



Board of County Commissioners Agenda Request

Add-on

6B
Agenda Item #

Requested Meeting Date: February 27, 2018

Title of Item: Opportunity Zones

<input checked="" type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested
<input type="checkbox"/> CONSENT AGENDA	<input type="checkbox"/> Approve/Deny Motion	<input checked="" type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing*

**provide copy of hearing notice that was published*

Submitted by: Ross Wagner	Department: Economic Development Coordinator
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Presenter (Name and Title): Ross Wagner, Economic Development & Forest Industry Coordinator	Estimated Time Needed: 10 Minutes
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Summary of Issue:

Opportunity Zones are a new community development program established by Congress in the Tax Cut and Jobs Act of 2017 to encourage long-term investments in low-income and urban communities nationwide. Each Governor is authorized to designate 25% of the eligible census tracts as Opportunity Zones in their state. In Minnesota, this means the Governor can designate 123 census tracts as Opportunity Zones out of an eligible 491 low-income census tracts. Included in these 491 census tracts are 250 tracts deemed the most distressed.

Aitkin County has 5 Census tracts in the 491 tracts and 2 in the 250 most distressed. Counties are encouraged to apply for Opportunity Zones especially those in the 250 most distressed tracts. I would recommend that we submit an application for the 2 census tracts that are in the most distressed 250 and since we are allowed to actually submit 3 census tracts I would add one more. The tracts would be 770300, 770400 and 790501.

Opportunity Funds allow U.S. investors holding unrealized gains in stocks and mutual funds to pool their resources in projects located in Opportunity Zones, which will be invested in rebuilding low-income communities. U.S. investors are eligible to receive:
 A temporary tax deferral for capital gains invested in an Opportunity Fund.
 A step-up in basis for capital gains reinvested in an Opportunity Fund.

There is no cost or application fees to apply for Opportunity Zone Designation.

Alternatives, Options, Effects on Others/Comments:

Please see attached for a link to more information, if desired.

Recommended Action/Motion:

Submit an application to the State of MN DEED for Opportunity Zones in Aitkin County

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$

Is this budgeted? Yes No *Please Explain:*

The link for more information is below.

<https://mn.gov/deed/business/financing-business/tax-credits/opp-zones/>

Ross Wagner
Economic Development & Forest Industry Coordinator
Aitkin County
217 2nd Street NW #131
Aitkin, MN 56431
218-927-7305 Fax 218-927-7374
rwagner@co.aitkin.mn.us

Issue: the increasing potential that nuisance claims on rural land-uses/activities (logging, aggregate extraction, motorized recreation, hunting, etc.) could negatively impact our rural economy and quality of life. this does not pertain to activities that exceed an environmental standard or violate a law, but to claims based on philosophical grounds.

NUISANCE LIABILITY OF RURAL LAND USES

Definitions.

Add these definitions to Section 3 of the Zoning Ordinance.

"Rural Land Use" means a legally permitted use common to rural areas including but not limited to: timber harvesting and extractive uses including the associated hauling of materials; outdoor recreational uses such as motorized and non-motorized trail use, hunting, trapping, and fishing.

"Generally accepted practices" means those practices commonly used in the county or a contiguous county in which a nuisance claim is asserted.

Add the below as a new subsection of the Zoning Ordinance.

17.04 Rural land uses not a nuisance

- A. A rural land use is not and shall not become a private or public nuisance if the operation:
 - 1. Is located in an area zoned for the use;
 - 2. Complies with the provisions of all applicable federal, state, or county laws, regulations, rules, and ordinances and any permits issued for the operation; and
 - 3. Operates according to generally accepted practices.
 - 4. The provisions of this subdivision apply to all zoning districts within the unincorporated areas of Aitkin County.

- B. The provisions of this subdivision do not apply:
 - 1. Agricultural operations provided for in **MN Statute 561.19**

Aitkin County ATV Alliance



February 14, 2018

Jessica Seibert
County Administrator
Aitkin County Courthouse
217 2nd St. NW Rm. 134
Aitkin, MN 56431

FEB 14 2018

Dear Jessica:

On behalf of the Aitkin County ATV Alliance it is with great pleasure that I write to compliment Aitkin County Engineer, John Welle on the great work he did on the Aitkin County ordinance allowing ATV's on gravel roads. We felt the informational meetings were well organized and in particular, that Mr. Welle did a great job in presenting the information on the proposed ordinance and current laws and regulations. Often times, not an easy task in front of a large crowd.

Opening all gravel roads in Aitkin County to both Class I & II ATV's will increase riding opportunities for residents and visitors alike. The Alliance wants to thank the Board of Commissioners and staff involved in the ordinance process as well. However, John certainly deserves special credit.

Sincerely,

Ross Wagner

Ross Wagner, Chair, Aitkin County ATV Alliance

Cc: John Welle, Aitkin County Engineer.

Aitkin County ATV Alliance;

Up North Riders Inc. ATV Club, North Woods Quads ATV Club, Blind Lake ATV Club, White Pine Riders ATV Club, Evergreen PAC ATV Club, Mille Lacs Drift Skippers Snowmobile ATV Club

FEB 20 2018



Headquarters: 244 South Birch Street
Cambridge MN 55008
Phone (763) 689-7390

*Branches in Aitkin, Chisago, Isanti,
Kanabec, Mille Lacs, and Pine Counties*

February 12, 2018

Jessica Seibert
Aitkin County
217 2nd Street NW
Aitkin, MN 56431

Dear Ms. Seibert and County Commissioners,

In December 2017, the East Central Regional Library Board approved new operating hours at all 14 library branches across the six county area. The new hours will begin on Sunday, March 4, 2018. Enclosed is a list of all of our branches and their new operating hours for your information.

This change in hours is the culmination of a multi-year process by staff and Board members in an effort to maximize our resources across the region and utilize the county funds we are receiving in the counties that are providing the funds. During this process, ECRL sought public feedback in our communities, studied data regarding use and traffic patterns and met with most of our partner cities about proposed changes in local library hours.

Prior to this, open hours had remained the same for more than a decade, despite changes in facilities, communities and traffic patterns, resulting in library schedules which often didn't meet the community's needs. It is our hope that this new schedule will serve the public well and provide appropriate staffing levels, so that we may continue to provide the excellent customer service that people rely on when visiting our libraries.

We realize that this new schedule may be a significant change to your community, and are committed to periodic review of the all of our branch schedules to ensure that these new hours are appropriate.

We would like to ask your assistance in spreading the word about the adjustment to the hours at your local branches so that your citizens are aware of the upcoming change.

Please post notice of the change on your city website, via your social media presence or in a print newsletter. You can link directly to the information on our website at <https://ecrlib.org/locations/open-hours-for-all-branch-libraries/>

Please do not hesitate to contact us with any questions you might have.

Rachel Garrett Howell, Assistant Director

rhowell@ecrlib.org

Carla Lydon, Executive Director

clydon@ecrlib.org

OPEN HOURS AS OF MARCH 4, 2018

BRANCH	SUN	MON	TUES	WED	THUR	FRI	SAT
Atikin 110 1st Ave NE 218-927-2339	CLOSED	10:00-5:30	10:00-7:00	10:00-5:30	10:00-7:00	10:00-5:30	9:00-1:00
Cambridge 244 S. Birch St. 763-689-7390	12:00-4:00	9:00-8:00	9:00-8:00	9:00-8:00	9:00-8:00	9:00-6:00	9:00-5:00
Chisago Lakes 11754 302nd St. Chisago City 651-257-2817	CLOSED	10:00-6:00	10:00-8:00	10:00-6:00	10:00-8:00	10:00-6:00	10:00-4:00
Hinckley 106 First St. SE 320-384-6351	CLOSED	CLOSED	10:00-7:00	10:00-5:00	1:00-5:00	10:00-5:00	10:00-1:00
McGregor Ctr Ave/2nd St. 218-768-3305	CLOSED	CLOSED	10:00-4:00	CLOSED	10:00-7:00	10:00-4:00	10:00-1:00
Milaca 235 1st St. East 320-983-3677	CLOSED	CLOSED	10:00-7:00	10:00-5:00	10:00-5:00	10:00-2:00	10:00-1:00
Mille Lacs Lake 285 2nd Ave S/Isle 320-676-3929	CLOSED	10:00-3:00	CLOSED	10:00-5:00	2:00-7:00	CLOSED	9:00-12:00
Mora 200 W. Maple 320-679-2642	CLOSED	10:00-5:30	12:00-8:00	10:00-5:30	12:00-8:00	10:00-5:30	10:00-2:00
North Branch 6355 379th St. 651-674-8443	CLOSED	10:00-8:00	10:00-8:00	10:00-8:00	10:00-8:00	10:00-6:00	10:00-4:00
Pine City 300 5th St. SE 320-629-6403	CLOSED	10:00-7:00	10:00-5:00	10:00-7:00	10:00-5:00	10:00-5:00	9:00-1:00
Princeton 100 S. 4th Ave 763-389-3753	CLOSED	10:00-5:00	12:00-7:00	10:00-5:00	12:00-7:00	10:00-5:00	9:00-1:00
Rush City 240 W. 4th St. 320-358-3948	CLOSED	CLOSED	10:00-7:00	10:00-5:00	12:00-5:00	12:00-5:00	10:00-1:00
Sandstone 119 N. 4th St. 320-245-2270	CLOSED	CLOSED	10:00-5:00	12:00-5:00	10:00-7:00	12:00-5:00	9:00-12:00
Wyoming 26855 Forest Blvd. 651-462-9001	12:00-4:00	12:00-6:00	10:00-8:00	10:00-6:00	10:00-6:00	CLOSED	10:00-2:00



CENTER *for* RURAL AFFAIRS

FEB 20 2018

Dear County Board Members,

The Center for Rural Affairs is a non-profit organization that advocates for policies that strengthen rural communities and connect them with a vibrant future. The Center has worked to bring new opportunities to rural America, including through the development of renewable energy. These projects have demonstrated significant potential to bring in new tax revenue, provide additional income for landowners, and bring temporary and long-term jobs to rural areas.

As new projects are being developed across the nation, it is important that developers and local officials work together with community members to identify and address concerns. The Center believes that it is essential that capturing these benefits of new development also includes ensuring that projects are built in a way that works best for local communities. One of the best ways to allow for renewable energy development, while addressing the concerns of local stakeholders, is through balanced ordinances.

Included with this letter is a short white paper that outlines common terms found in wind energy ordinances, requirements that counties have for the approval of projects, and recommendations for local officials. This document is meant to provide some basic analysis of the content that is typically found in ordinances and brief explanations or definitions to counties that are considering revisiting their ordinances or creating a wind energy ordinance. If you have had any experience with these issues and wish to share them, or have questions about issues regarding the siting of wind energy systems, please feel free to contact me.

Sincerely,

Lu Nelsen

Policy Program Associate

402-687-2103 ext. 1022

lucasn@cfra.org

INFORMATION GUIDE: WIND ENERGY ORDINANCES



Wind turbines are multiplying across the U.S., and most are installed in rural areas overlooking crops, cattle, timber, and lakes. Rural communities have experienced several benefits from the development of wind energy, but the growth of the industry has also presented a challenge in the form of local regulations that may be insufficient or out-of-date.

Wind ordinances on the city, county, and state levels may be hard to understand, whether you are an expert or just becoming familiar with the industry. The Center for Rural Affairs has gathered some helpful items to note when reviewing ordinances.



New ordinance application and project requirements, helpful recommendations, and key definitions found in this guide!



DEFINITIONS

Common terms found in wind ordinances include:

Wind Energy Conversion System (WECS) — a machine or mechanism that utilizes wind to generate electricity or mechanical energy. A WECS can be a single turbine or an entire wind farm.

Commercial/utility-scale WECS — wind systems with a total capacity of 100 kilowatts (kW) or greater.

Decibel (dB) — a unit of measurement used for the intensity of a sound.

Decibel A-weighting (dBA) — a measurement of sound using decibels that have been A-weighted. A-weighting is a frequency-dependent curve (or filter) which is applied to a sound pressure microphone to mimic the effects of human hearing. Given the same sound pressure levels, microphone recordings can be different than the levels perceived by the human ear.¹

Feeder circuits/lines — a power line or network of power lines used as a collection system to carry energy generated by a WECS to a substation or other interconnection point. These lines may be underground or overhead.

System height — refers to the height of a WECS, either the total height or the height to a specific part of the system. Total height is most often defined as the height of a WECS from the ground to the tallest point, usually the tip of a rotor blade.

Meteorological tower — a tower placed near a proposed project site which is used to measure the wind energy resource of the area.

Non-participating landowner — any landowner that has not signed a lease agreement with the project owner or developer, often adjacent to or near the project.

Occupied building — a residence or other building used for public gatherings or that contains human occupants. This definition excludes buildings used for storage, machine shops, and other structures that do not have human occupants for a prescribed length of time.

Operator — the entity or individual that operates a WECS facility.

Owner — the entity or individual that has ownership over a WECS facility.

Participating landowner — a landowner who has signed a lease agreement with a project owner.

Rotor — the hub and blade assembly of a WECS, which is responsible for converting the kinetic energy of wind. The blades of the rotor are pushed by the wind causing this assembly to rotate on its axis.

Residential/small-scale WECS — a system that often has a capacity of less than 10 kW or up to 100 kW. Residential and small-scale WECS may be in separate locations.

Shadow flicker — flickering shadows caused by the rotation of WECS rotor blades in front of a light source, such as the sun.

Substation — a facility used to convert electricity produced by a WECS to a higher voltage allowing for interconnection to high voltage transmission lines.

Transmission line — a power line used to carry electricity from collection systems or substations over long distances.

¹ Siemens Experimenter. July 28, 2016. "What is A-weighting?" <https://community.plm.automation.siemens.com/t5/Testing-Knowledge-Base/What-is-A-weighting/ta-p/357894>



APPLICATION REQUIREMENTS

County boards require applicants to submit information before they will consider a project. Boards may allow applicants to provide select information at a later date.

COMMONLY REQUIRED ITEMS	
1	Name of applicant.
2	Name of the project owner.
3	Description of the project — this should include the number of turbines, specifications for the turbines (such as height, capacity, manufacturer, model, etc.), locations for turbines and the substation, and proximity to homes and other structures.
4	Map of the project location and the surrounding area.
5	A decommissioning plan outlining the process for turbine removal and property restoration before an easement is returned to the landowner.
6	A power purchase agreement or other agreement for the sale of power generated from the facility.
7	Evidence of a transmission plan or agreement for the project.
8	Acoustical analysis of the project site. This measures sound/noise already present on the land, and provides a baseline for noise level limits that may be outlined in the ordinance.
9	A road use plan that outlines routes that will be used to transport equipment and workers. This plan should include an assessment by a county engineer of the selected roads, and a plan for repairing any potential damage caused to roads by heavy machinery or equipment. The county may also require a bond from the applicant to fix any damage that may occur.
10	Notices from relevant agencies showing the project will not be a hazard to electronic communications or air traffic.
11	Documentation of easement agreements for WECS and associated facilities, if necessary.



PROJECT REQUIREMENTS

Below are several requirements for siting, construction, and operation that are commonly found in ordinances:

- 1** **Setback requirement** — distance of a WECS from occupied dwellings, and in some cases, property lines. The requirement most often used is 1,000 feet. Turbine height is also commonly used to determine the setback distance, such as a formula of three times the height of a turbine for a setback. County officials may choose to allow some setback requirements to be waived if residents affected by the setback voluntarily agree.
- 2** **Noise limits** — county officials may create requirements for limits on noise generated by WECS, sometimes dependent on the location that would experience the noise, such as an occupied residence, a nonresidential structure like a school, etc. As previously mentioned, if county officials intend to place limits on noise, the baseline noise level at a project site should be established prior to construction. Limits should be similar to noise standards for other forms of development in the county. Typically, noise standards for WECS are 50 or 45 dBA.
- 3** **Shadow flicker** — a limit on shadows caused by a WECS at occupied structures. Most ordinances require projects to comply with an annual limit, typically no more than 30 hours annually for each structure. Roadways may also be included as areas with shadow flicker limits.
- 4** **Lighting** — lights are placed on individual turbines to alert aircrafts of their presence. County officials often require that projects at least adhere to Federal Aviation Administration (FAA) regulations regarding lights on turbines. Some officials choose to prescribe lighting that is in compliance with FAA guidelines but has less visual impact by requiring the use of special lighting systems that avoid continuous lighting. Operators would instead employ tools such as radar to turn on external lighting only when aircrafts are approaching.
- 5** **Site restoration** — requirement that a project site is sufficiently restored post-construction and prior to any property being made available again to the landowner. This includes removal of equipment and any waste generated by the project, as well as requirements that ensure there has not been significant soil compaction or other damages affecting normal operations on the property.
- 6** **Signage** — requirements for signs on WECS and associated facilities providing the project name, address, emergency contact information for operator/technicians, and warnings.
- 7** **WECS appearance** — county officials may make certain requirements for the appearances of a WECS. These standards often require that WECS are a uniform color(s), and limit the addition of logos or signage beyond the name and logo of the project or manufacturer.



RECOMMENDATIONS

We suggest residents and local officials take the following steps when drafting new zoning regulations or ordinances, and when they are approached about a wind farm near their community.

1

Consult experts on key issue areas in a proposed ordinance. For example, specialized equipment and training are required to effectively measure the potential impacts of a wind energy system on sound/noise, frequency, etc. Anecdotal evidence should not be substituted for expert guidance, as it does not provide a sound foundation for zoning standards.

2

Communicate with officials from neighboring or similar counties who have wind development experience. Officials can provide valuable insight and give examples of what has worked in the past, as well as assist in identifying useful items to include in an ordinance.

3

Encourage developers to hold community meetings to engage with members of the public early in the process of project development. The meetings should be an opportunity for developers to provide education on wind energy development, offer specific details about the project, and answer questions from local residents. Community members should also use the opportunity to share specific concerns.

4

Consider potential unintended consequences of ordinances and zoning standards. Items such as setbacks and noise limits can significantly limit the ability of project developers to site projects in a county if made too restrictive. The Nebraska Farmer's Union has prepared maps showing the effects of increasingly restrictive noise standards on wind development (on the next pages). Each map marks the location of homes and examples of the buffer area that would be required with each noise limit. These maps show how low acceptable noise standards make wind energy development increasingly difficult or impossible.

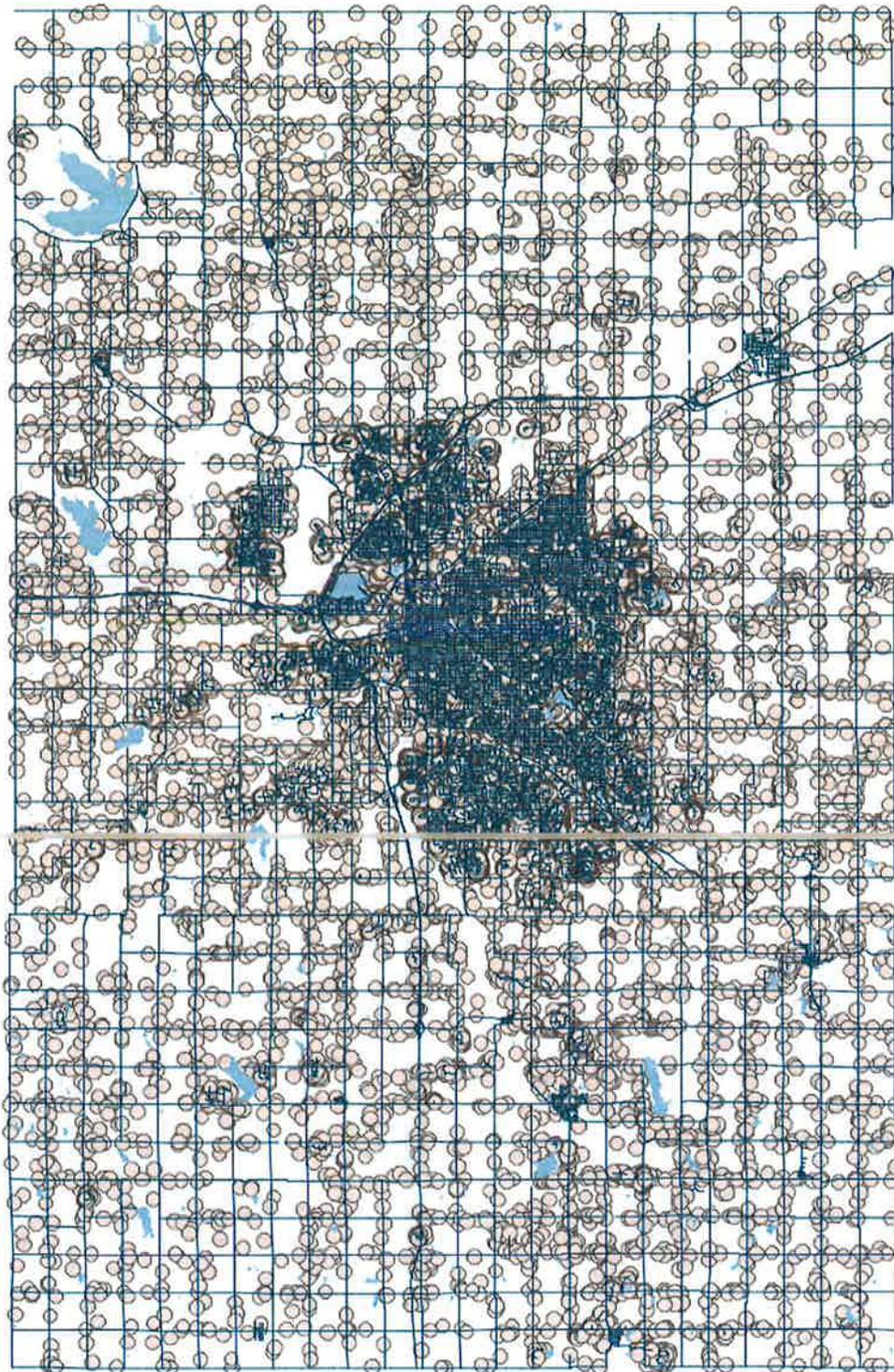
5

Counties should seek out ways to ensure developers address local concerns. For instance, a common requirement is that developers submit road use plans that include two items: clear measures for mitigating impacts to the local area and steps to repair any damage incurred during the construction of a project. Officials also sometimes require bonds for infrastructure, like roads, setting aside money from a developer to repair any damages caused by construction. Forming additional agreements like these will provide county officials and developers with clear expectations for the use of local land and infrastructure, as well as outline steps a developer or operator will undertake when repairing damages that may occur.



Lancaster County, Nebraska

1,000 foot buffer around each address point: 50 dB



98,521 Address Points
Road Centerlines and Lakes for reference

Lancaster County Engineering Department
Miles
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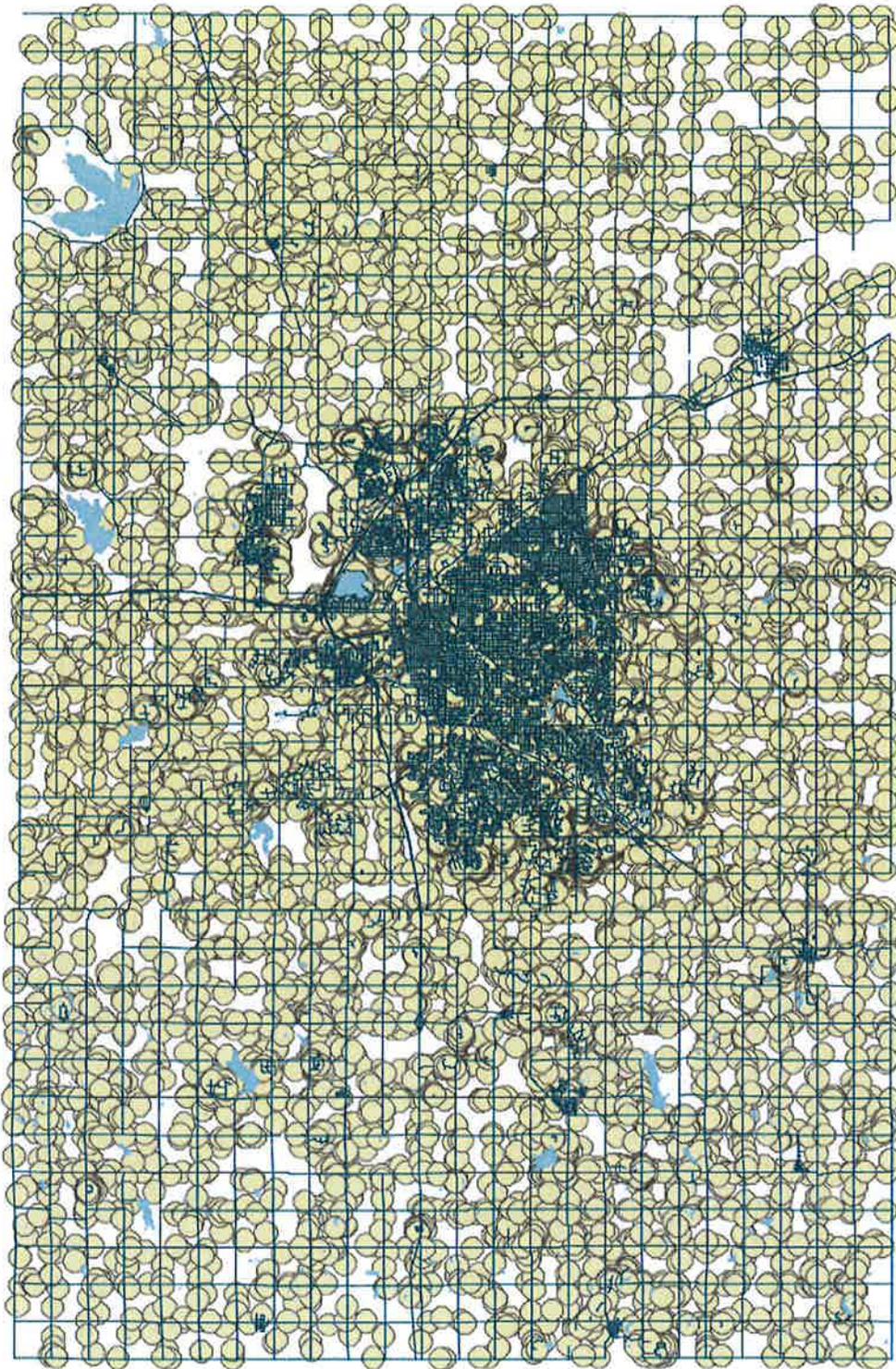
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Source: Nebraska Farmer's Union

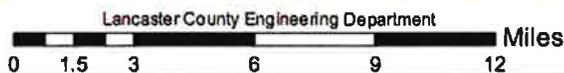


Lancaster County, Nebraska

1,600 foot buffer around each address point: 45 dB



98,521 Address Points
Road Centerlines and Lakes for reference



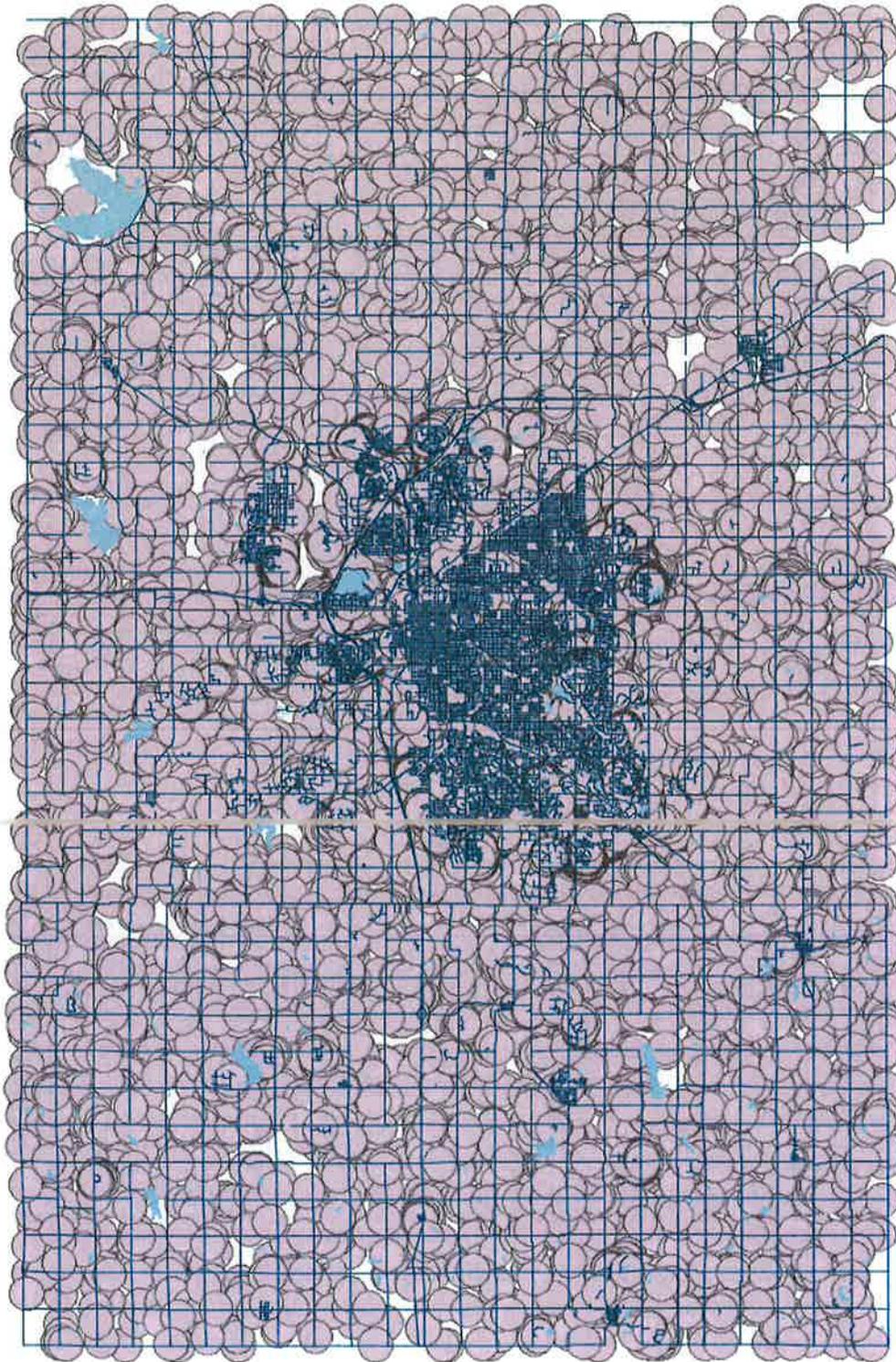
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Source: Nebraska Farmer's Union

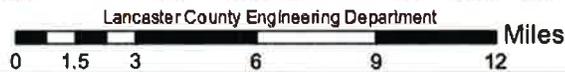


Lancaster County, Nebraska

2,450 foot buffer around each address point: 40 dB



98,521 Address Points
Road Centerlines and Lakes for reference



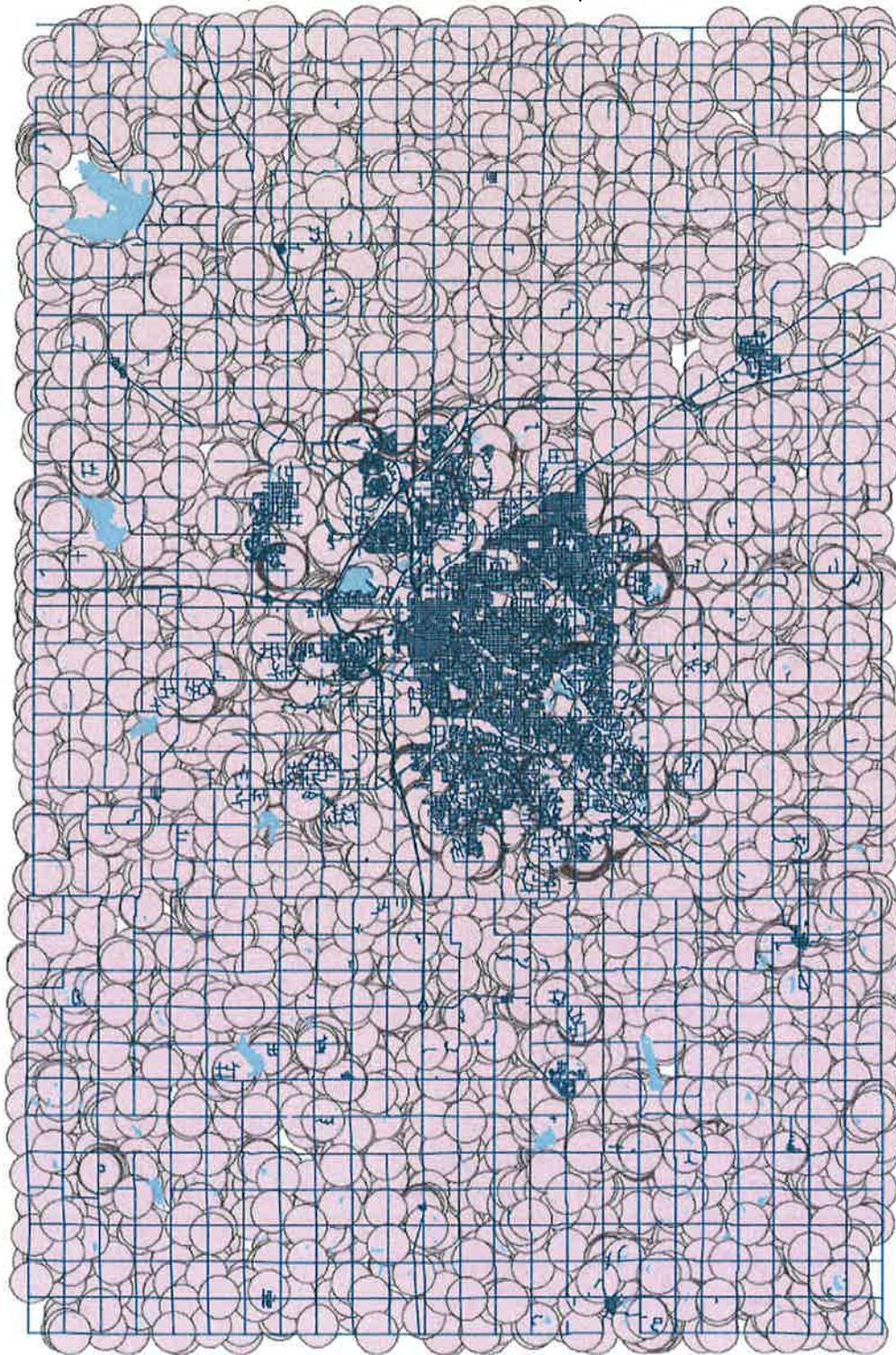
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Source: Nebraska Farmer's Union

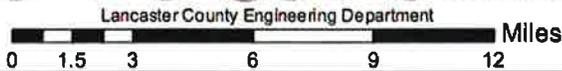


Lancaster County, Nebraska

3,100 foot buffer around each address point: 37 dB



98,521 Address Points
Road Centerlines and Lakes for reference



ehubl 11/5/2015

Source: Nebraska Farmer's Union



