

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, November 21, 2022

The Linn County Planning and Zoning Commission meeting was called to order at 6:31 p.m. by Chair, Tina DuBois. The meeting was held in the Jean Oxley Public Service Center Formal Board Room, 935 2nd Street SW, Cedar Rapids, Iowa.

QUORUM DETERMINED:

PRESENT:

Tina DuBois, Chair	2025
Brock Grenis, Vice-Chair	2023
Diane Brecht	2025
Allen Wagner	2024
Curt Eilers	2022
Griffin Kuntz	2026

ABSENT: George Maxwell 2025

STAFF: Charlie Nichols, Director
Stephanie Lientz, Planning & Zoning Division Manager
Jessie Black, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the October 17, 2022, Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

JF22-0027	Dengler Second Addition	Final Plat
JPS22-0020	Smith Farm First Addition	Residential Parcel Split
JLPS22-0005	Linn Acres First Addition	Land Preservation Parcel Split

Motion by Grenis to approve the consent agenda, subject to the conditions of the staff reports. Second by Eilers.

Kuntz	Aye
Grenis	Aye
Maxwell	Absent
Wagner	Aye
Brecht	Aye
Eilers	Aye
DuBois	Aye

REGULAR AGENDA

JA22-0005

UDC Text Amendment

Pipeline

Charlie Nichols presented the staff report.

The Linn County Unified Development Ordinance currently exempts certain utility appurtenances (e.g. distribution lines, water lines) from zoning and permitting requirements, including setbacks. The intent of this exemption was likely to exempt rural water, natural gas, electric, and other public utility providers' distribution lines that provide needed services to homes and businesses in Linn County. Recently, pipelines transporting hazardous liquids and gases between states have been proposed with routes through Linn County. Because these pipelines do not provide essential services and create greater risks in the event of a spill or rupture, these amendments are proposed to require setbacks from dwellings and other uses that pose evacuation challenges. The proposed ordinance is purposefully limited to establishing setbacks for hazardous materials pipelines.

For hazardous liquid pipelines, the state does not enforce federal safety standards. There are federal, numeric standards for depth of cover for both gas and liquid pipelines, however, no numeric depth standard for hazardous liquid pipelines when land is in agricultural production. The proposed ordinance introduces a numeric standard for depth in agricultural areas of 36 inches, matching the federal requirement from residences and places of public assembly. The depth may be required to be increased above this standard or federal law for gas and liquid pipelines, accounting for the impact of deep tillage of 18 inches required by Iowa Administrative Code Chapter 9.5(6), Restoration of Agricultural Lands.

For liquid pipelines, federal standards require a 50-foot setback from residences or places of public assembly, unless additional cover is added. Staff proposes to use the federal minimums as setbacks for hazardous liquid pipelines, with the exception of carbon dioxide in its supercritical/dense phase (liquid). In May of 2022, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration announced a new rulemaking for carbon dioxide pipelines, in response to a pipeline failure in Satartia, Mississippi (PHMSA, PHMSA Announces New Safety Measures to Protect Americans From Carbon Dioxide Pipeline Failures After Satartia, MS Leak, 2022). The standards are not yet available.

As setbacks standards are not yet available from PHMSA, staff is proposing setbacks based on several peer reviewed, scientific studies (Xiong Liu, 2019; Mazzoldi, 2013). The recommended setbacks vary by pipeline diameter. This ensures, while they protect public health, safety, and welfare, that they are also the minimum necessary.

Iowa Code 331 does prohibit county regulation of natural gas service by a public utility. The proposed ordinance exempts all pipelines that are operated as public utilities, following IUB regulations. It also exempts water service lines. Otherwise, there is no prohibition in Iowa Code. Again, the chapters regarding the IUB's regulation of hazardous materials pipelines specifically require a petition for a new pipeline to

address conformance with zoning and future land use plans, thereby recognizing that there may be local standards in addition to state requirements.

Staff believes, in the absence of formal guidance from PHMSA, the proposed amendments protect the public health, safety and welfare and the proposed setbacks are the minimum necessary to achieve this goal.

Kuntz asked if the Iowa Utilities Board can supersede the ordinance, setbacks, etc. Nichols said he was not sure, as this specific type of ordinance has not been litigated yet.

Eilers asked if Nichols had received any reaction from the pipeline companies in reference to the proposed ordinance. Nichols said not yet, but he is aware of other counties who have adopted similar ordinances, being sued. He anticipates the same happening in Linn County.

Eilers asked if the county had received any feedback on the proposed ordinance from members of the public. Nichols said the county has received several comments from members of the public in opposition to pipelines.

Motion by Grenis to recommend approval of case JA22-0005 , subject to the conditions of the staff report . Second by Brecht.

DuBois	Aye
Kuntz	Nay
Wagner	Aye
Maxwell	Absent
Grenis	Aye
Brecht	Aye
Eilers	Aye

OTHER BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

Nichols said he was pleased to see that four members of the Planning & Zoning Commission applied to serve as a member of the solar advisory committees: Tina, Griffin, Curt, and Diane. He will send out an email with additional information and potential committee meeting dates and format. Nichols would like to have one meeting in December, if possible.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 6:54 p.m.

Respectfully submitted,

Tina Dubois, Chair

Jessie Black, Recording Secretary