

**POWESHIEK COUNTY BOARD OF ADJUSTMENT MEETING MINUTES FOR June 6<sup>th</sup> 2017**

**Michael J Manatt Community Center 105 Jackson Street Brooklyn IA 52211**

Zoning Administrator J.D. Griffith called the meeting to order at 7:05 P.M.

Zoning Administrator took roll call. Members present were Coleen VanDyke, Roger Cheney, Mark Kennett, Pat Supple. Jeff Tindle was absent.

In absence of Chairman Tindle, J.D. called for a nomination of a temporary Chair. Pat nominated Mark, Coleen Second. All in favor, motion carried.

Guests signed in were: Jeff Hammond, Erika Tyler, Robert O'Neal, Brady Evans, Darren Neil, Austin Dowling, Joe Arb, Laura Tish, Gene Tish, Supervisor Trevor White, Brandon Storm, Kyle Lockhause, Deb Schuldt, Ron Schuldt, Diane Richman, Dave Coffey, Vince Johnson II, Supervisor Larry Wilson, Sarah Byers, Mary Kirk, Sandra McWilliams, Diane Erwin, Janice Tish, Keith Tish, Zach Van Arkel, James Van Arkel, Harols & Joann Iezek, Beth Strong, Diane Townsley, Mike Townsley, Arvin Terlouw, Clara Johnson, Laura Elliott, Marilyn Kennett, Juli Stanford, Jo Ahrens, Lynnnda Risting, Jon Risting, Marvin Hicks, Dave Bral, Amber Zuhlke, Gina Wolf, Dave Keleher, Matt Mann, Dennis Hiemstra, Glenn Van Dyke, Karon Johnson, Thomas Steffen, Lynn Carl, Carroll & Pat Smith, Myron Byers, Stacy Heinen, Harlan Heinen, Jerry & Susan Williams, Doug Duffus, Bill Simonton, Teresa Simonton, Lynn & Steve Schuldt, Kevin & Vickie Grimm, Eldon & Nancy Newberry, Melvin & Merleta Roberts, Steve Wedgewood, Karen McNaul, Bud Cheney, Todd Price, Zach Price, Glenn & Ginger Sterk, Kathy McCulley, Andrew Pollard, Ken & Mary Osborn, Gene Morgan, Pete & Sandy Ross, Jane McCulley, Nancy Dieleman, Mel Terlouw, Jerry Minner, Tony Kriegel, Dann Hayes, Leroy & Florence Sterk, Brad Sincox, Angela Ahrens, Jon Roberts, Darlene Baltisberger, Ken Wallace, Don & Christy Kriegel, Floyd & Jeanne Doty, Supervisor Diana Dawley, Dave & Susan Stevenson, John Mann, Rusty & Jeanne Cayton, Ted Kriegel, John Roorda, Dixie Hudnut, Mike Phillips, Steve Rhoads, Larry & Liz Manatt, Mark Rutherford, Kathy & Gene DeJong, Bob Robison, Kyle Cook, Bill Armstrong, Harlan & Sue Kluber, Craig Taylor, Vince Johnson III, Shirley Dunham, Kevin & Kathy Osborn, Kim Bauman, Craig Latcham, Lisa Icenbice, Joe Icenbice, Darrel Heetland, Kevin Huntington, Sheryl & Daryl Spain, Connie & Terry Stephens, Don & Brenda Peck, Kenny Hoksbergen, Shirley Hoksbergen, Gene & Ann Adkins, Kris Armstrong, Robert Haworth, David Maxwell, Donna Winburn, Troy Cranston, Craig Johnstone, Kent Winburn, Larry Hudnut, David Hosack, Kevin Rempp, PJ Mahaffey, Del Thompson, Ashley Armstrong, Joe Armstrong, Connie Coleman, Ronald Manatt, Joe Crow, Bonnie Jontz, Glenn Jontz, Ron Haworth, Angie Cook, Kirk Berry, Elaine Engen, Jeff Kriegel, Oran & Barb Watson, Sharon Widmer, Kristi Chedester, Marilyn Warwick, Tracy Warwick, David Armstrong, Karen Higgins, Barbara Hall, Mervin Morgan, Eric Fynaardt, Matt Facile, William Chedester, Randy McKay. A couple names were illegible and left out. 185 guests signed in.

Coleen made a motion to approve the agenda. Pat 2<sup>nd</sup>. All in favor, motion carried.

Coleen made a motion to approve the minutes of the March 23<sup>rd</sup> 2017. Pat 2<sup>nd</sup>. All in favor, motion carried.

No communications, reports, or Old Business was brought to the table.

#### **New Business:**

- 1. Tradewind Energy is requesting a Conditional Use Permit to construct a wind farm named the English Farms Wind Project. 78 proposed turbine sites have been submitted for approval, from which 69 final locations will be selected and constructed. The project area for English Farms includes Deep River TWP sections 5 thru 32 and Jackson TWP section 1, and sections 8-36.**
  - A.** Tradewind Energy will present a general overview of both projects and give the presentation on the English Farms Project.
  - B.** Board of Adjustment questions and comments to Tradewind Energy following presentation.
  - C.** Public Comment addressed to the Board of Adjustment. Persons wishing to speak shall give their name, address, and the Township they reside or own property in Poweshiek County. Public comment will be limited to 3 minutes per person.
  - D.** Board of Adjustment questions to Tradewind Energy following Public Comment

Mark turned the floor over to Tradewind Energy.

Joe Arb spoke about the general overview of Tradewind Energy as a company. He spoke about the current Wind Turbines in operation and also other projects in the planning stages. Joe then introduced the Tradewind team., Robert O Neal from Epilson, and Dave Keleher from Westwood Engineering.

Jeff Hammond took the floor. He spoke about the price of wind. He stated the companies and cities have vowed to use completely renewable energy.

Jeff stated there were approximately 250,000 wind turbines in the U.S. with approximately 4000 in Iowa in 26 counties.

Jeff stated that Tradewind Energy have been paying wind rights to lease holders for the last 9 years . English farms has been in the works since 2008.

Jeff stated these projects would bring jobs to the County.

Jeff stated that English farms is a 170 MW project, and North English farms is a 340 MW project. Each project will connect to a different main power line.

Jeff stated the infrastructure would be placed on private property and each property has individual leases.

Jeff stated some of the issues the leases highlight on such as tiles, crop damage, and soil compaction.

Amber Zuhlke took the floor.

Amber showed a slide of the Poweshiek County Zoning Ordinance. She stated that Environmental work started in 2008. She stated that birds and bats are the most focused on.

Amber spoke about the Acoustical Analysis. She stated that Windpro software was used to determine the Acoustical Analysis.

Amber spoke about the Decommissioning plan as outlined in the Zoning Ordinance. She stated that the Decommissioning Plans are submitted with the applications. She also stated that the decommissioning plans are all outlined in each lease.

Jeff Hammond took the floor to speak about the English Farms Project.

Jeff stated they have worked with multiple agencies to be sure all the required permits have been filed.

Jeff stated this project would connect to the Parnell-Poweshiek 161 KV line. 9 turbines will be 2.3 MW GE Turbines, and up to 60 will be 2.5 MW GE Turbines.

Jeff stated this project is a \$250 million investment with an estimated \$20 mil to be paid in property taxes, and \$30 mil to landowner lease payments.

Jeff stated this project would bring 100 temporary jobs, and 10-12 permanent jobs to Poweshiek County.

Jeff stated this project is currently in negotiations with an owner operator.

The Building Permit Applications will include updated site plans, and as built drawings outlining the setback requirements are met will be submitted within 120 of the system being in operation. Jeff cited all the requirements of the CUP Application.

Jeff stated that they plan to begin construction the 1<sup>st</sup> quarter of 2018.

Jeff read Appenix K- Conditions.

The Board then asked questions to Tradewind.

Pat asked who got paid for crop damage, the landowner or the tenant? Jeff stated that the leases indicate the landowner is paid. Pat stated he just wanted to make that clear in case the landowner-tenant leases needed to be modified.

Mark asked about the operations of the Turbines and about fire suppression. Jeff stated there would be full time techs hired that would likely live in the area.

Mark opened the floor for public comment.

David Hosack- atty from Waterloo. Concerned Tradewind application doesn't comply with the submittal requirements outlined in County Ordinance. He gave examples of a 500' buffer and Engineers Certification.

Lynn Schuldt- Deep River TWP- Lynn spoke about a farmer who wanted to sell 70 acres but a Turbine Company would not allow the sale of the property. Lynn stated wind energy is not sustainable without subsidies and wind turbines kill birds and bats.

Tony Kriegel- Bear Creek TWP, owns ground in Jackson Pleasant Scott TWP- In favor of project. Voluntarily joined project. Will increase tax base. Will also increase state and federal tax base. Clean safe energy source. Everyone in this county will benefit from this project. The Positives outweigh the negatives. Wind Turbines will help keep the family farms in the family.

Karen Higgins- Scott TWP- Asks that the Board get all the facts.

Darrell Heetland- Jackson 18- property tax questions.

Mark Kennett turned the floor over to Supervisor Trevor White to talk about the taxing of Wind Turbines.

Trevor stated it goes by state code on a graduated scale up to 30% of assessed value after a number of years.

Supervisor Larry Wilson stated that it is important to know the tax dollars stay in the county.

Supervisor Diana Dawley told the audience to go to [WWW.PoweshiekCounty.org](http://WWW.PoweshiekCounty.org) and email her and she would send them a copy of the resolution for the taxing of Turbines.

Mike Townsley- Deep River TWP- Asked the Supervisors, If there were no money in it for you, would you want to live next to it?

Todd Price – Scott TWP- asked about Good Neighbor Policies.

Jeff Hammond stated they have not excluded anyone, regardless of how small parcel of land they have.

Ron Schuldt- spoke about Good Neighbor Policies and asked why this hasn't been publicized since 2008?

Craig Taylor- Coralville- Deep River TWP- supports clean energy, believes this project will benefit his grandchildren more than him.

Eric Fynnaardt- Pleasant TWP- Zoning question. Can ground be split off?

Darren Neil with Tradewind stated that the turbine goes with the lease of the land.

Clara Johnson- excited she will eventually own ground with a turbine. Excited to make a positive impact on the environment.

- 2. Tradewind Energy is requesting a Conditional Use Permit to construct a wind farm named the North English Wind Project. 182 turbine sites have been submitted for approval, from which up to 170 final locations will be selected and constructed. The project area for North English Farms includes: Malcom TWP sections 20 thru 22 and sections 26 thru 36; Pleasant TWP sections 1 thru 5 and sections 8 thru 36; Scott TWP sections 1-36; Lincoln TWP sections 3 thru 10, 15 thru 21, and 26 thru 36; Jackson TWP West Section 1 and 2, Jackson TWP sections 1 thru 6, 8 thru 12, 14 thru 17; and Deep River TWP sections 2 thru 7.**

- A. Tradewind Energy will give a presentation on the North English Wind Project.**
- B. Board of Adjustment questions and comments following Tradewinds presentation.**
- C. Public Comment addressed to the Board of Adjustment. Persons wishing to speak shall give their name, address, and the Township they reside or own property in Poweshiek County. Public comment will be limited to 3 minutes per person.**
- D. Board of Adjustment questions to Tradewind Energy Following public comment.**

Jeff Hammond took the floor. Jeff stated this project is 340 MW with up to 170 Turbines from 182 potential sites. This project will connect to Montezuma 345 line.

Jeff stated this project has signed with Mid American Energy to be the Owner Operator of the project.

Jeff showed a map of the project siting turbine locations.

Jeff stated the CUP requirements were met.

Jeff stated they anticipated construction to start pending approval in the fall of 2017 and will be operational by late 2018.

Jeff stated that there is no problem selling land that has a lease, and stated many properties have sold over the past 9 years and the lease transfers with the property.

Amber Zuhlke took the floor. She stated the reasons for the 500' buffer were due to site geological borings, driveway placement, owner requests.

Amber talked about the damage to birds and stated a study determined 150,000 birds are killed each year by wind turbines. 5 billion birds are killed each year by cats, cars, power lines to name a few.

Jeff spoke about the road maintenance agreement.

Mark Kennett asked if someone signed a lease but then decided they wanted out, before construction started, is that an option. Joe Arb stated that they have let some people out, but legally no they can't. They view every situation case by case. It depends on the infrastructure on the leased land

Mark asked if the projects would be built simultaneously? Jeff stated that they would overlap, with North English starting before English.

Mark opened the floor for public comment.

Joe Icenbice- Deep River 24- In favor of project. Stands to gain financially. He will be able to see towers from every direction on his property. With that he will see his neighbors maintain their lifestyle due to the extra income they receive.

Craig Johnstone- Malcom TWP- concerned about sound levels, also concerned whether the road system will support the heavy traffic.

David Hosack- Attorney- Concerned the application is not consistent with the Zoning Ordinance.

Supervisor Larry Wilson- in regards to Public Notice, every meeting is published in three papers, and posted on [WWW.Poweshiekcounty.org](http://WWW.Poweshiekcounty.org).

Karen Higgins- Scott TWP.- Look over the lease before you sign.

Vince Johnson III- Tradewind encourages property owner to take lease to personal attorney and Tradewind reimburse for legal fees. Stated there were 339 leases of 55000 acres, feels that says the people in the county want this.

Ron Schultdt- How will fungicides be sprayed on the fields, What is the interference with the GPS signal? How much will Tradewinds make on this project?

Robert Haworth-Deep River TWP- Asked if this goes through the Supervisors after the Board of Adjustment. Mark stated The Board of Adjustment are the final say at the County level, any discussion after this would be in a courtroom.

Ashley Armstrong- Excited to see this built, feels it is a good renewable energy source.

Nancy Newberry- Grant TWP- lives by Monsanto turbine- says there is constant humming and swooshing sound from turbine. Be ready for change if ones built near you.

Craig Taylor- Educate Yourselves, Visit the University of Iowa College of Public Health, David Osterberg is valuable resource, done extensive research.

Hearing no further public comment, Mark Kennett asked for direction on either item.

Coleen Van Dyke made a motion: I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE THE APPLICATION OF NORTH ENGLISH WIND PROJECT, LLC, AS SUBMITTED FOR A CONDITIONAL USE PERMIT UNDER ARTICLE XX OF THE ZONING ORDINANCE, INCLUDING THE WAIVERS ON CERTAIN SETBACKS AND NOISE

PURSUANT TO THE ORDINANCE AND ALSO INCLUDING THE CONDITIONS AND RESTRICTIONS CONTAINED IN ADDENDUM K OF THE APPLICATION.

Roger Cheney 2<sup>nd</sup> the motion.

J.D. Griffith took a roll call vote.

Coleen Van Dyke yes

Roger Cheney yes

Pat Supple yes

Motion carried 3-0.

Coleen Van Dyke made a motion: I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE THE APPLICATION OF ENGLISH FARMS WIND PROJECT, LLC, AS SUBMITTED FOR A CONDITIONAL USE PERMIT UNDER ARTICLE XX OF THE ZONING ORDINANCE, INCLUDING THE WAIVERS ON CERTAIN SETBACKS AND NOISE PURSUANT TO THE ORDINANCE AND ALSO INCLUDING THE CONDITIONS AND RESTRICTIONS CONTAINED IN ADDENDUM K OF THE APPLICATION.

Pat Supple 2<sup>nd</sup> the motion.

J.D. Griffith took a roll call vote.

Coleen Van Dyke yes

Roger Cheney yes

Pat Supple yes

Motion carried 3-0.

Mark stated the next Board of Adjustment meeting will be held on June 27<sup>th</sup> 2017 in the Poweshiek County Courthouse Board of Supervisors meeting room.

Roger Cheney made a motion to adjourn. Pat 2<sup>nd</sup>. All in favor. Motion Carried. Meeting adjourned at 8:56 P.M.

- This meeting was recorded and on file in the Poweshiek County Zoning Office.
- Early submissions of Public Comment were distributed to the Board of Adjustment prior to the meeting and viewed by the Board of Adjustment.

J.D. Griffith

Poweshiek County Zoning Administrator

