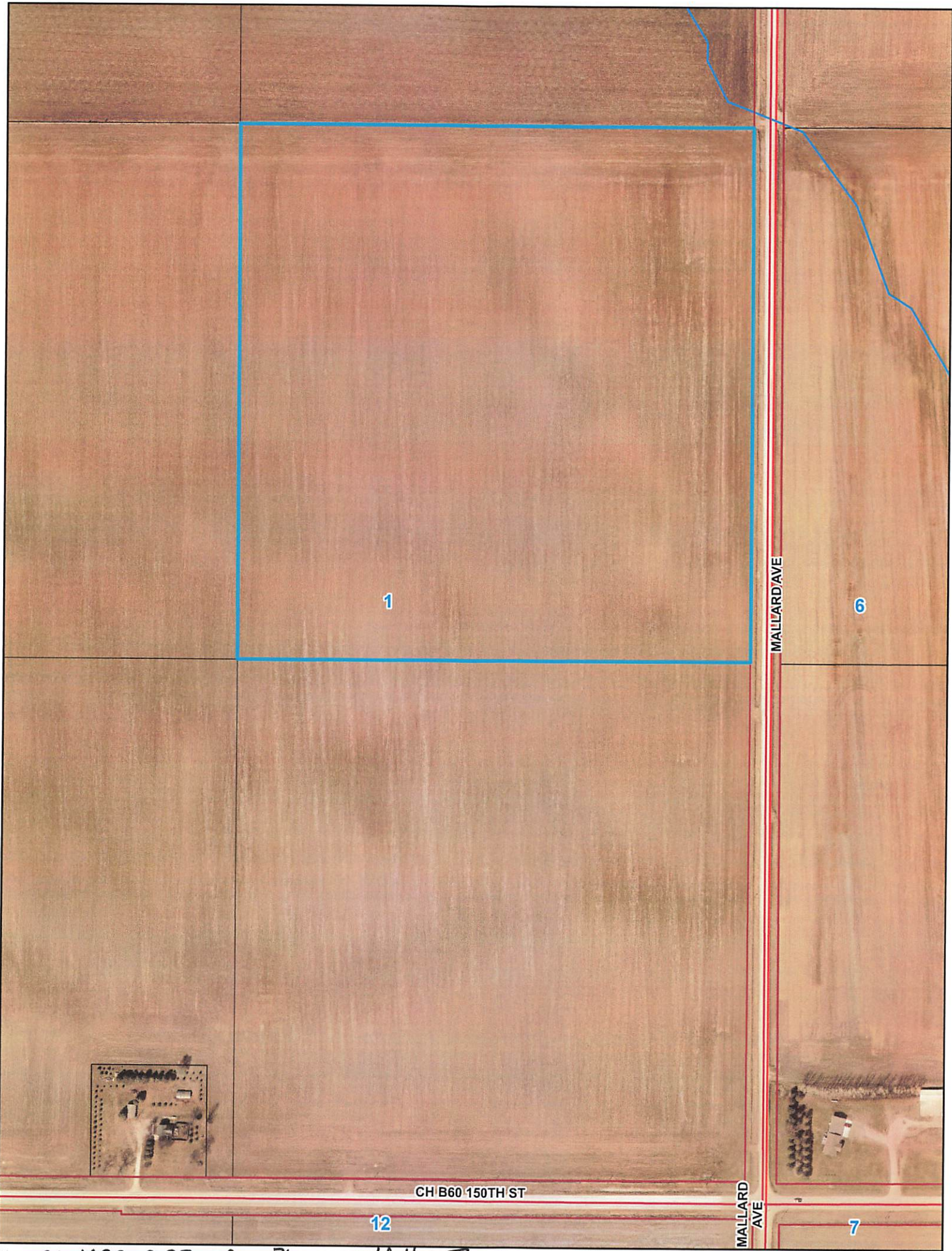
36
160TH ST

2

FINCH AVE

1

13-02-200-004-00-Grimes Twp



1

6

MALLARD AVE

MALLARD AVE

CH B60 150TH ST

12

7

14-01-400-002-00 - Pleasant Valley Turp