

BOONE COUNTY ZONING COMMISSION MINUTES
JUNE 25, 2018
6:00 P.M. – BOONE COUNTY FAIR GROUNDS, ERB CENTER
1601 INDUSTRIAL PARK RD, BOONE, IA

I. OPEN MEETING AND ROLL CALL

Robert North	Carla Barnwell	Eric Crosman
Charles Kostelnick	Marilyn Jordan	Jan Danilson
Lance Stumbo (Chairman)	Kim Houlding	Gary Luna

Present: Lance Stumbo, Charles Kostelnick, Kim Houlding, Jan Danilson, Gary Luna, Carla Barnwell, Marilyn Jordan, and Eric Crosman

Absent: Robert North and Gary Luna

Also Present: Janice Froning & Dan Froning and JoAnn Korpi

II. APPROVAL OF MINUTES

Monday May 21, 2018

Marilyn Jordan moved to approve the minutes from May 21, 2018

Seconded by Eric Crosman

Motion Carried

III. APPROVAL OF AGENDA

Kim Houlding moved to approve the agenda

Seconded by Eric Crosman

Motion Carried

IV. DISCLOSE CONFLICT OF INTEREST AND EX-PARTE COMMUNICATION

A. None

V. CITIZENS COMMENTS ON ITEMS NOT ON THE AGENDA (ADDITIONS TO AGENDA)

A. None

VI. OPEN PUBLIC HEARING(S) AND CONSIDERATION OF APPLICATION(S)

A. None

VII. CONSIDERATION OF SUBDIVISION PLAT APPLICATION

A. Preliminary Plat - Janice Froning f.k.a Janice Emerson – Amaqua Estates

Chairman Lance Stumbo asked for any public comments of which there were none.

Stumbo next asked if Director Mike Salati had any comments in regards to the preliminary plat.

Director Salati noted that the Board of Supervisors had approved the request to rezone the property from A-1 (Agriculture Conservation) to R-1 (Rural Residential).

Next Chairman Lance Stumbo asked for any other comments from the applicant Janice Froning.

Ms Froning stated she believed the Zoning Commission Members had all the information they needed.

Chairman Lance Stumbo closed the public hearing at 6:35 p.m.

Stumbo next asked for any questions or comments from the Zoning Commission members of which there were none.

Eric Crossman moved to recommend Board of Supervisors approval of the preliminary plat for Amaqua Estates submitted by Janice Froning.

Seconded by Marilyn Jordan

Eric Crossman—yes
Marilyn Jordan—yes
Carla Barnwell—yes
Lance Stumbo—yes
Charles Kostelnick—yes
Kim Houlding—yes
Jan Danilson—yes

Motion Carried

VIII. UNFINISHED BUSINESS

- A. None

IX. NEW BUSINESS

- A. Discussion and public input regarding possible revisions to the existing Commercial Wind Turbine regulations

Chairman Lance Stumbo discussed the proposed changes, he stated they had also decided to get additional input from the public before proposing the changes to the ordinance.

Joann Korpi was present to speak in regards to the proposed regulations. Korpi stated she was married to someone who was suffering from the effects of the wind turbines and the infrasound which they produced. Korpi stated the effects were worse when the ground was wet or frozen hard.

Charlie Kostelnick questioned how the distance to the nearest wind turbine.

Joann Korpi stated the nearest tower was over a mile away.

Korpi stated it was frustrating to watch her husband suffering.

Kostelnick asked Korpi if she had heard any comments from their neighbors.

Korpi stated she had heard complaints in regards to the red flashing lights at night.

Kostelnick questioned whether that affected them in their home.

Korpi stated they only had one room which faced west and that was her sons bedroom.

Kim Houlding questioned where the infra sound was coming from she questioned whether it Was coming from the air or from the ground.

Korpi stated they were not trying to make trouble.

Kim Houlding noted that property owners had the right to enjoy their property.

Eric Crosman noted that many people within a certain distance of the wind turbines were being paid.

Charlie Kostelnick asked what type of recommendations she would have in regards to the regulations .

Korpi stated the further the required setback the better.

Eric Crosman questioned Korpi as to whether they had tried to contact Mid-American in regards to the vibrations.

Korpi stated they had not.

Marilyn Jordan questioned whether it was the wind turbine closest to the Korpis' causing the problem. She questioned whether they were still experiencing problems when the wind turbine was not running.

Eric Crosman questioned when they had the most problems. He questioned whether they experienced the most effects when it was wet out.

Kim Houlding questioned whether it would help if they would shut the turbines off at night.

JoAnn Korpi stated she was sure it would help.

Eric Crosman noted the need for electricity was growing with electric cars.

Further discussion was held on the effects of the wind turbines and possible changes to the zoning ordinance.

Public Hearing closed at 7:08 p.m.

The Zoning Commission next discussed the proposal for revising the Boone County Ordinance for Commercial Wind Turbines.

Proposal for Revising the Boone County Ordinances for Commercial Wind Turbines

Below are five proposals for revising our Boone County ordinances for commercial/utility wind turbines. The five proposals include public forums, setbacks, decommissioning, height, and noise levels. These five proposals are organized according to where they would appear in the current Boone County ordinances that we discussed at our last meeting. Items 1 and 4 are new; items 2, 3, and 5 are modifications of current ordinances.

1. **Public forums before leasing. No Changes Proposed**

Place the following at the beginning of the ordinance:

Requirement for Public Forums and Notification of Property Owners. To assure public transparency and community input about any proposed wind turbine(s), a wind energy company must conduct at least two public

forums in the area of the proposed turbines at least two months **before** the wind energy company initiates any leasing contracts with property owners for the proposed turbines. The forums shall be announced publically,

and all property owners (and people they rent their property to) within five miles of the proposed turbines shall be notified individually in writing about the purpose, date, and location of the public forums.

2. **Setbacks.**

Revise the requirements in Table 1 for setbacks for Wind Turbine—Commercial/Utility WECS:

Property Lines: ~~3 times the total height (if we maintain the current policy of no height restrictions; 5 times the total height if we limit the height; see item 5 below).~~—1,500 feet from property line

Dwellings: 2,500 feet

(Note that in the section above this table that neighbors have the option to waive any setback requirements. Increasing the setback requirements empowers neighbors to have a more meaningful part (or any at all) in the decision-making process. They can freely negotiate with the wind energy company and their neighbors about what is acceptable to them.)

Public conservation lands: 2,500 feet

Wetlands, USFW Types III, IV, and V: 2,500 feet

3. **Decommissioning.**

Replace the existing item 10 section entitled “Discontinuing and Decommissioning” with the following language from the Story County ordinance, with some slight modifications:

A WECS shall be considered a discontinued use after one (1) year without energy production. All WECS and necessary facilities shall be removed to four feet below ground level within ninety (90) days of the discontinuation of use.

Property Owner Affidavit. The applicant shall submit a copy of the decommissioning plan to Boone County and to all property owners within the Conditional Use permit area and within one mile of the proposed WECS. The property owners shall provide the County a signed affidavit stating their awareness and responsibility of decommissioning costs.

Decommissioning Fund. The applicant shall continuously maintain a financial assurance mechanism(s) in the form of a performance bond and/or other security approved by the County Attorney, for the period of the life of the facility. The amount of the security shall be 150 percent of the total decommissioning cost, as determined by an independent engineer selected by Boone County and paid for by the applicant. The financial assurance mechanism(s) must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, both the applicant and the County must agree upon the bond-issuing company. All decommissioning, removal, and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mode of financial assurance.

4. **Height.** Add a new item to the list under “Special Safety and Design Standards.

Commercial/utility wind turbines shall not exceed ~~350~~ 500 feet in height at the tallest vertical point of any blade.

5. **Noise.** No proposed changes

In item 11 (“Noise”) change the noise requirement to 30 dBA. This is the equivalent of a whisper or a quiet rural area.

Commercial/Utility WECS shall not exceed 30 dBA at the nearest structure or use, including dwellings.

X. REPORT OF ZONING ADMINISTRATOR AND DIRECTOR OF PLANNING

Director’s Report (Planning and Development Department)

None

IX. ADJOURNMENT
A. Meeting Adjourned

Respectfully submitted,

Wanda Cox