

## Minutes of Planning and Zoning Commission Meeting

June 26<sup>th</sup>, 2024

Approved minutes

### Call to Order

The meeting was called to order at 6:00 p.m. in the EOC at the Court House.

Commission members present: Dean Tjaden, Ben Rottinghaus, Pam-Erbe-Lines, Guy Carpenter, and Candi Brandau-Larson. County staff that were present were Jen Solomon (Zoning Administrative Assistant), Jessy Willadsen (Zoning Administrator)

Also present was John Robbins NIACOG along with those named in the attached sign-in sheet.

### Approval of Agenda

A motion to approve the agenda was made by Rottinghaus and seconded by Erbe-Lines. The motion was unanimously approved.

### Approval of Minutes

The Chair asked if there were any corrections to the May 29, 2024 Minutes. Brandau-Larson commented correction of who discussed section 1 (4) Commercial Wind Energy Conversion System definition. Minutes stated it was Candi and it was Pam. A motion to approve the amended minutes from May 29<sup>th</sup>, 2024, was made by Carpenter and seconded by Brandau-Larson. The motion was unanimously approved.

### Public Hearing: Consideration of proposed amendment to the Floyd County Zoning Ordinance (Ordinance 2011-2)

#### “AN ORDINANCE AMENDING THE FLOYD COUNTY ZONING ORDINANCE (ORDINANCE 2011-2) REGARDING PROVISIONS REGULATING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (C-WECS) AND BATTERY ENERGY STORAGE SYSTEMS (BESS)”

Dean Tjaden began the Public Hearing by summarizing the history of the process to date, including 3 workshops and 3 public listening sessions that were open to the public. Tjaden stated expectations of the decorum for the Hearing and the public in attendance. Tjaden officially opened the Public Hearing.

### Public Comments

John Robbins explained his role as being hired by the Floyd County Supervisors to assist with the Ordinance Amendment, what is currently in the Ordinance, the role of the Planning & Zoning Commission, and the process from now on.

#### Cala McGregor comments:

Stated that there is a concern from members of the Floyd County residents that there is a lack of awareness of the amendment process. She presented the Butler County Wind Ordinance and highlighted certain requirements from that Ordinance. She mentioned the setback is 1640 feet from participating property lines and 1800 feet for non-participating property owner lines. Floyd County has high-quality farmland that is meant to be farmed. There are 33 county parks that she requested to have ½ a mile to 1-mile setbacks to the park property lines. Cala also requested to have a 40-decibel noise limit.

#### Scott Larson comments:

Scott requested property value guarantees and claimed there was not enough insurance. Also discussed need for fire suppression equipment, requesting 1 million in an escrow fund for use in a disaster, and requested ice sensors. Scott requested drainage protection and that tile lines be undisturbed. He said

that the 50-foot setbacks are not good enough for battery storage and that he wants to make sure bald eagles are protected.

**Pat Merfeld** comments:

He supports clean energy and getting away from fossil fuels. He stated that electrical demand is increasing and not decreasing. He requested that the setback be 2 times the tower height. Pat investigated on his own the questions on the impact on the environment. He found that there were no concerns about the environmental impact of the wind turbines.

**Alan McGregor/ Steve McGregor** comments:

He stated there are groundwater karsts and sinkholes that may affect the base of the turbines, and that wind farms will negatively affect the scenery.

**Christy Laube** comments:

She stated the positive financial benefit to the County and the increase of our tax base and tax revenue. She stated that this is a renewable energy source. The quarry near them took many acres of farmland out of production for mining.

**Barbara Lien** comments:

She stated that the profits from the wind turbines are not going to lowans. The Iowa farmers feed the world and turbines decrease land values. She said that all wind farms care about our federal tax dollars. Also mentioned were possible environmental and health concerns. Barbara added that there are economic misconceptions, and they are short-lived, stating that wind companies are in it for profit.

**Dan Miller** comments:

He stated that he is in favor of the wind turbines and that each turbine only takes up 1 – 1 ½ acres of land. Nobody is complaining about the MidAmerican wind farm with a 1200 ft setback.

**Dean Tjaden** read a letter from Margaret Hoel stating concerns as follows: Compacted soil, increase in noise, fire damage, and negative wildlife impact. She wants a 1-mile setback.

**Dennis Westergard** comments:

Wind turbines will damage the landscape.

**Tim Fox** comments:

Tim wants a compromise between the parties. There is economic development benefits during construction and maintenance technician jobs after the wind turbines are built. He discussed property tax income for the county and there is no eminent domain as they are all voluntary for property owners.

**Doug Groshens** comments:

Against the wind turbines due to quality of life, noise, and shadow flicker. Mentioned that it is not fair that cities get the 1-mile setback yet only 1500 ft setback in the county. He also mentioned that aerial spraying around turbines can be problematic.

**Chuck Souder** comments:

Talked about the hearing-impaired people can get sick from turbines. Also damage due to drain tiles from heavy cranes during construction.

**Cal Schultz** comments:

Letter to Planning & Zoning supporting turbines and requesting a 1200 ft. setback.

**Roxann Bjelica** comments:

Most of the people that are signing the contracts do not live on the property.

**John Merfeld** comments:

I am not an absentee owner and recommend that 1200 ft and 2 times the height would be acceptable.

**Cathy McGregor** letter:

Was contacted by Invenergy who said they were not interested. Wants more setbacks such as ½ a mile to 1 mile. Wants the DNR and Conservation to be involved. The decommissioning plan requires the base to be removed at 4 ft below grade and wants the tower base to be removed to 6 ft below grade.

**Isaac Lampa** from Invenergy answered questions – plans are for a 180-megawatt wind turbine farm and will start building in 2027. They are presuming 4.5 megawatts per turbine with around 40 turbines and the height of the turbine will be 500 to 600 ft.

**John Robbins** answered a question about decommissioning and an escrow account to be required that would be reviewed every 5 years.

**Mason Kolbet** comments:

Wants at least ½ mile setback from an animal facility and at least 2000 ft from any property lines.

**Mark Radar** comments:

Turbines will affect animals and the soil where turbines are built will never be the same.

**Merlin Bartz** comments:

Family generational farmer says farmers need income to remain profitable and would like to consider 1200 ft and 2 times the height setback.

**Travis McCloskey** comments:

The lifespan of a turbine is 20 years. Would like \$500,000 per turbine to decommission and \$100,000,000 to decommission the whole wind turbine farm. Dean responded that wind turbine companies are paying for the decommissioning and not the county. John Robbins said they will be 100% covered and that they can also be repowered after 20 years.

Questions on damage to the land during construction, who is going to pay for this? Isaac said that there is a landowner's agreement and they will be compensated and there would be provisions in the agreement. Dean said in the Ordinance that there are minimum requirements, but the property owners could have their own agreements.

**Dustin Straube** comment:

His concern is on who pays the property taxes. John Robbins said that the taxes for the turbines are considered "building on leased land" thus all increased property taxes will be paid by the wind turbine developer.

**Cayla McGregor** stated that the Chickasaw County's setback should be been 125% instead of 115% from the property lines.

**General Comments from the public:**

That if property taxes would go up Invenergy would cover the difference.

Private property owners can still hunt on their land.

Isaac said that property owners can do whatever they want with the land but not damage the turbine.

Dean said that a lot of this is between the landowner and the turbine company.

Stray voltage was brought up as a concern. Isacc responded that the underground voltage would be 34.5 kilovolts.

Dean asked the public if there were any more comments. John did answer the question about the 1-mile city setback which was due to allowing for city expansion.

**Rhonda Groshens** was concerned about underground contamination regarding battery storage and would like to have studies done. John said that battery storage would have containment measures.

Comments were made concerning the foundation of the turbine and Isaac said the foundation is about 10-12 feet deep.

**John Zimmerman** comments:

Former Butler County Supervisor asked about tax revenue. Ben read the letter from the County Assessor explaining tax revenue. Dean stated that tax rates are regulated by the state and taxes are prorated over 7 years up to 30% of the total value of the turbine.

Questions were asked about stray voltage and Dean answered that all electrical installations must comply with electrical code regulations that are Federally controlled.

**Gordon Boge** comments:

He does not want turbines on his farm. He mentioned that farm equipment is getting bigger not smaller. He wants the Butler County Ordinance to be looked at for input.

**Arlow Bates** comments:

He wants participating and non-participating property owners to be covered by setbacks. He recommends 1200 or 2 times the height of the tower.

**Adam Sears** Letter:

Floyd County Conservation Board recommends ½ mile from conservation areas. Also recommends that the Zoning Commission follow the US Fish & Wildlife rules.

**Heidi Reams** comments:

Wants natural resources protected (such as campgrounds and tourism areas). She indicated that turbines close to camping areas may affect the tourism industry.

**Mike Carberry** comments:

He does not live in Floyd County but recommends that the Zoning Commission approve the Ordinance the way it is currently written.

**Jen Daffie/David Stewart** letter:

They do not live in Floyd County but do have property in the county. They support the wind turbines and recommend setbacks at 1100 to 1200 ft.

**Rhonda Groshens** comments:

Wants the setback to be greater than currently proposed.

**Isaac Lampa** Invenergy comments:

Does not live in Floyd County. Wants setback to be 1200 ft. Tax revenue for the county would be 70 million over 40 years and 100 million in payments over 40 years to the property owners. Scientific research on negative health effects is very limited. Turbines, relative to solar farms, do not take up much farmland.

**Colleen Shanks** comments:

Wants a setback further and does not like the noise or shadow flicker.

**John Vetter** comments:

Made a point that losing land to other things like schools, factories, and highways takes up more land than turbines. Also, the noise with the semis going through the county is much worse than the turbines. He supports the turbines and 1200 ft setback.

**Ben Johnson** comments:

He is not for or against wind turbines, but he does not want one ½ - 1 mile from his backyard. The new turbines are a lot taller than the Mid-American turbines.

**Brian Ott** comments:

Supports the turbines but does not want to infringe on neighbors.

**Tom Treharne** – Nextera Energy comments:

Benefit of tax revenue, their company wants to be active in Floyd County and wants to be a good neighbor. He wants the 3-times tower height setback reduced.

**Andy Johnson** comments:

Doesn't live in Floyd County but farms land in the county and doesn't want turbines put up by any ground that he operates in the County.

**Colleen Shanks** comments:

Questioning where the electricity is going. Ben from Planning and Zoning answered her question that the power will go into the grid and Dean added that this is Federally controlled.

**Cayla McGregor** comments:

She wants to know the plans from wind turbine companies.

**Mike Shanks** comments:

Wants to know if the underground electric lines can cross property. Isaac indicated they would need an agreement with the property owner. Mr. Shanks did say the Avenue of the Saints project was a government project and this project is not.

Being that there were no other comments from the public, the Chair Dean Tjaden closed the Public Hearing and asked for input from the Commission.

**Commission** comments:

John commented on lighting, and how the regulations interfere with FAA requirements. John provided amended language to the Ordinance that does not interfere with FAA requirements. Chairman Tjaden stated that all changes should be either approved or denied on an individual basis. Motion to approve FAA verbiage changes. A motion was made by Rottinghaus and seconded by Carpenter. All members of the Commission approved- motion carried.

A waiver discussion on what gets recorded to exclude financial arrangements: Isacc did say that Invenergy includes the finances in the easement. Rottinghaus made a motion to waiver evidence to be recorded instead of the whole waiver which was seconded by Erbe-Lines. All members of the Commission approved- motion carried.

The next discussion regarded setbacks. The question was asked of John on what setbacks should be and John stated that it was not his decision, and he chose a compromise. The discussion revolved around 1500 ft and 3 times the tower height of the dwelling or occupied building. After much discussion

on setbacks a motion by Carpenter for a 1500 ft setback and 2.25 times the tower height was made and seconded by Erbe-Lines. A discussion was then opened to the public. Cayla McGregor commented that she did not want to reduce the setback and tower height. Mr. McGregor asked if shadow flicker would reduce property value. Merlin Bartz mentioned that increasing to larger setbacks might take out a small farmer's ability to have a turbine. Dean called for a roll call vote.

Roll call Rottinghaus, Erbe-Lines, Tjaden, and Carpenter were yea's (4) and Brandau-Larson was a nay (1). Motion carried.

Guy questioned about CRP ground and does that call for a Conservation setback. John said no, just the county-owned property. Dean said that the Board of Adjustment can change the setbacks on individual applications.

Brandau-Larson brought up wanting a CSR limit on where the turbines could be located. Dean mentioned that he does not want to penalize property owners for having good farm ground and wants to possibly enter into an agreement with the wind turbine companies. A discussion was held amongst all Commission members and the consensus by majority of the board was not to put a CSR limit into the Ordinance.

Brandau-Larson brought up about a maximum height on turbines. A discussion was held and the consensus of majority of the Commission was not to restrict the height of the turbines.

Discussion on how much liability insurance should be required. The consensus of the Commission was to have the Board of Supervisors investigate this further since this is regarding the financial exposure of the County.

A discussion was held on requirements for fire suppression systems to be on turbines. Isaac indicated that there are no fire control systems available because it is more of a danger for the workers on the turbines than to just let it burn. John said that turbine companies are required to work with the EMA Coordinator in the Ordinance. The consensus by the Commission was that a fire suppression system would not be part of the Ordinance.

Chairman Tjaden asked for a motion to approve all changes that were discussed and approved by the Commission after the Public Hearing was held. The amended Ordinance would be presented to the Board of Supervisors, with a recommendation to review the liability insurance. A motion was made by Carpenter and seconded by Erbe-Lines. Dean called for a roll call with Rottinghaus, Erbe-Lines, Tjaden, Carpenter, and Brandau-Larson all approving. Motion carried.

Dean called for Adjournment.

Adjournment: At 9:15 p.m.

Zoning Administrator Minutes were taken by Jessy Willadsen and Jen Solomon.