

Board of Supervisors Minutes
Solar Ordinance Public Meeting
6:00-7:30 pm
Toledo Reining Center
May 9, 2023

The Tama County Board of Supervisors met at 6:00 p.m. May 9, 2023. Present: 1st District Supervisor, Curt Hilmer; 2nd District Supervisor, Bill Faircloth and 3rd District Supervisor, Dan Anderson. This meeting was held at the Toledo Reining Center to allow accommodation for a large crowd. The purpose of this meeting is to get input for a proposed solar ordinance for Tama County. Chairman Faircloth started the meeting at 6pm. The Pledge of Allegiance was recited. Chairman Faircloth then went over the rules for this meeting. Everyone signed up to speak will get three minutes. If there time left, you may sign up to speak again. You will come up to the microphone, state your name and address. Everyone is asked to be respectful and allow the speaker to speak for their three minutes with no interruptions.

Bill Douglas, Clutier – In Section 3 A.1 it states a three member Tama County Board of Supervisors. That will be changing soon so I would just suggest you drop the three. Section 2N references a CSR of 60, this is too limiting. Similarly in Section 1A, the 25 megawatts is also restrictive. Please try to avoid being too overly restrictive. Set backs are blank in this draft, other counties have used fifty feet. Solar is a much more efficient way to produce energy. The Tama County Land Use Plan is old and a lot has changed since then. Solar power is a much more efficient way of producing power. It protects the top soil.

Nancy Yuska, Traer – This is a good start. Preserve our precious land. Please protect rural cemeteries from being surrounded. You need to get the opinions of neighboring landowners and acreage owners. Would like the ordinance to use language to protect these non-participating landowners. Mandate any developer to provide a list of surrounding landowners within a certain radius that don't want this encroachment. Use 50 or lower CSR2 ratings. This will destroy the beauty. Since your fee structure in Section 6 Item 3 is blank, I recommend a non-refundable permit fee of \$50,000 to be paid upfront at the time the permit is sought. Monetary fines for the developer for failure to comply with any sections of the ordinance should be a per day per violation and should be in the \$10,000 range. I feel the fee section should not be lowballed.

Elias Toshiro, TED Renewables – This is an early stage project here in Tama County. It takes three to four years to reach the construction phase. We will be conducting many studies and fieldwork with the Iowa Department of Natural Resources, State Historical Preservation, U.S. Army Corp of Engineers, and many environmental organizations. We believe a good solar ordinance will be very beneficial and welcome working with the Supervisors. We want to take all the time you need to answer your questions.

Heather Knebel, Traer – I want to thank the Supervisors for working on a solar ordinance. I would not want a field full of panels next to my land. It would ruin my property value and the view as well as being a fire hazard. This is the best land. Some suggestions I have are

1. CSR2 of 60
2. Permit not be issued until ready to build and you must build within four months of approval

3. The current wording says it applies to any proposed projects I would like it to say any project not yet approved by the Board of Supervisors
4. Height should not be more than ten feet tall at the maximum tilt of the solar panel.
5. Setbacks should be one mile from a non-participating landowners dwelling and one half mile from a non-participating landowners property line
6. Decommissioning needs to be addressed. It should be a third party professional engineer estimating that cost. The decommissioning money should be put in an escrow account at 150% of the decommissioning estimate and the County keeps the interest. It should be done before construction starts.

I look forward to partnering with you on this ordinance.

Lynn Cizek, Traer – We have lived here for thirty years. Will be surrounded on the west, north and east. This is not what we envisioned. No one knows the health repercussions. We have been attending weekly meetings to draft an ordinance since February. We need a strong industrial solar ordinance. Here are some changes I propose:

Section 1A – Instead of proposed I would like it to say permitted.

The proposed ordinance would allow for up to two hundred fifty acres, we believe this is too much.

Section 2N – I think there should be two independently separate CSR determinations

I would like to see one half to one mile setback from acreage owners. We agree with the CSR of sixty.

Justin Wills, TED Renewables - On March 17 we followed up with comments to the Board of Supervisors regarding the solar ordinance. We suggested the following additions:

1. Require a decommissioning plan
2. A road use agreement
3. A solar siting guide

We are glad to see in the draft:

1. Site plan
2. Specifications of height limits
3. Specifications of setbacks
4. Appropriate fencing and signage

The following are unworkable and will deter projects:

1. Section 2J regarding megawatts
2. Section 2N – this penalizes private landowners
3. Section 8 – no building within a 100 or 500 year flood plain

Al Schafbuch, Dysart – I was recently at a meeting for grain growers and Tom Vilsack, Secretary of Agriculture, spoke about renewable energy. He said to make sure not to put wind

and solar on good ag land. I would like to see a 60 CSR limit. Soil will be eroded. The current draft is good it just needs a few numbers for heights, setbacks. I would like to see penalties for not following the ordinance.

Janet Wilson, Clutier – I support including strong fire safety measures in this ordinance draft. Faulty installation is the leading cause of solar panel fires. Hot spots can cause panels to catch fire and arc thus spreading the fire. Causes of this include design flaws, component defects, foundation failures, frost, flooding, humidity, hail storms, animals and a build-up of debris. Chemicals are deadly to firefighters and contaminate the air and soil. Because of this firefighters need to wear self-contained breathing apparatus'. Battery and inverter fires can't be put out with water. Fire occurrences will increase. There were seventy one industrial solar fires since 2016, with a 36% increase from 2017 to 2018. Fire Trace International studies show that fire suppression equipment needs to be required. They can detect and suppress a fire before it spreads. Solar projects should be tested and inspected by third parties.

Linda Moeller, Buckingham – How can you call a solar farm a farm? My grandfathers, husband, brothers and son have been or are now farmers. I associate farming with working the land, growing crops, raising animals and the enjoyment of rural life. I have seen five eagles in a nearby field. Is it really "green energy?" Does the energy stay here or go somewhere on the grid? What about businesses that depend on farming? We want them to thrive, not die.

I have learned that some people are affected by the EMF (electromagnetic fields). We must preserve the land to produce food. I would like to see a limit of 50 CSR to protect our most valuable agricultural land. There are reports of lower property values due to solar fields being nearby. I would like to see two hundred foot setbacks from residents with easements and a set back of one half mile or better from any adjoining property lines. Currently the CO2 percentage of our atmosphere is about .04% which isn't that far from a level of .02% which is when plant life starts dying. We need trees, grass and crops to produce oxygen.

Judy Kopriva, Clutier – I am not against solar energy for personal use. My son has panels on a shed and I hardly notice them. I am against industrial solar projects. We need to protect our farmland. I would like to see a CSR2 of 60 or higher. Solar panels capture 20% of light over four to five hours per day. Sunlight would be more efficient on crops. Most sun energy is down along our southern borders by Mexico, Let the big solar farms go there. I feel panels should be put on rooftops and old parking lots in cities where they already have cement.

Richard Arp, Dysart – You know my opinion. I am not against solar panels, they have their place and should be on roof tops, back yards or poor ground. Not highly rated farm ground that God meant for us to produce food from. I hope someday we don't regret allowing solar on good ground. Please do what is right for Tama County and our future generations.

Craig Earley, Traer - I own land in Perry and Clark Townships. I am concerned that solar will lower our land values and increase insurance rates. Commercial solar projects do not make sense and depend heavily on government subsidies funded by our tax dollars. We should protect our land for agricultural purposes and adopt a strict land use ordinance to protect land for agricultural use. The time is now to create an industrial solar ordinance. Has greed overrun our

concern for our neighbors? Please get the zoning commission positions filled. Conditional Use Permits (CUP) need to expire after one year of issue and not be extended. Then you would need to reapply. We need to be good stewards of our resources. Please do not give in to developers for their own profits. Thank you. Many people are praying for you.

Bev Espenscheid, Traer – I would like to make some suggestions to your proposed ordinance. I do agree with the 60 CSR requirement. I have four suggestions for you:

1. Permit should go through the Board of Adjustment
2. Have upfront meetings between the developer, supervisors, engineer, zoning and county attorney
3. A public meeting held by the developer before signing any agreements. Notice of this meeting needs to be on the front page of the newspaper for two consecutive weeks
4. Compliance needs to be added to the ordinance

Nikki Novak, Toledo – I read a recent article in the Cedar Rapids Gazette on Linn County's ideas on their solar ordinance. One of them represents my sentiments, Tama County should include a decommissioning agreement with financial assurances such as a surety bond, bank letter of credit and parent company guarantee. This agreement should identify the depth at which all underground equipment and wiring shall be removed at the end of the projects life cycle with costs calculated accordingly. The county should make a new determination of decommissioning costs every five years performed at the facilities, owners, operators expense by a licensed Iowa engineer approved by the county. This may include changes in regulatory environment equipment modifications, market considerations and recycling salvage technology. It should also address the issue of abandonment of a solar project and allow that a county representative verify that the decommissioning has been done to the county's satisfaction.

Laura Wilson, Dysart - I agree with many sections outlined in the current draft but also feel there were areas completely left out that should have been included and some portions can use further specification. I request that a section be added that covers project ownership transfers, the County would need to receive proof that the decommissioning costs would be covered by the new company. Other stipulations could be added and reviewed as well. A sufficient non-refundable permit application fee of \$50,000 for additional labor in county offices. Notify all adjoining landowners within a five mile radius before easements are signed. Grass plans to be approved by the local FSA, Conservation Board and DNR to ensure that the methods will not ruin the soil for when the project is decommissioned. The developer must provide a water run-off plan to prevent flooding or erosion to neighboring land. A twelve month expiration on conditional use permits. A six month expiration on the building permits of industrial solar projects. After that, they would need to start completely over with the process. There needs to be consequences for any violations, I suggest fines of \$10,000 per day, per violation with the possibility of revoking the permits. Reassessment of the project at an industrial rate rather than an agricultural rate with no delayed or diverted taxes. Any improvements or structure changes beyond basic repairs must be submitted and approved by the Solar Board. Battery storage needs to be addressed. I suggest removing the ability to have battery storage on the property, currently listed in Section 4, Subsection 7. I would like to see the presence of battery storage denied anywhere in Tama County. I would like to see a public

complaint process with a time limit for compliance. Landscape screening the same height as the solar panels at the time the screening is installed. I suggest adding a section that prevents any radiation or infrasound at a neighboring property line for non-participating landowners.

Jon Winkelpleck, Dysart – My entire family is against any wind or solar on land with a CSR of 60 or higher. Tama County residents need to be considered when developing these ordinances. We need to protect farmland, wildlife and the quality of life here. Prime farmland in Tama County is disappearing at an astronomical rate. Thanks in advance for your consideration and for doing your elected job in protecting the taxpayers of Tama County.

Alan Sienknecht, Clutier – I am concerned about land with a CSR of 45 or below. I believe it competes with CRP ground. I would like to see solar put down by the southern border as stated before.

Karen Murty, Toledo – Industrial projects have been going on in our county for 6 years and we knew nothing about it. Most of these companies promise good faith negotiation. When there isn't knowledge of it and there is no complaint process and people are told to be quiet it becomes a secret. We have been dealing with solar, turbines, transmission lines and fiber optic. Our concerns are ongoing regarding grass fire, maintenance. Our seasons make it hard for maintenance sometimes. The easements are for thirty to forty five years. That's a long time. The energy is outsourced. Who benefits from the green energy? It has not been proven safe. Decommissioning needs to be addressed. Energy is sent out, who does this benefit. We don't have current emergency equipment. I encourage you to read Genesis 8. God promises no more floods but says fire will destroy the world.

Bill Keeney, TED Renewables – This is all a part of a long conversation. We are at the very early stage of this project. There are dozens of studies before we even start. We plan to invest \$150 million of new capital on private land in Tama County. No use of eminent domain. Significant impact on the tax revenue of the county and North Tama School District. Overall, we support the ordinance. To know the rules we have to follow is very important and we plan to be very honest and transparent during this process. Some things we would like to see changed in the proposal are: 1. The restriction of the 25 megawatt project size, 2. The project avoid any 100 and 500 year flood plains, 3. The CSR limit. We feel they may not be workable in a project like ours. We are hopeful Tama County will take advantage of this business opportunity. We are excited to be here and answer questions.

Mike Carberry, Iowa City – I am with Bright Future Iowa. We work all over the State of Iowa promoting wind and solar projects. I believe good policies make for a good project. I am a former Johnson County Supervisor and farmer. I have half of my farm in pasture and half in CRP. I've had people ask me why I have cattle on such good land. A farmer should have the right to do what they want with their land that is legal. Harvesting the sun is still farming. The National Farm Union and Iowa Farmers Union, of which I am a board member, considers electricity a value added crop. They believe in a farmer's right to create any type of farming or crop that is legal including electricity. Good policy makes good projects. The benefits need to be spread around. You will need proper setbacks. CSR limits can get rid of projects. If that is what you want, then do that.

Terry Kucera, Sergeant Bluff, IA – Take advantage and talk to the developers here. This could be a great project for this area. When I considered this I wanted to make sure there were no flashing lights or noises. I wanted to make sure there is a perennial crop under there so the land will be in better condition and can return to farming. I know there are people out there who have longer CRP contracts than what this is going to be. This is harvesting the sun. We need to do it the most efficient way we can. Ethanol has been successful even though it has only been 15% efficient. I feel I have gained a lot of knowledge tonight. I feel good about the project. Solar is new. Fifty years ago on my farm, my dad and I were doing a project to put solar units in for air drying corn. We discovered that when the moon was shining we would get a 2-3 degree temperature rise. Some of the data out there is incorrect so I just wanted to pass that story along.

Andrea Dvorak, Clutier – I farm with dirt. My son is Mr. Science. We use sun, heat, wind, water. I am not totally against some of this. The only way any of this works is with government subsidies and that I am against. The Sierra Club statement says explore, enjoy and protect the planet. This is the largest and most effective environmental group. Put solar on buildings, not large solar farms. The science is still here to be discovered. Let's find it.

Chairman Faircloth – That was our last speaker. We have time left, if any one would like to speak, sign the sheet so you may speak or speak again.

Bill Bonawitz, Traer – I am a long time farmer. I agree with the people who have spoken against solar. This will require large electrical lines and towers and that could be acquired by imminent domain.

Laura Wilson, Dysart – I agree with the CSR of 60 or below, could you update that wording to CSR 2 to be correct with the actual rating please. The County should be aware of any trees removed by the project. Place a limit on the removals or include a clause to replace the trees with the decommissioning language. Setbacks should be from property lines of all non-participating landowners. If you have adjoining landowners and they both agree those could be reduced. Removal of landscape should only occur in a time frame approved by the DNR. You need to protect non-participating landowners as much as you allow participating landowners to use the land as they wish. How do you want Tama County to be viewed? Glass farms or agriculturally strong? The ordinance should be in the best interests of everyone in the County.

Craig Earley, Traer – We are blessed with some of the best land in the world. 250 bushels per acre per year produces 625 gallons of ethanol, 2,800 pounds of gluten feed, 750 pounds of gluten meal and 400 pounds of corn oil. It takes people to produce this. It creates many jobs and food. What is more important than food? Let's think about what we have.

Mike Carberry, Iowa City – I represent the State of Iowa on the Council of Leaders for the Sierra Club. They support personal solar. Solar panels are very efficient in tempered climates and most would not tolerate the heat down by the southern border. One acre of solar equals eighty times more energy than one acre of corn. Its good energy and economics. We need to decarbonize our economy and electrify everything. The sun produces the life producing energy we all need.

Ron Busch, Toledo – I was on the County Zoning Board for twenty two years. We created the windmill ordinance. The state has rules we had to go by. In the 1993 we had no internet and now you can't get along without it. Sometimes you have to think out of the box a little bit. Back when I was on the zoning board we would have looked at the CSR rating and these solar farms would not have gone up. The soil is the most important thing in our county. If you go up north you will see solar farms but they are built on land that can't be farmed, but land that produces 250 bushels of corn, I wouldn't do it. The hilly land by Vining would be perfect ground. We need to move forward and learn how to. Solar is here, we need to live with it. How we live with it will be our priority now.

Randy Fisher, Clive – I am the State Director of the Center for Infrastructure and Economic Development. We have been in contact with the Supervisors in regard to this policy. We need balance between citizen concerns, energy needs and economic benefits. Show respect for neighbors, protect the landowner rights and promote responsible development for the county. I would like to pledge involvement and engagement at no cost and provide insight for the Board on policy. We would welcome working with you in a balanced approach.

Bill Gerhardt – I am from rural Johnson County. I am a business agent for the Laborers Union, semi- retired. Please make sure whoever the developer/contractor is that they use local workers. There are economic benefits to the county in doing this.

Rita Dostal – I have concerns with companies asking more than once. If I say no the first time, don't come back and keep asking. No means no. My land will be in conservation and have a wind break. It will be for wildlife and agriculture. Put solar on houses. Germany says they wish they hadn't gone solar. They are getting away from wind and solar. How will it affect our environment, wildlife, bees and pollination? This has not been researched.

Rob Wobeter, Otter Creek Township – CSR2 vs CSR is important. These numbers can be different. I have a concern with power lines. Things are changing. With an easement you pay fair market value of the land. If the land is taken by eminent domain maybe make it two and a half times that value. I would like to see a large windbreak around solar farms to make it more appealing and to protect the wildlife and maintain it. I am for private solar.

Bill Keeney, TED Renewables – I just want to clear up a couple of issues. Part of the reason we selected this project site is that it has an existing 161kw Alliant transmission line on the site. The proposed project will not involve eminent domain as there is no need for additional transmission lines. So that is not a part of this project. TED Renewables does not contact landowners more than once. We are also no longer looking for any additional sites.

Richard Arp, Dysart – Aesthetics are important. There is an area on my farm that is high and I can see for miles. Please don't take that away with wind farms and solar panels. I want to save that view for my kids and grandkids. Do what you have to for the people of Tama County. If people want solar on roof tops, that's okay. But I don't want these big solar projects.

Lynn Cizek, Traer – No one wants to live next to an industrial solar farm even with a wind break. I have not heard anyone say they would like to live next to a 900 acre solar farm. We have survived

several storms, derechos and wind storms. Who is responsible for the damage and debris that would get all over my farm? I am with Richard Arp, I am okay with solar on roofs or small personal solar farms. I am a retired RN, I understand the possible repercussions regarding occupational and industrial hazards caused to individuals. I feel threatened. I am pleading my case. I am okay with some solar but not this current proposal. I hope our Supervisors are courageous and show strong leadership to protect all of our citizens here because that is what we need. (Applause from audience)

Rob Wobeter – I saw online that the Iowa Senate introduced a bill with setbacks on solar at a quarter of a mile. You might want to look into that. I am totally for at least quarter mile setbacks.

Karen Murty - Thirty years ago Chuck Grassley thought this industrial technology might be helpful for our energy crisis. Now he is asking why farmers are signing away their land to these industrial projects and technology. So he is rethinking his whole plan of how this has gone and how it is taking agricultural land out of production. Beef is at \$3.00 a pound, how can we support ourselves? Where is our good beef going? Prime beef requires pasture, fences, water, shade and hay fields. We might be eating laboratory meat. Thank you for considering agriculture as the prime occupation for this area. Tax industries to the hilt.

Chairman Faircloth – we have six minutes left.

Chairman Faircloth adjourned the meeting at 7:29 pm.

There were forty four people in attendance with thirty six people addressing the Supervisors.