



BOARD OF ADJUSTMENT MEETING MINUTES

THURSDAY MAY 14, 2020

5:30 P.M. – BOONE COUNTY COURTHOUSE, 1ST FLOOR CONFERENCE ROOM
5:30 P.M. –VIA ELECTRONIC TELEPHONE CONFERENCE

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PASSWORD: 325945

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I. OPEN MEETING AND ROLL CALL

Amy Yoakum

Dennis Lynch

Steve Kieffer

Ruth Berglund

Sam Fisher

ATTENDANCE: Amy Yoakum, Sam Fisher, Dennis Lynch and Steve Kieffer

ABSENT: Ruth Berglund

ALSO IN ATTENDANCE:

II. APPROVAL OF MINUTES:

March 12, 2020

Amy Yoakum moved to approve the minutes as written

Seconded by Steve Kieffer

Amy Yoakum—yes

Sam Fisher—yes

Steve Kieffer—yes

Dennis Lynch—yes

Motion Carried

III. APPROVAL OF AGENDA

Steve Kieffer Moved to approve the minutes

Seconded by Steve Kieffer

Amy Yoakum—yes

Sam Fisher—yes

Steve Kieffer—yes

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. Petition for Variance # 2020-002 submitted by Martin Gross. Mr. Gross is requesting a 6' variance in order to allow for the construction of an attached 24' x 24' garage. When the Gross's home was originally built it did not meet the required 50' front yard setback. The home and the new attached garage will both be 44' from the front property line. The proposed 6' variance will allow for the new garage and bring the existing home into compliance with the Boone County Zoning Ordinance.

Chairman Sam Fisher first asked for comments from Director Mike Salati.

Director Salati noted Mr. Gross had obtained all required permits for his home in 2017. It was noted the home met with the required front yard setback which would have been 50-feet.

Salati noted Mr. Gross was not aware of the situation until this year when he had a surveyor come out to locate the property line in anticipation of constructing the new garage.

Chairman Sam Fisher next asked if Mr. Gross wished to make any comments.

Mr. Gross had no further comments. He also thanked the board members for their consideration of the request.

Chairman Sam Fisher next asked for any public comments of which there were none.

Chairman Fisher closed the public hearing @ 5:38 p.m.

Chairman Fisher next asked for any comments or for a motion on the variance request.

Steve Kieffer moved to approve Petition for Variance # 2020-002 submitted by Martin Gross. Mr. Gross is requesting a 6' variance in order to allow for the construction of an attached 24' x 24' garage. When the Gross's home was originally built it did not meet the required 50' front yard setback. The home and the new attached garage will both be

44' from the front property line. The proposed 6' variance will allow for the new garage and bring the existing home into compliance with the Boone County Zoning Ordinance.

Seconded by Amy Yoakum

Amy Yoakum—yes

Steve Kieffer—yes

Sam Fisher—yes

Motion Carried

- B. Petition for Variance #2020-003 submitted by Janis Anderson. Ms. Anderson is requesting two variances to allow for a tiny home to be located on a lot of less than one acre. The Boone County Zoning Ordinance Section 2.02.129 requires a dwelling to be a minimum of 700 sq. ft and to be placed on a permanent foundation. Ms. Anderson's tiny home will be 242 sq. ft requiring a 458 ft variance in addition the home will not be permanently attached. The second variance requested is due to lot size. Ms. Anderson is wishing to put her home on a lot which is less than one acre. Section 4.15 Bulk Regulations table requires 1 acre as the minimum lot size in the R-1 (Rural Residential) District.

Chairman Sam Fisher next asked for any comments from Janice Anderson.

Janice Anderson stated she was present and would answer any questions the board may have.

Chairman Sam Fisher next asked for any comments.

Director Mike Salati noted Janice Anderson had previously been granted a variance for her tiny home on an adjacent lot which had been granted. Salati noted that Anderson was re-applying due to the change of location.

Salati noted Janice Anderson would need two variances one for the size of the home and the second for the lot size of less than one acre.

Chairman Sam Fisher next asked for any further comments in regards to the request of which there were none.

Mike Salati noted board member Dennis Lynch had joined the meeting.

Chairman Sam Fisher next asked for any comments from the board members.

Amy Yoakum questioned whether the new lot had been created.

Director Mike Salati noted it had not been divided as a variance was required to create a lot of less than one acre in size.

Chairman Salati noted a variance was first required to create the lot, and that the next step would be to apply for a land division.

Sam Fisher noted the Board of Supervisors had met in regards to the issue of “tiny” homes. Fisher stated his concern was with creating a lot of less than one acre in the R-1 (Rural Residential) District.

Dennis Lynch stated he agreed with Sam Fisher.

Amy Yoakum questioned the need for an additional variance when Anderson had already been given the approval for the tiny home.

Janice Anderson was next to speak. Anderson noted after starting the process it became evident that building the home on the rear parcel of her property would be cost prohibitive. Noting she would need to tear down her existing two stall garage and build a new driveway.

Sam Fisher spoke in regards to concerns with the smaller lot and what would become of the lot if Ms. Anderson would remove the “tiny home”.

Director Salati noted the Board of Supervisors had decided to handle each tiny home case by case until which time the Comprehensive Plan had been updated.

Steve Kieffer also questioned what was being changed beside the location of the “tiny home”.

Janice Anderson again noted she intended to move the home closer to the front of her property which would be more cost efficient.

Chairman Sam Fisher stated this tiny home would be the first to be allowed in Boone County and had concerns with decreasing the lot size. He stated if we were to allow smaller lots it may not be fair to the neighbors.

Ms. Anderson noted she had been in contact with her neighbors and that there were no concerns from surrounding property owners.

Chairman Sam Fisher next asked for any comments or a motion from the board members.

Amy Yoakum moved to approve Petition for Variance #2020-003 submitted by Janis Anderson. Ms. Anderson is requesting two variances to allow for a tiny home to be located on a lot of less than one acre. The Boone County Zoning Ordinance Section 2.02.129 requires a dwelling to be a minimum of 700 sq. ft and to be placed on a permanent foundation. Ms. Anderson’s tiny home will be 242 sq. ft requiring a 458 ft variance in addition the home will not be permanently attached. The second variance requested is due to lot size. Ms. Anderson is wishing to put her home on a lot which is less than one acre. Section 4.15 Bulk Regulations table requires 1 acre as the minimum lot size in the R-1 (Rural Residential) District.

Seconded by Steve Kieffer

Amy Yoakum—yes

Steve Kieffer—yes
Dennis Lynch—no
Sam Fisher—no

Motion Failed

- C. Application for Conditional Use Permit 2020-007 submitted by John Baratta. Mr. Baratta is wishing to build a barn type venue where weddings and private parties may be held. The proposed venue would be located adjacent to the existing home located at 1876 330th St, Madrid, Ia 50156.

Chairman Sam Fisher noted that the proposed venue would be located on Hwy 210 next to the implement dealership east of Madrid proper.

Chairman Fisher next asked if the applicant was present to make comments on the request.

John Baratta stated they were wishing to put up a barn type venue where they could hold weddings and outdoor ceremonies. Baratta also noted they would have graduations and possibly birthday parties. He estimated they would have approximately 50 weddings a year. He noted they hoped to have an additional 25 events including graduations and birthday parties.

Baratta noted they currently had two other venues and that they had also been the location for high school proms.

Chairman Sam Fisher next asked for any public comments of which there were none.

Fisher next asked for comments from Director Mike Salati.

Salati noted Mr. Baratta had been meeting with the conservation director and Boone County Engineer Scott Kruse. Salati also noted the Zoning Commission had recommended that some type of barrier be put up between the bike trail and the event center. Salati also noted there were concerns with the drainage as well.

Salati noted that both the county conservation officer and the county engineer were happy with the proposal at this time in regards to the barrier and the drainage issues.

Chairman Sam Fisher questioned whether the requirement of the barrier should be included as a condition of the permit.

Salati stated it should be put in as a specific requirement.

Public hearing closed by Chairman Sam Fisher at 5:56 p.m.

Chairman Fisher next asked for comments or deliberation from the board.

Amy Yoakum questioned if there would be any impacts to the existing pond on the property.

Baratta noted no pond currently existed. He stated they planned to put a put in near the treed area.

Amy Yoakum questioned whether Baratta planned to enlarge the existing wetland.

Baratta noted the pond would be in that area and would be roughly ¼ acre in size.

Amy Yoakum stated there were rules about destroying existing wetlands.

Dennis Lynch questioned whether they could move forward without DNR approval.

Salati noted the regulations for wetlands were not contained in our Zoning Ordinance. He stated that was not a requirement for the granting of the Conditional Use Permit. Salati noted a requirement could be placed on the permit.

Sam Fisher questioned whether the Boone County Conservation board could handle the issue or would the issue of the wetland be handled by the Iowa DNR.

Director Salati noted Tanner Scheuermann, Boone County Conservation Director had reviewed the proposal and was happy with what had been presented at that time all the board members were satisfied.

Dennis Lynch suggested the requirement for adding a barrier and following recommendations for the wetlands be included in the permit.

Amy Yoakum requested the determination of the wetlands be reported back to the board.

Director Salati noted if the condition be placed on the conditional use permit it would allow him the opportunity to address the wetland issue prior to issuing a zoning permit.

Sam Fisher noted Director Salati had included four conditions in his staff report which included parking, that all state fire codes be met, amplified music and a review of applicable conditions be reviewed after the completion of one year.

Dennis Lynch stated if they granted the Conditional Use Permit for one year and the property owner were to build the event center it would be unfair to pull the Conditional Use Permit from the property owner.

Mike Salati noted it was up to the board on how they wished to handle the request.

Salati noted the prior event center permit included reviewing the business after one year.

Sam Fisher noted that recommendation was made due in part to concern of amplified music and parking making sure the required conditions had been met.

Dennis Lynch next questioned whether there was sufficient space for parking on the property.

John Baratta noted the planned to use a minimum of 1 ½ acres of area for the parking. Baratta noted due to the COVID -19 he had not been able to meet with the builders on site. He noted they wanted to have as much parking as possible again stating they planned to utilize 1 ½ acres which could accommodate 250 cars which was in excess of what they would actually need.

Amy Yoakum wanted to confirm where access would be obtained to the event center.

John Baratta stated the access would be off of Peach Ave.

Dennis Lynch questioned how far the proposed venue would be from the city limits.

Amy Yoakum stated not very far.

Yoakum also questioned whether Baratta had been in contact with the City of Madrid.

Baratta stated he had not.

Amy Yoakum asked Director Mike Salati in regards to setback requirements.

Salati stated all setback requirements had been met.

Chairman Sam Fisher asked for any further comments from the board members of which there were none.

D. Dennis Lynch moved to approve Application for Conditional Use Permit 2020-007 submitted by John Baratta. Mr. Baratta is wishing to build a barn type venue where weddings and private parties may be held. The proposed venue would be located adjacent to the existing home located at 1876 330th St, Madrid, Ia 50156.

To include the following conditions:

1. All parking to be onsite
2. All State of Iowa Fire Codes must be complied with.
3. All amplified music is to be conducted inside the building
4. A barrier must be placed between the venue and the bike trail.
5. All guidelines for the wetlands to be met.

Seconded by Steve Kieffer

Dennis Lynch—yes

Amy Yoakum—yes

Steve Kieffer—yes

Sam Fisher—yes

Motion Carried

E. Application for Conditional Use Permit #2020-008 submitted by Great Pathfinder Wind, LLC c/o Apex Clean Energy / Great Pathfinder Wind, LLC is requesting a

Conditional Use Permit to allow for the construction of a Commercial / Utility Wind Energy System with 37 wind turbines and one substation and a permanent meteorological tower to be located in Northern Boone County, Boone, Ia.

Chairman Sam Fisher first asked for any comments Director Mike Salati may have.

Director Mike Salati stated there had been many discussions and e-mails in regards to road use and drainage agreements. Salati stated the county engineer is happy with the proposal which had been made.

Sam Fisher next asked for any public comments.

Jerry Ryan of 243 R Ave was first to speak in regards to the request. Ryan stated there were a number of proposed turbines to be located outside his back door. Ryan was concerned with the destruction to the telecommunications. He stated everyone in the area had wireless internet in the country.

Ryan stated he had done some research on the wind turbines. He stated they were not actually quiet and that the volume changes and can become so loud they can be heard inside your house.

He stated he was not going to want to live there anymore and stated no one would want to buy his house. He stated this would affect many people. He believed there should be some sort of compensation to the surrounding property owners.

Susan Robinson was next to speak. She stated the damage to the land was very minimal. She was concerned with the carbon footprint.

Robinson spoke in regards to COVID 19 and discussion on how destructive our exhausts and emissions were. She noted the scientists stated there had been a drastic change in our emissions since the quarantine.

Robinson also stated she had contacted her renters she did not want to interfere with their farming. She noted they were all in favor of having the windmills.

She also discussed possible negotiations with Apex for home owners with wind turbines which were very close to a home.

Jim Fitzgerald was next to speak. Fitzgerald stated he had major concerns with the project and some of the permitting requirements. He stated one concern was not adequately safe guarding the health, safety and welfare of a person's private property.

He spoke in regards to concerns over ice, sound, vibrations, shadow flicker which could cause major impact to the nearby property owners.

Fitzgerald next spoke in regards to the increase in congestion and hazard from fire or similar dangers. He noted on May 25, 2018 there had been a large wind turbine fire. He noted the smoke fumes and flames were all hazards which could impact the surrounding property owners.

He next spoke in regards to diminishing or impaired established property values of the adjoining and surrounding properties. He stated wind turbines could diminish property values regardless of the report furnished by Apex.

Fitzgerald questioned whether the Board of Supervisors could guarantee that no negative property impacts would occur on actual property values. Fitzgerald stated if they could not guarantee this the permit should not be approved.

He also spoke in regards to alerting the character of the land. Jim Fitzgerald next spoke in regards to transitional buffers while the wind turbines were being constructed. He asked how they could make sure no noise or fumes leave the property and negatively impact the surrounding homes.

Fitzgerald next spoke in regards to lighting stating he did not feel the red lights would be compatible with the rural homes.

Fitzgerald also stated the operation of wind turbines would create noise vibration glare and flicker. He stated this would create a nuisance and create potential health hazards. He stated the people leaving nearby would be impacted on a daily basis.

He asked the Board of Adjustment to look at his concerns.

Tamara Sword was next to speak. She stated Mr. Fitzgerald had hit on a lot of points which she planned to comment on. Sword stated she lived at 1830 120th St. Sword stated she strongly opposed this proposal.

Sword noted that many of the wind turbine sites were owned by farmers whom did not live in the area and would not be impacted by the wind turbines.

Sword next discussed the possible impact on property values she stated her property was not listed correctly and was concerned with the other data being correct.

Unknow speaker stated he and his sister both owned land in Boone County and were in support of the project. He stated wind and solar are the two lowest cost resources to generate electricity. He stated utilizing the wind turbines would be a huge plus for the environment reducing the need for fossil fuels.

He noted the Pathfinder wind project would also provide another source of income for his sister and himself. He noted they both see this project as a win solution for Boone County and the land owners.

D.J. Lauritsen was next to speak she and her husband had inherited land in northern Boone County. She stated they were both born in Boone and had lived in Boone for over 60 years. She believed this would make the power source more diversified.

Lauritsen noted Iowa was the second largest producer of wind energy in the country which shocked and amazed her.

Noland Patterson from Stratford was next to speak. Patterson noted he lived on the county line and was a 5th generation farmer. Patterson noted his land went back to the late 1800's. Patterson believed the wind energy project would create many jobs and stated the company was very supportive of community grants which helped out many businesses in the community.

Chairman Sam Fisher next asked for comments from the applicant.

Holly McCoy was first to speak she introduced the members of their team. McCoy stated Apex Energy was based out of Virginia with a regional office in Minnesota.

McCoy stated they were a privately held company with over 200 employees which oversee and develop both wind and solar projects across the country.

She stated their operating projects included Upland Prairie which is now owned by Alliant Energy in northwest Iowa which produces 300 mega watts of wind.

She also spoke in regards to a windfarm in Illinois owned by Ikea the furniture store which is run by Apex. Dakota Range in South Dakota, Sugar Creek in Illinois, two big projects which are currently under construction.

McCoy continued naming other wind and solar facilities which were in operation in the Mid-West.

McCoy stated the Great Path Finder project would produce 225 mega-watts to be located in Boone and Hamilton County. She stated the project would be located between 100th St to the north and 130th St. to the south. She noted the eastern boundary would be near P Ave and the western boundary was near L Ave.

Holly McCoy stated they estimated construction of the project to be completed and the project will be operational by the fall of 2022. McCoy stated they currently had approximately 16,000 acres under lease with just over half of that land being in Boone County.

McCoy also noted approximately 70 percent of the land owners lived in the area. She stated the wind farm would consist of 74 wind turbines with 40 of the turbines located in Boone County.

Next McCoy discussed the locations of the turbines which were to be placed in Dodge and Harrison townships in Boone County.

McCoy stated they were considering five potential turbine models for the project. She next discussed the sizes of the machines she stated if a larger machine were to be used less turbine sites would be used.

McCoy stated they were in negotiations with the turbine manufacturers and they planned to select the one which would provide the best speed for the best price.

She noted they would have two permanent Met towers which would collect wind data throughout the life of the project.

McCoy stated they would install 15' wide gravel access roads leading to the turbines.

McCoy further discussed the structure and the construction of the turbines.

McCoy stated they planned to build an operations and maintenance building.

She stated they would also build an overhead transmission line which would lead from their project site to the existing Dallas substation. She stated the Dallas substation was approximately 7 ½ miles south of their project.

She stated they were not requesting approval of the overhead utility line as this was regulated through the Iowa Utilities Board.

McCoy noted on March 3rd they had held a public information meeting to discuss the proposed project. She stated they were working with land owners on the easements.

She stated they were currently working on the final draft of the ground use and drainage agreements.

McCoy stated they expected major construction to be completed by the fall of 2021. With construction to occur over a period of 12 to 15 months. Construction would consist of trenching cables, building access roads, pouring foundations erecting turbines and reclamation upon completion of construction.

Holly McCoy next spoke in regards to setbacks from structures, property lines and natural features. She stated they followed all setbacks.

McCoy next spoke in regards to setback waivers from property owners whom owned multiple parcels, she said some of the waivers had been delayed due to the COVID 19 virus.

McCoy asked that the locations be approved with the condition that all setback waivers be recorded prior to application for Zoning Permits.

McCoy stated each proposed site me or exceeded the requirements of the Boone County Zoning Ordinance.

McCoy also stated they had provided a sound study which indicated they met the sound requirement of 50 decibels as required in the Boone County Zoning Ordinance.

She stated the sound study submitted was for the Vespa B150 2mg watt machine. She stated if another turbine model were selected they would provide an updated sound study to demonstrate compliance.

Holly McCoy stated it was important to Apex to be good stewards of the environment. She stated they consult with agencies such as the DNR and the with the fish and wildlife service.

She stated they performed studies to make sure they avoided wetlands, eagle, bat and cultural areas.

McCoy stated the nearest turbine was over a mile away from the Des Moines River.

She stated they had conducted two years of avian studies. She stated they placed turbines away from any eagle nests and that they maintained 1,000 ft from any suitable bat habitat.

She stated they had done a study in regards to recent property sales and the studies provided data to indicate property values had not been negatively impacted by wind turbines.

McCoy stated they worked with local authorities to develop an emergency response plan. She stated they performed on going drills with first responders to insure they would be ready for any type of an emergency.

She stated they would follow social distancing if COVID continued to be a disruptive force.

McCoy noted icing incidents had occurred but were rare. She stated the turbines had sensors which tracked changes in balance and power output which occur during ice events.

She stated the sensors would alarm and cause the wind turbine to shut down. She stated they also monitored the temperature and weather through permanent met towers and anemometers.

She also noted operating staff could manually shut down a turbine if necessary.

Holly McCoy next spoke in regards to interference of communications signals ensuring they minimize or mitigate any interference with things like phone or television signals.

McCoy stated they had obtained a report based on the layout on the permit application and it had been found there would be no impact to the FCC licensed microwaving, radio broadcast or land mobile transmitting stations.

She stated there were mitigation options available if they were to discover issues.

She noted they had also submitted a decommissioning plan for the project. She stated the estimate for the portion of the project in Boone County would be approximately 4.5 million dollars which included a 10% contingency on crop loss values.

Further discussion was held on decommissioning costs.

Next Dr. Allan Logan spoke in regards to possible health concerns.

Dr. Logan introduced himself and gave background information stating he had been a physician for 20 years, he was a neurologist and a sleep specialist and had a research program on noise and health.

He stated he had specific experience with wind turbines including being a subject expert for the commonwealth of Massachusetts where he was a lead author of a publication in regards to this issue.

Dr. Logan spoke on potential problems one of which was noise and vibration and the other from shadow flicker.

He stated many people spoke in regards to sleep disruption, neurological disorders, cardiovascular health and headaches.

Logan stated some low -quality studies were out there. He stated he was confident in the fact that there was no support for something called wind turbine syndrome.

He stated there were no reports to support shadow related health problems such as headaches and seizures.

Logan next discussed a study done on over 1,200 people whom lived near wind turbines. The study looked for a variety of health issues. The compared results on turbines both close and near to people's homes.

He stated there was no association between wind turbine noise level and health related outcomes measured at the level of noise which would occur from this project.

He noted most of the annoyance came from the expectations and people's concerns for their personal safety.

Amy Yoakum questioned the duration of the study which had been on the 1,200 people.

Dr. Logan stated he believe the study was over a six -month period but that he could look it up. He stated these people studied were people whom had lived there many years.

Holly McCoy next touched on the benefits of the project and what it was bringing to the community. She stated the project would produce enough energy to power 85,000 homes with renewable energy.

She stated Great Pathfinder Wind would bring jobs to the area. She estimated there would be approximately 270 construction jobs and that these workers would utilize our restaurants, gas stations and hotels while they were in the area.

Nelson noted there would be an additional nine full time good paying jobs to manage the site.

She stated the lease payment to the land owners over the life of the project would be about 42 million, the wages of the O & M employees would be about 7.6 million. Taxes being paid to Boone County would be approximately 16 million with taxes being paid to Hamilton County of about 3.7 million. Bringing in approximately 69 million dollars in tax revenue over the life of the project.

She added the lease payment to landowners would provide an alternative income to those farming. She stated she believed the project would provide substantial benefits during the uncertain times.

Holly McCoy requested the Board of Adjustment approve the application and that the project met all the requirements of the Zoning Ordinance for the Conditional Use Permit.

She requested they post a letter of credit or bond in the amount of \$2,963,000.00 which was equal to 110% of the decommissioning cost identified in the submitted plan.

She requested the permit be approved with the condition that waivers for the towers F3, T29, T59, P62, and T63 with the condition they must have obtained the setback waivers prior to requesting the zoning permits.

McCoy also wished to address the road use agreement and the drainage agreement which they were negotiating with Boone County.

She stated they expected to finalize the agreements minutely. She stated they committed to not using county infrastructure until at which time the county had approved the agreements.

Chairman Sam Fisher next asked for staff comments from Director Mike Salati.

A five-minute break was taken.

Chairman Fisher asked for any further comments.

Corey Strottmann was next to speak. He stated he was calling in to support the project. He believed the economic impact would be good for Boone County, he stated his kids were even interest in getting involved working on the wind project in the future.

Tracey Westrum was next to speak he stated he was a farmer in Boone County. He stated he was for the project and the renewable energy. He stated there may be some short-term hassle during the construction but that the long-term benefits would easily outweigh. He stated although no one wanted this in their back -yard sacrifices would have to be made for the long-term gain.

He stated some people in the area without turbines on there property were being compensated for the hassle during construction. He believed this was a benefit to Boone County.

Public Hearing closed by Chairman Sam Fisher at 7:14 p.m.

Chairman Sam Fisher noted 110% of the decommissioning cost was not 2.9 million but Actually 3.26 million.

Director Mike Salati noted this could be included in the required conditions. Salati also noted the ordinance requires the decommissioning plan be reviewed every five years. Salati also questioned whether the Board of Adjustment wanted to the review or whether they wished him to do the review.

Chairman Sam Fisher stated he thought the review could be done by Mr. Salati, Steve Kieffer agreed.

Sam Fisher next asked for further discussion from the Board of Adjustment.

Dennis Lynch questioned who would be compensated during the construction of the project.

Holly McCoy stated they gave out a good neighbor agreement which was a payment for anyone interested in signing the agreement. The agreement would be good for the life of the project and that they would get a yearly payment even if they were not participating or had a turbine on their land.

McCoy noted if you were to have a home with two acres there is an agreement they offer to benefit the most people in the project area.

Lynch questioned whether most people in the area had signed the agreements.

McCoy stated there was a list of participating property owners included in their application.

Dennis Lynch next questioned the projected time needed to finalize the easement agreements and drainage agreements with the County Engineer in order to move forward.

McCoy stated she believed they were pretty close to having everything wrapped.

Amy Yoakum stated she had several questions.

Yoakum questioned where the 85,000 homes were located that would receive power from the project. She questioned whether the power would stay in Boone County or the state of Iowa.

Holly McCoy stated the power would go into the grid and it was very hard to say where the power would be used. She stated it could go to customers in Boone County or Des Moines she stated it was dependent on the need of the micro-grid.

Yoakum asked if McCoy could give a radius of how far that could be.

Holly McCoy stated the area was generally about a state away.

Yoakum also questioned why the avian studies were not included in the actual application.

Holly McCoy stated the report was not a specific requirement for the Boone County Zoning Ordinance.

Amy Yoakum requested copies of all of the environmental studies and requested something in writing from the Department of Natural Resources and the Fish and Wildlife Service. Yoakum was concerned with eagles, migratory birds and bats.

A member of the Apex team explained that Apex had initiated correspondence with both the Fish and Wildlife service and the Iowa DNR at the inception of the project, which started approximately two years ago.

She stated she had discussed sensitive areas and that they designed their study plan based on feedback from the agencies. She stated their plan was in line with recommendations which had been made.

Amy Yoakum spoke in regards to Apex's plan to shut down turbines during fall migration. Yoakum questioned why they were not planning to shut down the turbines during Spring migration.

It was stated they were following fish and wildlife service's recommendations.

Amy Yoakum again asked for any copies done for the environmental compliance.

Dennis Lynch questioned whether they should table the request until written documentation could be provided.

Amy Yoakum stated she would want to see this in writing.

Dennis Lynch wanted to see how many people were for or opposed to the project. Lynch also wanted to know what local power companies would be receiving power from the wind turbines.

Council for the project asked for a chance to speak and address the consideration of the table.

Council noted "if the applicant meets all requirements of the Ordinance they are entitled to receive the Conditional Use Permit." She noted Apex had provided all required information outlined in the Zoning Ordinance.

She again stated they had met all requirements of the Ordinance and urged the Board of Adjustment to proceed with consideration of the application.

Chairman Sam Fisher asked for comments from Director Mike Salati.

Salati noted he could not offer legal advice but that it was up to the Board to determine whether the standards for approval had been met.

Dennis Lynch stated he did not have a problem tabling the application.

Steve Kieffer questioned when the road use agreements were expected to be finalized with the Boone County Engineer.

Holly McCoy noted a conference call was set up for the following Tuesday at 10:00 a.m. to finalize the road use agreement.

Further discussion was held on tabling the request.

Dennis Lynch moved to table the Application for Conditional Use Permit #2020-008 submitted by Great Pathfinder Wind, LLC c/o Apex Clean Energy / Great Pathfinder Wind, LLC is requesting a Conditional Use Permit to allow for the construction of a Commercial / Utility Wind Energy System with 37 wind turbines and one substation and a permanent meteorological tower to be located in Northern Boone County, Boone, Ia until which time the road use and drainage agreements have been signed with the Boone County Engineer and all environmental studies submitted by the Iowa DNR and Fish and Wildlife but submitted for review by the Board of Adjustment members.

Seconded by Dennis Lynch

Amy Yoakum—yes
Steve Kieffer—yes
Dennis Lynch—yes
Sam Fisher—yes

Motion Carried

I. UNFINISHED BUSINESS

A. None

II. NEW BUSINESS

III. Election of Officers

Steve Kieffer nominated Sam Fisher to continue serving as chairperson.

Seconded by Dennis Lynch

Amy Yoakum—yes
Steve Kieffer—yes
Dennis Lynch—yes

Motion Carried

IV. DIRECTOR'S REPORT (PLANNING AND DEVELOPMENT DEPARTMENT)

V. ADJOURNMENT

Respectfully submitted

Wanda Cox