

Floyd County Board of Supervisors and Zoning Commission Joint Meeting
February 21, 2024, 6:00 p.m.

The Floyd County Board of Supervisors and Zoning Commission met at the EOC/Training Room at the Floyd County Courthouse with the following in attendance: Board of Supervisors Mark Kuhn, Dennis Keifer, and Jim Jorgensen and Zoning Commissioners Dean Tjaden, Pam Erbe-Lines, Ben Rottinghaus, Guy Carpenter and Candi Brandau-Larson.

Supv Jorgensen/Supv Keifer moved to approve the agenda. Motion carried 3-0.

Commissioner Rottinghaus/Commissioner Erbe-Lines moved to approve the agenda. Motion carried 5-0. Zoning Commission chair Dean Tjaden introduced Commissioners Brandau-Larson, Rottinghaus, Erbe-Lines, and Carpenter

John Robbins, North Iowa Area Council of Governments Senior Planner, informed attendees of the purpose of this meeting being dedicated to gathering public input on the amendment to the county zoning ordinance specific to large scale utility wind systems.

The commentary video "Blown Away: The People Vs Wind Power" A Tucker Carlson Film – YouTube was played.

Julie Kuntz, Cerro Gordo resident, presented information including handouts of the US Fish and Wildlife Service Land Base Wind Energy Guidelines to promote effective communication between among wind energy developers and federal, state and conservation agencies and tribes, a 2018 Iowa Department of Natural Resources letter stating recommendations to avoid wildlife and other natural resources, a subsequent DNR letter dated June 7, 2019 giving specific recommendations for a Worth County project area, and five maps in that project area identifying: 1) woodland, grassland, water, and buffer areas, 2) not permanently protected wildlife areas and other public lands, 3) prairie potholes, 4) eagle nests, and 5) an overlay reflecting all maps which represents no area suitable for the project. Other documents provided were a conclusion from the developer, Invenergy, stating industry accepted setbacks to protect sensitive areas with a map of Worth County project area with their appropriate turbine locations. Kuntz suggested recommendations for Floyd County's ordinance including setbacks for noise and shadow flicker being at the property line, let non-participating property owners negotiate noise and shadow flicker with the developer, low noise setbacks, values to decommission turbines with developers paying upfront, fire suppression systems with consideration of distance of debris, radar activated lighting systems, and drainage systems. In respect to a question regarding sound, Kuntz referenced two public health boards that declared noise from industrial wind turbines as human health hazards, scientific journal/peer reviews stating physiological health impact, reports of sea sickness like symptoms or nausea and reports of persons with cochlear implants, special needs children, and persons on the autism spectrum being adversely affected. LMAX is a decibel descriptor measuring sound people complain about more rather than LEQ. Worth County hired a specialist to advise on sound. Kuntz advised reading a paper called *Punch and Jane*.

Mason Kolbet commented on his wife and two children with hearing impairments. His children are not able to visit a friend's home with a turbine approximately 1,300 feet from the house. What was originally thought to be the turbine vibration that affects the children, Kolbet since believes it is the sound.

Kala McGregor mentioned the average age of a landowner is 65 and is concerned for her three little girls and their future. Wind turbines go across CRP ground, waterways and wherever they want to go, and take out trees and fence lines. Landowners should make sure they are getting a price they are comfortable with. McGregor mentioned there are not going to be a lot of young people buying land at \$15,000/acre; a lot of land is being bought out by foreign investors. When asked where the energy is going that is produced in the county; Mike Carberry, Bright Future Iowa representative, mentioned electricity gets on the grid and gets off the grid as soon as it can to be used as soon as it can. A contract may be held in Chicago to get electricity off the grid, but the electricity will go off as soon as it can, maybe in Floyd County, a neighboring county, or in Dickenson County. Bright Future Iowa is a consulting company that advocates for renewable energy including good policies, proper setbacks, good decommissioning plans; they do not work for the developers or energy companies.

Scott Larson mentioned five lobbyists representing Nextera and Invenergy lobbied for Iowa Senate Study Bill #3169 to take control away from the local governments with developing their ordinances and giving it to the state; the bill was shot down. Robbins commented that he didn't think the bill was stripping all local government rights but would have State set maximum setbacks, such as from a residence, decommissioning plans and other

elements related to development. Kuhn reminded that the county has a moratorium in place to allow time to craft an ordinance; the board still believes an ordinance is positive, protects our agricultural base and provides for those living next to a turbine from being negatively impacted. Kuhn is glad the bill did not make it through the filter and the Board will continue to draft an ordinance as we are allowed to do so today.

Jeff Gorbball, Worth County Zoning Commissioner, suggested the county consider sound, flicker and safety. With sound, he recommends the sound measure of dBC versus dBA, as it more closely matches what humans hear and it treats the loudness of frequencies at all levels. Shadow flicker could be quieted for the turbines for 20-30 minutes for 50 or so times a year that the flicker would happen on people's homes. The radar enabled lights help many people. Setbacks should emphasize safety, including safety from turbine fires, casting from fractured blades, and fluid leakage. A mechanism should be in place for the property owners to consider a waiver.

Ben Swartzock questioned if the ordinance will dictate where one company and another company can build and if the areas would intermingle. Robbins responded the ordinance would not dictate to a certain company or identify an area where turbines could not be placed but would establish rules for each company to abide by. The companies are regulated by the Iowa Utilities Board for approval to tie in to the grid.

Luke Seaberg, Iowa State University Extension Outreach/Community and Economic Development Extension field specialist, commented he is responsible for land use planning and zoning. Seaberg is the point of contact for Floyd County and is glad to assist with any issues if the county would like to engage his services.

Boyd Campbell questioned the liability if there is a fire. Robbins responded that he cannot speak to who is liable, but the ordinance could have a requirement for the developer's liability. Jorgensen commented that the fire chiefs are interested in knowing "who lit the match", which he believes is who would be liable. Wendy Fullerton questioned what would happen if the company is no longer the owner. Robbins mentioned procedures requiring conditional or special use permits or special exceptions with the developer which is inherited by future owners. Surety bonds or other financial security will be required and should be periodically updated or renewed, such as every three years.

Mike Klink, Croell employee, has worked on four wind farms and addressed a question on how much concrete is required for a turbine. The mat below the base is approximately 35 yards of concrete, the average base is about 600 yards, and the pedestal is about 40 yards. There is nearly 700 yards of concrete pending, the size of the turbine, plus rebar and there may be more concrete for additional stabilization.

Kuhn read a letter from Patrick Merfeld, a county resident within two miles and works within a mile of a turbine. Merfeld claims of having no negative experiences, no ill effects or sleep disorders due to shadow flickering, and has not heard of any fires, accidents or negative environmental effects associated with the Floyd County MidAmerican Energy wind farm. The letter lists references that counter opponents of turbines related to: 1) turbines being the major cause of eagle deaths as not true; 2) turbines killing other wild forms of life, such as bats, is true; however, studies are currently in place to mitigate such concerns; 3) wind turbines are the cause of fires is rare and newer turbines have mitigation features installed such as lightening protection systems that further enhances fire safety record; 4) shadow flick is caused by wind turbines is true, as are semi-trucks and clouds, but there are no connections of effects on human health other than they may be annoying; 5) turbine generated infrasound causes negative neurological effects on human beings has been proven to not be true; 6) turbines throw ice as a result of shedding is true, but can be managed with blade speed, weight and size of ice, and the position of the blade when ice is dislodged. In summary, Merfeld believes wind turbines are essential in producing clean energy, freeing us from reliance on fossil fuels, and recommends section VII, subsection W and X of the current ordinance not be amended with the exception of increasing the setbacks for distance of the tower from the current 115% of total extended height to 150% in order to adequately manage ice shedding.

Larry Bortz suggested the board makes sure the turbines don't encroach non-participating landowners, have an escrow account in order to remove turbines if the time comes, and likes the idea of the radar-controlled lights. Bortz found it interesting in his contract for raising seed beans that there is a setback from turbines, which is due possibly to electrocution.

In response to the height of a plane to turn on the radar-controlled lights, Robbins responded that it is in a proximity of miles, possibly three miles. Merlyn Bartz, Invenenergy representative, added in addition to the Federal Aviation Authority requirements, there is also a consultation with the Federal Communications Commission. Bartz will have Invenenergy staff provide information to Robbins on what was provided for Adams County.

Kuhn read a letter from John Merfeld who is in favor of maintaining the status quo of the current ordinance, encourages the safe expansion of clean energy and the revenue it generates, and provided his positive experiences with compensation for damages with a MidAmerican Energy collection line during construction and two subsequent years. Knowing farm profits are inherently unpredictable, wind energy offers landowners the opportunity to diversify farm income with a reliable source of income and Merfeld is in the process of signing four farms in the Marble Ridge project area. Floyd County residents benefit from the increase in property tax base and associated revenue provided by new construction of wind energy infrastructure, which could be directed to existing county expenditures to reduce the property tax burden for all county taxpayers.

Tom Treharne, Nextera representative, hopes the crafted ordinance provides opportunity for development that works for everyone, protecting the private property interest but also provide the opportunity for economic development and future expansion of wind energy. Nextera's project employs local people to support the project.

Roger Mulcahy inquired on the timeline of the project and concerns of the proximity of turbines to his air strip. Treharne mentioned the setbacks to air strips and their required compliance. Isaac Lamppa, Invenergy representative, will provide a map and mentioned their construction is south of Hwy 18 and south and west of Charles City with construction not starting until 2027. Bartz mentioned he has been by Mulcahy's airstrip and land use for separation distances from Mulcahy's, as well as the municipal airport, will be taken into consideration.

Fullerton commented that the companies visited with property owners prior to the county getting involved and wonders what happens if the county wants something different than the developers. Kuhn responded the county's moratorium does not allow the permitting of turbines, but the county has no control over landowners signing agreements with the developers; agreements signed by the property owner and developer will be bound by any changes in the ordinance recommended by the Commission and approved by the Board. Robbins added that it is typical for the developer to negotiate an agreement with landowners as the developers works to see if a project is feasible. Klink mentioned that the project in Boone took about 10 years before they started construction.

Gorball commented on the technology for aircraft radar-controlled lights has been around almost 15 years. Gorball mentioned Farm Bureau suggested six feet removal of concrete, rather than four, for decommissioning.

Larson asked if any information on setbacks on wildlife has been provided by the DNR. Robbins referenced a letter a landowner provided and they are the county is still studying how to proceed.

Robbins is working on an ordinance draft for wind energy systems as well as battery storage that would be in effect countywide. Kuhn mentioned there has been competing interest in the ordinance at today's meeting and welcomes public input. Robbins will be meeting with the Zoning Commission, possibly on March 7, and then with the Board, likely March 11, to review if more feedback needs to be gathered, the understanding of the process, and how to move forward with considering an ordinance. Tjaden mentioned the zoning meeting is a public meeting, but will be for discussion among the commissioners and Robbins.

Keifer/Jorgensen moved to adjourn the meeting. Motion carried 3-0.

With no further discussion, the meeting for the Zoning Commission was adjourned.

Minutes respectfully submitted by Gloria Carr, Floyd County Auditor.