

**BOONE COUNTY ZONING COMMISSION MINUTES**  
**MONDAY APRIL 30, 2018**  
**5:30 P.M. – BOONE COUNTY COURTHOUSE, 1<sup>ST</sup> FLOOR**  
**201 STATE STREET, BOONE, IA**  
**PLEASE ENTER THROUGH THE EAST DOOR**

**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: Gary Luna, Jan Danilson, Eric Crosman, Marilyn Jordan, Kim Houlding, Lance Stumbo, Charles Kostelnick, and Robert North

Also Present: Joe Korpi

Absent: Carla Barnwell

**II. APPROVAL OF MINUTES**

October 16, 2017

Robert North moved to approve the minutes with the correction of spelling for Eric Crossman's last name.

*Seconded by Marilyn Jordan*

**III. APPROVAL OF AGENDA**

**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. NONE

**VIII. UNFINISHED BUSINESS**

A. Discussion and review of Commercial Wind Energy System Regulations

Charles Kostelnick was first to speak in regards to proposed changes to Boone Counties Zoning Ordinance in regards to Commercial Wind Turbines.

Kostelnick stated the group had asked him to look into the actual cost of decommissioning a large wind turbine and to get an estimate from someone in the area.

Kostelnick also stated he was asked to get feedback from people in Boone County and Iowa about the effects of the turbines rather than from people in Michigan and Ohio. Kostelnick stated he collected as much data as he could.

Kostelnick stated he had contacted a gentleman by the name of Tom Wind in regards to the cost of decommissioning a large wind turbine. Kostelnick noted Tom had a lot of experience as a consultant.

Kostelnick noted he had received an estimate from Mr. Wind. The estimate for decommissioning a large turbine was around \$200,000 which included the salvaged scrap metal and also the cost of grinding down the concrete.

Kostelnick noted the estimate was far more costly than the estimate given by Mid-America. He stated the estimate given by Mid-America's engineer Burns and McConnell was approximately \$15,000 per turbine which was factoring in the revenue from the scrap metal.

Kostelnick next went on to discuss information gathered from people in Iowa and Boone County.

Kostelnick noted the way a person responded to the wind turbines seemed to vary a lot and was pretty unpredictable based on the conversations he had. He stated the people he had talked to had been very severely affected by the wind turbines.

He stated one of the guys he had spoken to from Sac County had nearly abandoned his home as he couldn't deal with the sound or the light.

He stated there were people whom had very severe reactions from the turbines.

Kostelnick stated the people he had talked to in Boone County discussed issues with visibility, lights in their homes at night.

Charles Kostelnick next spoke in regards to the five proposed changes to the Boone County Zoning Ordinance in regards to Commercial Wind Turbines.

The first change proposed was to let people in the area know about the project before contracts are signed and it's too late to have much discussion about the project.

He stated the second proposed change dealt with the setbacks for the commercial wind turbines. He discussed the current county regulations which gave adjoining property owners the right to waive the required setbacks.

Charles Kostelnick stated the adjoining neighbors should have some type of say in something that would affect their lifestyle.

The third change Kostelnick discussed was a decommissioning plan. He noted we needed to protect Boone County land owners. He wanted to be sure there would be sure there was enough coverage in a security bond to cover 150 % of the decommissioning costs for the turbines.

The fourth proposed change to the ordinance would be in regards to tower height. Kostelnick questioned how high was too high.

The fifth change Kostelnick addressed was the noise and the allowed decibel readings.

Chairman Lance Stumbo proposed the Zoning Commission discuss the points one by one so all members would have a chance to make comments.

Stumbo first addressed the issue of public notification. He asked for any comments from the members.

Marilyn Jordan stated we had held a couple of public hearings at the community building concerning the wind farm.

Director Mike Salati stated the public hearings were based on the application.

Chairman Stumbo also noted the meetings were held after the leases were signed.

Stumbo also questioned at what point the county was notified that the wind farm was coming.

Director Salati noted all leases were signed before the application for Conditional Use Permit was filed with Boone County. Salati also noted County Attorney Dan Kolacia had comment in regards to this requirement.

Salati explained Kolacia could not attend the meeting but had been unable to attend. Salati stated Kolacia had concerns with getting involved prior to contract negotiations.

Lance Stumbo stated they would need to hear from the county attorney, he asked if anyone had further input.

Jan Danilson questioned whether they were looking for input before anyone was to put a new one up or if they were looking only at wind farms.

Marilyn Jordan suggested input should be required if a wind turbine were past a certain size.

Charles Kostelnick noted they were concerned with the commercial wind turbines.

Chairman Lance Stumbo questioned whether applications would need to first speak to the county before starting the process of obtaining leases.

Director Mike Salati stated the application itself was the start of the official process.

Chairman Stumbo questioned whether some type of penalty could be imposed.

Salati stated anything could be written into the ordinance.

Discussion was held on what types of penalties could be enforced.

Eric Crosman did believe renters would need to be notified of the project. Crosman stated tenants changed often.

Chairman Stumbo stated the landlord should technically have control of his property. He did not believe the tenant should be able to keep the owner from using his property.

Marilyn Jordan questioned who should be notified when the property owner was in a nursing home.

Robert North noted people renting property had property rights.

North stated he did not think it would be bad to notify the tenants as well.

Further discussion was held on who should be notified and how addresses and names could be obtained.

Director Salati noted that during the Beaver Creek Wind Farm project he had been notified by tenants who had not received notice from their landlords.

Robert North again stated tenants should be notified as well.

Eric Crosman questioned the need of notifying people within five miles. He stated he believed a distance of one or two miles from the turbine would be sufficient.

Jan Danilson questioned current county policy for notification.

Director Mike Salati noted our curtesy notifications currently were sent out to surrounding property owners within 750 ft. He also stated our code required notices be sent to people within 500 ft.

Chairman Stumbo noted the public hearing notice would be published in the paper.

Director Salati noted public hearings were advertised in the paper.

Salati also noted the proposed change was requiring public notification prior to application.

Chairman Stumbo noted it would be difficult to notify property owners when leases had not been signed and we would be unsure of whom the project would affect.

Jan Danilson stated the company would know where they planned to put the wind farm.

Robert North questioned whether the Boone County Supervisors would have to approve anything.

Marilyn Jordan questioned whether or not they had the ability to let people know.

Director Salati stated that would be something the attorney would have to answer.

Stumbo stated it would be best to consult with the Boone County Attorney.

Director Salati questioned what effective notification would be as many people no longer read the newspaper. He also stated the public hearing notice was sent to the local radio station.

Kim Houlding questioned whether the Planning & Development office had a social media site.

Salati noted we did and it was new.

Eric Crosman questioned whether we could require the applying company to send out the notifications.

Salati suggested the place the notification requirement upon the applicant.

Crosman again discussed the distance required for notification, he suggested property owners within one mile of a turbine be notified.

Salati stated our GIS system allowed us to easily identify property owners but first you would need to be able to identify the location of the proposed site.

Robert North again questioned whether the Board of Supervisors or the Zoning Commission would require notification prior to application.

Salati stated applicants were not required under current regulations to notify the county prior to making application. Salati also noted the Board of Supervisors had no decision making ability on the project itself.

Salati stated the decision was up to the Zoning Commission and the Board of Adjustment.

Stumbo questioned whether they wanted to change the requirement of five miles for notification.

Kim Houlding suggested the notification requirement be from the property perimeter rather than from tower to tower.

Crosman suggested a two mile notification would be sufficient.

Robert North questioned Charles Kostelnick as to how he came up with the five mile requirement.

Kostelnick noted with the lights and flicker within five miles of a tower you know they are there.

Jan Danilson noted the more people notified the better.

Kim Houlding noted that the committee writing the Comprehensive Plan had held several public hearings which were not well attended.

Chairman Lance Stumbo asked whether the commission wanted to accept the proposed change as is or whether they wished to change the notification to two miles.

No nominations were made.

Chairman Lance Stumbo next moved onto the issue of setbacks.

Eric Crosman suggested the setback requirement be 1,500 feet from the nearest dwelling. Crosman stated he agreed 750 feet was too close to the nearest dwelling.

Kostelnick noted the adjoining property owner could sign a waiver to reduce the required setback.

Kostelnick noted 1,500 feet would be the distance to the end of his driveway and that was not very far.

Joe Korpi stated many countries require a setback of one kilometer and often recommended a two kilometer setback. He stated the reasons were due to sound and safety.

Korpi also noted there were two kinds of sound generated. The audible sound which was the sound you could hear and the infra sound which the body normally doesn't hear. He stated they were a low pitched sound which could have a very serious effect on the body.

Korpi again discussed the lack of prior notification and infra sound and safety.

Korpi stated having eighty or ninety turbines out his window was like having aliens landing in his yard all night long. He stated his wife hated it.

Korpi also discussed the affect of the wind turbines on his property resale value.

Marilyn Jordan questioned whether they would make any impact at all.

Director Mike Salati stated they could put whatever they wanted into the law. He stated that Boone County could prohibit wind farms in the Agricultural District.

Mike said it would have an impact if the supervisor's adopted the changes.

Eric Crosman stated a prior wind farm had been turned down by property owners in Peoples township. He stated people had to know about the Beaver Creek wind farm. He stated he had seen notices in the paper. He stated that enough people must have been in favor of the Beaver Creek wind farm as leases were signed by the land owners.

Director Salati noted the higher intensity uses such as hog farms and wind farms were allowed in the agriculture district because the agriculture district is the lowest populated areas in the county.

Joe Korpi again discussed required setbacks and safety issues.

Robert North stated if a tower were 500 ft high and our ordinance required a setback of 3 times the height it would require the turbine to be 1,500 ft from the property line which would not allow any towers to be built.

Charles Kostelnick again stated property owners could waive the setback requirement.

Eric Crosman questioned how far the 500 ft towers which we had now had to be away from the property line.

Charles Kostelnick stated the ordinance required the tower to be setback 1.25 times the height.

Chairman Lance Stumbo next asked for any further suggestions or changes.

Eric Crosman suggested the commission get more public input. Crosman stated the people he had spoken to had no issues with the wind turbines.

Kim Houlding suggested they draft the proposed changes to take to the people for feedback.

Chairman Lance Stumbo next moved onto decommissioning. He questioned what would happened if a company went bankrupt and another company wanted to buy them out.

Kim Houlding stated it would be considered use after one year and then to ground level within 90 days of discontinued use which would mean one year and ninety days.

Chairman Lance Stumbo questioned whether the county could get sued and be financially involved over legal issues.

Director Salati stated it was possible. He stated the county would have to determine if there were a discontinuance and if there were the county would call the bond. He stated we would be the bond holder.

Charles Kostelnick liked the idea of the bond and didn't see any problem requiring it.

Further discussion was held on the bond.

Chairman Stumbo next moved on to the height requirements.

Robert North questioned how they could restrict the height of the wind turbines to 350ft.

Kostelnick questioned what was to high.

Chairman Lance Stumbo noted our existing turbines were more than 350 ft. which would create a “grandfather” issue.

Kim Houlding asked if the towers in Boone County were over 350 ft. high.

It was noted the towers in Boone County were 493 ft.

Eric Crosman suggested the ordinance not allow towers over 493 ft.

Lance Stumbo discussed not creating a bunch of non-conforming wind turbines.

Marilyn Jordan stated she believed they should not restrict future wind turbines to 350 ft as we currently had towers which were 493 ft.

Charlie Kostelnick noted a 490 ft turbine was higher than the norm. Kostelnick noted he had driven through Illinois and he believed their turbines were under 300 ft in height.

Kostelnick also noted the higher the tower the more energy it could collect.

Kim Houlding noted a tower height of 350 ft was the average height.

Lance Stumbo a company wouldn't build a tower any higher just for the fun of it.

Joe Korpi noted the height also had to do with how many mega watts were pulled in. He stated prior to 2006 most of the towers were only 280 ft tall.

He stated the path is clearly going taller.

Chairman Stumbo asked for any other comments or suggestions.

Robert North stated you could allow for an exception.

Kim Houlding noted they could apply for a variance.

Eric Crosman suggested the ordinance restrict towers being taller than the existing 493 ft towers in Boone County.

Charles Kostelnick stated he liked the idea of people applying for a variance.

Robert North suggested the height be restricted to 350 ft unless a variance is granted.

Chairman Lance Stumbo next moved onto the topic of noise.

Marilyn Jordan questioned whether the noise coincided with the height of the tower.

Someone questioned the level of sound produced by the existing wind turbines in Boone County.

Charles Kostelnick stated the noise had been described as a jet engine outside of his home. He had also heard the sound being described the noise of living in a clothes dryer with shoes in it.

Someone asked for the true level of decibels.

Director Mike Salati noted the study provided by Mid-American stated the decibel levels would be 50.

Joe Korpi stated he had measured levels from 45 to 60 decibels.

Eric Crosman asked what the decibel level in Korpi's house was.

Korpi stated he could not hear the turbine from inside his home.

Eric Crosman asked what the decibel level was outside of Korpi's home which was approximately 1 ½ miles away.

Korpi stated he could not hear the turbine from his home.

It was suggested that the maximum decibel allowed be 50 ft from the nearest structure.

Joe Korpi compared the sound of the turbines to that of highway traffic

Chairman Lance Stumbo suggested the noise restriction be set at 50 decibels.

Further discussion was held on the allowable noise.

Kim Houlding suggested members look at google in regards to regulations.

## **IX. NEW BUSINESS**

### **A. Discussion of Meeting date for May**

Chairman Lance Stumbo questioned whether the Commission would rather meet a week prior or after Monday May 28<sup>th</sup>, 2018 which is Memorial Day.

Director Mike Salati suggested moving the meeting up to May 21, 2018.

Everyone was in agreement.

Kim Houlding moved to request an official opinion from Boone County Attorney Dan Kolacia in regards to the proposed Zoning Ordinance changes.

*Seconded by Eric Crosman*

Approved unanimously

## **X. REPORT OF ZONING ADMINISTRATOR AND DIRECTOR OF PLANNING**

Director's Report (Planning and Development Department)

## **IX. ADJOURNMENT**

### **A. Meeting Adjourned**

Respectfully submitted,

Wanda Cox