RESOLUTION #26-01

Authorizing Emmet County to Enter into a Settlement Agreement with Redrock Wind Project, LLC

WHEREAS the Board of Supervisors of Emmet County, Iowa is the body constituted under Iowa Code chapter 331 to perform certain prescribed governing duties on behalf of Emmet County, Iowa, including the pursuit, settlement, or defense of legal claims by or against the County,

WHEREAS Redrock Wind Project, LLC ("Redrock Wind") is the owner and developer of a Commercial Wind Energy Device ("CWED") generating facility in Emmet County, Iowa as well as neighboring Dickinson County and Clay County, Iowa ("the Project"),

WHEREAS the Emmet County Board of Adjustment denied Redrock Wind's application for a conditional use permit on December 2, 2024,

WHEREAS Redrock Wind filed a petition for writ of certiorari and declaratory judgment action challenging the denial of the permit and seeking monetary damages against Emmet County in Emmet County Case Number CVCV023131 (the "Lawsuit"),

WHEREAS Redrock Wind asserts that it has acquired a vested right to complete the Project under the terms of the Wind Energy regulations of Article XVI of the 2013 Emmet County Zoning Ordinance (the "Wind Ordinance") based on its actions taken in furtherance thereof, including substantial expenditures that were lawfully made and the completion of substantial development work,

WHEREAS the Board of Supervisors has retained counsel to defend the County against the claims alleged in the Lawsuit and negotiations through said counsel to resolve those claims have been ongoing for several months,

WHEREAS the negotiations have resulted in a proposed settlement of the claims against the County and the terms of that proposed settlement have been set forth in a written Settlement Agreement that has been provided to the Board of Supervisors prior to its consideration of this Resolution,

WHEREAS the Settlement Agreement provides, among other things, for the imposition of additional limitations and restrictions on the siting and operation of the Project —including but not limited to increasing the minimum allowable distance between turbines and non-participating residences, reducing the number of turbines to be constructed for the Project, and imposing shadow flicker restrictions—and that the Board of Supervisors has determined will offer more protection to the interests of the County and its residents than would the Wind Ordinance in place in December 2024,

WHEREAS the Settlement Agreement shall enable Redrock Wind to construct, operate, and maintain the Project consistent with the terms of the Wind Ordinance, a road use agreement, a decommissioning agreement and Redrock Wind's permit application,

WHEREAS the Settlement Agreement will result in the dismissal of Redrock Wind's claims for Declaratory Judgment – Vested Rights, Bad Faith (Count II of the Lawsuit) and Damages – Vested Rights, Bad Faith (Count III of the Lawsuit) pending the fulfillment of its obligations stated therein,

WHEREAS the County will receive the benefits associated with the Settlement Agreement only if the County approves and executes the Settlement Agreement and performs certain actions it will be obligated to perform upon becoming bound by the Settlement Agreement,

WHEREAS the intent of this Resolution is to authorize the County to enter into the Settlement Agreement by approving and executing the Settlement Agreement and performing certain obligations provided therein,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Emmet County, Iowa sitting in session this 2nd day of January, 2026, that it hereby approves and authorizes the settling of the claims alleged in the Lawsuit against the County and the release of any claims the County may have against Redrock Wind relating to the subjects of the Lawsuit in exchange for the consideration set forth in the Settlement Agreement by taking the following measures:

1. The execution and delivery of the Settlement Agreement and any and all documents necessary to effectuate the same, including the road use agreement, the decommissioning agreement and the drainage easement and agreement included in the Settlement Agreement, to Redrock Wind,

2. File a pleading in the Lawsuit agreeing that the district court should modify the Board of Adjustment decision to issue the Conditional Use Permit to Redrock Wind without additional conditions.

3. Acknowledging that approval of applications for building permits, utility permits, entrance permits, and permits for performing work in county highway right-of-way are ministerial acts and directs the Zoning Administrator to promptly issue such permits upon receipt of applications for them substantially consistent with reasonable practice in Emmet County, Iowa.

4. Acknowledging that the threshold to establish vested rights for the Project has been met by Redrock Wind pursuant to the application, Ordinance, studies, activities, and expenditures by Redrock Wind as of this Resolution and that will be ongoing following the execution of this Agreement.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Adopted by the Emmet County Board of Supervisors this day 13th of January, 2026.

Emmet County Supervisors:

Lisa Hansen

Tim Schumacher

Todd Glasnapp

John Pluth

Abstain
Jeff Quastad

ROXANNE E. BUDACH
Commission Number 857385
My Commission Expires
July 18, 2027

Roxanne Budach
ATTEST:
Roxanne Budach, Emmet County Auditor's Assistant

Vote:
Hansen- aye or nay or absent

Schumacher- aye or nay or absent

Glasnapp- aye or nay or absent

Pluth- aye or nay or absent

Quastad- aye or nay or absent Abstain