

**STORY COUNTY
 PLANNING AND ZONING
 STORY COUNTY ADMINISTRATION
 900 6TH STREET
 NEVADA, IOWA 50201-2087
 515-382-7245**



"Commitment, Vision, Balance"

**MINUTES
 STORY COUNTY
 PLANNING AND ZONING COMMISSION**

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE PLANNING AND DEVELOPMENT DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: June 5, 2019	Marvin Smith, Chair	2023
	*Jerry Cable, Vice Chair	2019
CALL TO ORDER: 4:02 PM	Kathy Mens	2022
PLACE: Public Meeting Room	PJ McBride	2021
Administration Building	Jonathan Sherwood	2020
	Doug Moore (Arrived at 4:06)	2020
	Cheryl Moss (Arrived at 4:04)	2020
	*Absent	

STAFF PRESENT: Jerry Moore, Director; Amelia Schoeneman, Planner; Marcus Amman, Planner; Gabriel Nelson, Planning Intern; Stephanie Jones, Recording Secretary

PUBLIC PRESENT: Nick Bierstedt, Kimberly Dickey, Crystal and David Ozee, Ryan Callahan, Emma Fleishman, Jeff Bryce, Wayne & Karren Gray, Cal Pearson, Ron Huhn, Holly Schuler, Alan Knaphus, Arden Greiner, Lawrence & Barbara Howard, Delora Hade, Neil Weiss, David Hade

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES Approval of May 1, 2019 Minutes (MCU)

PUBLIC COMMENTS

None

PUBLIC HEARINGS:

CUP 05-19 Story County Wind, LLC, Conversion Of Existing Wind Energy Conversion Systems

Jerry Moore presented the staff report and stated that this request is for a Conditional Use Permit involving the conversion of 100 existing Wind Energy Conversion Systems– WECS owned by Story County Wind, LLC, located in northeast Story County in Warren, Lincoln and Sherman Townships. The applicants propose to remove the existing blades and hub assemblies (generator and gears) on the existing WECS and install 50 rotors, 87 meters in size, and 50 rotors, 91 meters in size. The existing hub assemblies are equipped with GE 1.5 megawatt components and will be replaced with GE 1.62 megawatt components. The existing structural supports will not be replaced and are 80 meters. The heights of the proposed WECS will be approximately 405 feet and 412 feet high. Planning and Development staff recommend approval of the conversion project for 100 exiting WECS with conditions.

Sherwood asked for a definition of shadow flicker. J. Moore stated it is the shadow cast from the sun

extending through wind turbine blades and when seen from inside a dwelling it can turn an interior space from light to dark over a period of time. The County's ordinance requires the shadow flicker to not exceed 10 hours per year without a waiver from the property owner. Sherwood asked who approves the waiver. Smith clarified that the agreement would be between the property owner and applicant and if an agreement were reached then the individuals would be willing to waive the shadow flicker requirements. Smith stated that he felt the project could move forward, excluding the property owners that an agreement has not yet been made. Mens asked what would happen if an agreement were not reached with a property owner. J. Moore stated the applicant is required to meet the ordinance requirements or reach an agreement with affected property owners. Moss asked if the original towers exceeded 10 hours. J. Moore stated that an amendment passed 5 or 6 years ago made it a requirement that the shadow flicker on dwellings could not exceed 10 hours. There was no shadow flicker maximum requirement prior to this time. Several of the commissioners had questions about the shadow flickering and Smith stated that those remaining questions should be asked of the applicant. D. Moore asked if not all of the property owners reach an agreement if the project would move forward. J. Moore stated the applicant is requesting to defer action on proposed WECS conversions where shadow flicker agreements are currently being negotiated and the applicant would come back to the Planning and Zoning Commission to request approval after negotiations with the remaining properties have been resolved due to shadow flicker. The project would move forward for all other WECS conversions. Mens asked for clarification about if the upgrades would be allowed to take place if there was not an agreement reached. J. Moore stated that the applicant was required to meet the shadow flicker maximum requirement or negotiate with land owners prior to doing the WECS conversion upgrades.

Jeffery Bryce gave a presentation and talked about the value of the NextEra Energy. Bryce went through the project timeline and showed an overall site plan for the entire wind conversion project. Bryce went through the proposed maintenance plan, which will utilize current towers and no new construction. Bryce talked about benefits wind energy creates for landowners and community. Bryce provided information about the installation and restoration processes. Bryce stated that the estimated time for the crane to be on each site would be approximately 1-2 days.

Natalie Flinn spoke about the repowering effort and the commitment to operating wind facilities in an environmentally responsible manner while following environmental best practices.

Ryan Callahan provided information about the shadow flicker and modeling studies. Callahan stated that the Story County sound level limit is 60 dBA and that predicted maximum sound levels would be 50 dBA, and discussed how the sound level prediction is determined. Callahan stated that the shadow flicker models show worst-case limits and shadow flicker is expected to occur for less than one-half percent of the year. Callahan stated that the shadow flicker modeling is conservative and explained that the software used to determine the flicker modeling assumes that the sun is always shining during daylight hours, and that all wind turbines are always operating.

Bryce followed up on shadow flicker and stated that the goal is to be fully compliant with the County's zoning ordinance. Bryce stated that no turbines would be constructed if a waiver were not in place or the zoning requirements being met.

D. Moore asked what the expected life span is. Bryce stated that 10 years is not the expected life span, the situation is unique with power purchase agreements are expiring, and contracts are being negotiated. Bryce stated that with upgrades being made the power price would be able to be lowered to the customer and for maintenance as well. D. Moore asked if this has anything to do with the lightning hit that caught a turbine on fire. Bryce stated that this project was planned before that occurrence and the lightning strike was a separate occurrence. D. Moore asked the total megawatts of the two Story County sites and Bryce stated they are 300 megawatt total.

Moss asked about wildlife requirements are only for falcons and birds. Flinn stated that the guidelines are determined at the state and federal levels as to which animals are attracted to turbine sites. Flinn stated

that things that would attract any species to the site would be such items as trash or roadkill. Moss asked if there have been changes in technology making improvements so that birds are not attracted to the site. Flinn stated that any wildlife habitat found on sites is documented. Flinn stated that the turbine blades have not changed but the tower itself is now tubular rather than a lattice tower so that birds are not able to sit on the tower.

Moss asked if lighting is an issue with landowners. Bryce stated that the Federal Aviation (FAA) requirements are all being met and will be brought up to current standards. Moss asked if there is an impact of night vision causing light pollution. Bryce stated it would not affect more than it is currently. Smith asked how many of the projects will be done at a time. Bryce stated there would be three crews working at a time, which is to expedite the process. Start date will be in August and to be done in November before Thanksgiving.

McBride asked if the flicker was an issue with the initial instillation. Bryce stated that shadow flicker was not a requirement with the original instillation.

Sherwood asked what the negative impacts of shadow flicker are. Callahan stated that there are no health effects from shadow flicker and that annoyance is the biggest issue. Sherwood asked about epilepsy and headaches. Callahan stated that the wind turbines do not rotate fast enough for the light to flash fast enough to cause issues with epilepsy. Sherwood asked why the flicker is annoying. Callahan stated that it is not annoying to everyone but it can be to others. Moss asked for a comparison of noise. Moss stated that the sound decibel is at the range of 50- 60 typical conversation level of sound. J. Moore reminded the commission that the sound requirements are being met as required by the County.

Cal Pearson stated that he does not have a turbine on his property but is concerned about the turbines affecting his property value. Pearson stated that occasionally he can hear the turbines and he is concerned that larger blades may create more sound.

Arden Greiner stated that he is curious where the blades are manufactured.

Lawrence Howard stated that he has two turbines on his property and asked if crop destruction will be minimal during construction.

Ron Huhn stated that he has been involved with the company for many years and that during the original installation there were not any soybeans damaged on his property. Huhn also stated that the company has been very good to work with and helpful.

Alan Knaphus asked how best to approach the applicant regarding shadow flicker impact to his dwelling.

Bryce spoke about the property values and stated there have been numerous studies, which indicate that there is no decrease to property values, and typically increase property values because of contracts with landowners for income. There is no benefit to landowners whose contracts are not signed and the windfarms benefit the entire county from property taxes. Bryce stated that the blades come from North Dakota, Arkansas and Texas. Bryce stated that crop compensation damage is minimized and aerial site photos are taken pre and post construction. The photos are compared with yield taken into consideration, and compensation made. Shadow flicker compensation properties were approached with shadow flicker waivers, but it is not restricted to just those property owners. Bryce stated that anyone affected by shadow flicker are encouraged to be a part of the project and invited anyone affected to see him afterwards to exchange contact information.

MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit request for the WECS conversion project as put forth in case CUP05-19 with the following conditions:

1. The applicant shall submit documentation from an Iowa licensed engineer when the zoning permit applications are submitted for the proposed 100 WECS conversions that they will meet the National Electrical Code and that the existing structural supports will accommodate the weight of the proposed rotors and hub assemblies.
2. The applicant shall submit documentation of continued financial capability to cover 130% of decommission costs as determined by an Iowa licensed engineer for the proposed 100 WECS conversions, prior to the Board of Adjustment acting on the CUP & Variance requests and ultimately acted on by the Story County Board of Supervisors.
3. All negotiations with property owners shall be completed or the applicant shall provide documentation that the County's regulation will be met regarding Shadow Flicker prior to the Board of Adjustment acting on the CUP & Variance requests. The applicant may however, request the Board of Adjustment to table action on a WECS conversion request involving a negotiation with a property owner that is not finalized so as not to delay the project.
4. The applicant shall submit documentation from ITC, the owner of the electrical transmission line, that they support the requested setback distance from the proposed WECS conversions prior to the Board of Adjustment acting on the CUP & Variance requests.
5. The applicant shall submit a road maintenance agreement and financial security equal to 130% of all required improvements as approved by the Story County Engineer prior to the Board of Adjustment acting on the CUP & Variance requests.
6. Any crates, packaging material, damaged or worn parts, oil and lubricant containers, barrels and other items associated with removal and installation of the proposed WECS conversions shall be removed from the WECS sites and/or laydown yard and discarded in a timely manner meeting County and state requirements, not to exceed 30 days after project completion.
7. All equipment and supplies associated with the removal and installation process of the WECS conversions shall be removed from the laydown yard not to exceed 90 days after all 100 WECS conversions have been completed and the laydown yard ground shall be restored to current condition to accommodate agricultural use.

Motion: D. Moore

Second: Sherwood

Voting Aye: D. Moore, Sherwood, McBride, Moss, Smith, Mens

Voting Nay: None

Not Voting: None

Absent: Cable

Vote: (6-0)

Break at 5:36 and reconvened at 5:45.

CUP06-19 Story County Wind, LLC, Met Tower

Marcus Amman presented the staff report and stated that Story County Wind, LLC is proposing to install a temporary Meteorological Tower to provide power performance data in relation to the major modifications proposed (conversion of 100 existing WECS) to the existing Story County Wind Energy Center. Amman stated that the proposed tower is planned to be removed after two years of testing.

Jeffrey Bryce stated that the purpose of the met tower is for data purposes. Bryce stated that the proposal is for two years, but more than likely it will be removed after one year. The FAA requires lighting and the met tower is compliant with regulations.

Motion: The Story County Planning and Zoning Commission recommends approval the Conditional Use Permit for the Story County Wind, LLC MET Tower as put forth in case CUP06-19, with the following conditions:

1. The MET may be located on the subject property for two years.
2. The performance bond of \$21,060 to cover decommissioning cost shall be submitted and

reviewed by the Story County Attorney's Office prior to application for a zoning permit for the MET.

Motion: Sherwood

Second: Mens

Voting Aye: Sherwood, Mens, Moore, Smith, McBride, Moss

Voting Nay: None

Not Voting: None

Absent: Cable

Vote: (6-0)

REZ01-19 And SUB 03-19 Deerfield Subdivision Second Addition, A Minor Subdivision, Rezoning And C2C Future Land Use Map Amendment

Amelia Schoeneman presented the staff report and stated there are two requests; a rezoning and comprehensive plan amendment and minor subdivision plat. The Story County Zoning Map Amendment request is from the A-1 Agricultural District to the A-R Agricultural Residential District and a Story County Cornerstone to Capstone (C2C) Comprehensive Plan Future Land Use Map Amendment Request from the Agricultural Conservation Area to the Rural Residential Area for a Minor Subdivision request. The subdivision is proposed to create four lots for dwellings and one outlet to be used for agricultural purposes. The average development lot size is proposed to be 1.75 net acres. Outlot A is proposed to be 20.4 net acres. The subject property is located in the northeast corner of the intersection of 560th Avenue and 300th Street. Planning staff recommend approval of the proposed rezoning, C2C Future Land Use Map Amendment, and Minor Subdivision.

Smith asked if the out lot would remain in row crop and about the access. Smith asked if in the future the row crop access could be made into a public access road. Schoeneman stated that it would be wide enough but there may not be enough space to meet separation distance requirements. Sherwood asked where the access is located and Schoeneman pointed out where access is on Lot 2 to the road. Smith stated that it is one drive that is shared. Schoeneman stated that the plat indicates that the outlot will remain tillable ag land. D. Moore asked if that is legally binding to state that it must remain tillable Ag land. J. Moore stated that is the intent of the property owner to preserve farm ground. Schoeneman stated that if the commission is concerned, there could be a condition that the out lot has to remain ag land and is not for future subdivision purposes, but to get the note removed from the plat it would take consent from all the property owners and a Resolution approved by the Board of Supervisors as the subdivision would need to be replatted.

Leon Wuebker stated that the intention is to replicate what the other existing houses in the area are doing. Adam Wuebker stated that this acreage was a great opportunity to purchase and there is a high demand for the housing.

Motion: The Story County Planning and Zoning Commission recommends approval of the proposed Story County Zoning Map Amendment from the A-1 Agricultural District to the A-R Agricultural Residential District, the Story County C2C Future Land Use Map Amendment from Agricultural Conservation Area to the Rural Residential Area, and Deerfield Subdivision, Second Addition, and as put forth in case REZ01-19 and SUB0-319 to the Story County Board of Supervisors.

Motion: Moore

Second: McBride

Voting Aye: Moore, McBride, Sherwood, Mens, Smith, Moss

Voting Nay: None

Not Voting: None

Absent: Cable

Vote: (6-0)

CUP04-19, City of Ames Water And Pollution Control Department, Public Water Supply Facility (Water Well)

Jerry Moore presented the staff report and stated that this Conditional Use Permit request is to construct a water well in unincorporated Story County to draw water from the Ames aquifer to increase water capacity. The project will increase new source water capacity to offset new growth in demand as well as to offset the loss of productivity of existing wells near downtown to avoid a need to ration water when experiencing a drought. The project includes the construction of two additional water wells that are planned to be located inside the City limits and water main that will extend to the City's new water treatment plant located to the south. The project also includes installation of buried power transmission line, which will run from a utility electrical service and a new generator, and fiber optic line. Planning and Development staff recommend approval of the Conditional Use Permit request for the new water well.

D. Moore asked if the parcel is owned by the City of Ames and J. Moore stated that yes, it is owned by the city. Smith asked about the location and J. Moore stated that it is on the Eastern edge of Ames off Stagecoach Road.

Neal Weiss thanked J. Moore for helping with the process. Smith stated his initial concern, but noted that it was highlighted in the staff report and in a separate document on the Agenda Center that the pumps are designed so that the aquifer levels are not depleted.

MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the Public Water Supply Facility (Water Well) project as put forth in case CUP04-19, as submitted.

Motion: Mens
Second: Sherwood
Voting Aye: Mens, Sherwood, Smith, Moss, McBride, Moore
Voting Nay: None
Not Voting: None
Absent: Cable
Vote: (6-0)

COMMENTS:

STAFF: J. Moore stated that the Planning Intern, Gabriel Nelson has started. A reminder was given to the commission that the July meeting would be on the 10th due to the holiday.

COMMISSION: Smith asked about the status of the old communication tower on the Iowa Department of Transportation - IDOT property. J. Moore stated that the IDOT planned to remove the old tower, however removal was not a condition of the CUP for the new tower. J. Moore stated that he would send a letter to the IDOT asking about their plans for the old tower and report back to the Planning and Zoning Commission.

ADJOURNMENT: 6:51 PM


Approval of Minutes
4:05 pm 7/10/19
Title and Date