

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, November 29, 2021

The Linn County Planning and Zoning Commission meeting was called to order at 6:30 p.m. by Chair, Tina DuBois. The meeting was held at the Linn County Fairgrounds, 201 Central City Rd, Central City, IA.

QUORUM DETERMINED:

PRESENT:	Tina DuBois, Chair	2025
	Curt Eilers, Vice-Chair	2022
	Allen Wagner	2024
	Brock Grenis	2023
	Griffin Kuntz	2021
	George Maxwell	2025
	Erin Detterbeck	2025

ABSENT:

STAFF:	Charlie Nichols, Director
	Jessie Black, Recording Secretary

See attendance sheet for community sign in.

REGULAR AGENDA

JR21-0008

Rezoning - AG to RE-AG

Coggon Solar LLC

Charlie Nichols presented the Staff Report.

The applicant is proposing to rezone approximately 750 acres from Agricultural (AG) to Agricultural with a Renewable Energy Overlay zoning district (RE-AG). The property is located within the AA (Agricultural Area) on the Linn County Rural Land Use Map. The project footprint itself will be approximately 640 acres. The purpose of the rezoning request is to allow for the construction of a utility-scale solar facility generating 100 MW of power.

The proposal must meet the standards for approval per Article IV, Section 107-69 and Article IV of the Linn County Unified Development Code (UDC), except for adequate public facilities/minimum levels of service requirements per Article IV, Section 107-69, § (1) (a). A Land Evaluation and Site Assessment (LESA) analysis is not required per Article IV, Section 107-70, § (1)(i) of the UDC. The proposal must meet the standards for approval in Article VI, Section 107-117, § (h) for utility-scale solar installations.

Staff recommends approval subject to the conditions of the staff report.

Tom Fitzgerald, Director of Development for Clenera (Coggon Solar LLC), shared a PowerPoint presentation on the proposal. Topics included: justification of location, solar benefits, material specifications, design features, etc.

Questions from Commission members :

Kuntz asked what happens after the 20-year Power Purchase Agreement with CIPCO expires. Fitzgerald stated the contract will either be up for renegotiation with CIPCO, or sold to another power company in Iowa. Kuntz asked if a new substation would need to be installed in the event that another company negotiates a new contract. Fitzgerald said no. Clenera has a large interconnection agreement with CIPCO which allows them to interject the power from their substation, regardless of who is buying the power. This agreement lasts the entire span of project, 35 years.

Kuntz said that construction piers have been a major source of contention at other solar farms he's visited. Referencing language in Clenera's proposal, Kuntz asked who determines what qualifies as a "major site disruption", referring to the removal of steel posts. Fitzgerald explained that the posts will be completely removed at the end of the project, unless it poses a risk to existing infrastructure, in which case Clenera would then contact Linn County to discuss alternatives.

DuBois asked, out of the 640 acres included in this proposal, how many of them are currently being used to harvest crops for ethanol production. Nichols said he is unable to determine purpose.

Eilers asked if any of the materials used in the proposal could be sourced in North America. Fitzgerald stated that tractor systems are manufactured in the United States, but modules are made in India.

Maxwell asked where Clenera would get the funds for this project. Fitzgerald said funds would come from a bank loan. Maxwell asked if Clenera had any affiliation with the Bank of China. Fitzgerald said no, adding that the bank of choice would have no political backing.

Kuntz asked if there would be any repercussions for participating land owners if they decided to opt out of the proposal. Fitzgerald said no, there is no commitment.

Kuntz asked how it would be handled if construction began and it becomes evident that the parcel involved was not suitable for building. Fitzgerald insisted this situation is highly unlikely, adding that this is the reason Clenera did such thorough investigation work prior to finalizing proposal.

Grenis asked staff if the mitigation measures proposed would be less detrimental to existing agricultural land than if no project was constructed. Nichols explained that while

he understands the land will be taken out of production for 35 years, he does believe the soil health will be much greater upon decommissioning, than if no construction took place. Nichols insisted the intent is for soil to be of better quality after the project than prior to.

DuBois asked Nichols if the drainage issues resulting from the previous expansion of CIPCO substation have been addressed. Nichols said CIPCO is in the process of resolving, but the issue has not yet been solved. Nichols has been in contact with the neighbors and CIPCO and he is asking that CIPCO provide a performance bond or cash in escrow to the county that would guarantee the issue gets rectified, if not done prior to expanding.

Detterbeck asked Fitzgerald if there was any kind of timeline proposed to repair damaged drain tiles or resulting drainage issues, once the problem has been identified. Fitzgerald said no. Nichols noted that tile repair is a requirement/condition of the project, and if the conditions are not met, the Board of Supervisors could remove the zoning overlay, making the rest of the project null.

Public Comments:

Nichols summarized the written public comments received prior to tonight's meeting.

Pam Mackey Taylor, 2200 S 31st Marion, shared her concerns over potential bird collisions due to lake effect. She requested that Coggon Solar LLC keeps record of bird accidents as a result of this.

Samantha Peterson, 527 Driftwood Ln, Atkins, spoke in opposition of the project. Her family is facing a similar situation near their home north of Atkins. Peterson referred to the Linn County Comprehensive Plan, citing that the section titled "Liveable Communities" has been ignored by the applicant and staff.

Jerome Ries, 1237 325th St, Ryan, spoke in opposition. He expressed concerns over the effects of severe weather on the solar panels, wondering who would be responsible for cleanup in the event of a major storm. Ries also shared concerns about project location and the effects of taking land out of production.

Joel Peyton, 3002 Troy Mills Blvd, Winthrop, spoke in support of the project. He expressed his satisfaction with the conditions applied to the case by Linn County Staff, expressed confidence in CIPCO, and compliance and transparency from Clenera.

Ellis Vann, 421 Limerock Dr, spoke in support of the project. He expects the Coggon project to set a precedence for other local solar projects in the future. Vann expressed some concerns over decommissioning costs. He suggested putting money into a decommissioning fund.

Steve Mason, 6547 Benton Linn Rd, shared his concerns about public safety, citing that the entire project will be served by a volunteer fire department. He also mentioned

concerns over potential fire risks, weather hazards, recycling costs and locations, and the decommissioning plan.

Traci Nelson, 3311 Pleasant Creek Rd, Palo, spoke in opposition. She mentioned concerns over the proposed location, environmental impacts, drainage tile issues, fire hazards and public safety.

Kelly Merta, 4194 Quail Ridge Rd, spoke in opposition, referring to several goals in the Linn County Unified Development Code.

Sara Alden, 4124 Greens Grove Rd, also spoke in opposition. Her concerns were directed toward the incompatibility of the project with the Unified Development Code. She insisted it would be detrimental to the environment to take the existing farmland out of production.

Greg Bickal, 2250 Coggon Rd, spoke in opposition. He shared concerns over the impacts this project would have on the character of rural living.

William Rogan, 5737 Pering Ridge Rd, spoke in opposition. Rogan expressed concerns about how the solar panels would age, insisting that technology is ever-changing and in 35 years, the proposed panels will be outdated.

Seth Green, 5318 Valley Farm Rd, spoke in opposition, citing concerns over insufficient fire protection and the impacts of rural character.

Laura Robinson, 2094 Linn Delaware Rd, Coggon, spoke in opposition. Robinson insisted this project does not meet the Economic Development and Employment Opportunities goal listed in the Unified Development Code.

Paula Robinson, 1127 Linn Delaware Rd, Coggon, spoke in opposition. Her concerns were directed toward the lack of communication she's received from Clenera regarding the proposal. Robinson also insisted the proposed location is prime farmland that should not be taken out of production.

Gregg Geerdes, attorney, 105 Iowa Ave, Iowa City, spoke in opposition. Geerdes is legally representing the Robinsons. He referred to goals listed in the Unified Development Code that are not being met through this project.

Tom Robinson, 2094 Linn Delaware Rd, Coggon, spoke in opposition. He shared his disappointment with CIPCO's lack of resolution for the drainage issues caused by their substation expansion. Robinson expressed additional concerns regarding further drainage issues, and timeliness of repair.

Jessica Petersen, 3266 68th St, Shellsburg, spoke in opposition. She was concerned about taking prime farmland out of production, and materials and chemicals used in panel production.

Ryan Slee, 1413 Stoney Point Rd, spoke in opposition. He was most concerned over taking farmland out of production.

Deb Yates, 2362 Young Rd, Palo, spoke in opposition. She was also concerned about taking farmland out of production.

Kendra Graves (CIPCO), 1054 Red Oak Park Rd, Tipton, explained that the proposed project will help fill in the energy gap left by the decommissioning of Duane Arnold Energy Center.

Laura Myres, 3372 64th St Dr, Palo, spoke in opposition. She shared concerns about the impact of weather on the solar panels, specifically to adjacent property owners. Myres wondered if Coggon Solar would be responsible to clean up and dispose of resulting debris. She requested Clenera put something in writing stating so.

Bari Richter, 915 Duroe St, Jesup, reminded the Commission of the definition of “green jobs”, citing that the proposal does not support the “green jobs” initiative, as listed in the Unified Development Code.

Quinton Slaven, 1175 SE Olsen Dr, Waukee, spoke on behalf of the Land & Liberty Coalition. Slaven spoke in support of the project. He insisted that all land owners involved in this project have chosen to participate. Slaven said that while he understands the concerns over farmland being taken out of production, he also knows that this land could potentially be used for different types of development in the future.

Nichols read a comment received from Kyle Phillips, 11 Roxbury Dr, via GoToMeeting. He spoke in support of the project, citing that all standards for approval had been met.

Kyle Betenbender, 3385 Buchanan Delaware Ave, spoke in opposition. He expressed concerns about the affects the project will have on adjacent property values. He shared his distrust with Clenera as a company.

Wally Taylor, 2200 S 31st in Marion, spoke in opposition. Taylor suggested the Planning & Zoning Commission recommend a condition to set aside monies for decommissioning funds.

Addressing Public Comments:

Fitzgerald explained that “lake effect” is a non-issue for migratory water fowl. He indicated that current scientific evidence confirms this to be true, and offered to provide such evidence to anyone who was interested. Fitzgerald stated that for every (1) row of panels, there is twice as much green space in between rows; 1 to 3 ratio.

Nichols said the applicant would be responsible for cleaning up any debris that blows onto adjacent properties during a major weather event. Nichols said the Planning & Zoning Commission could add a condition to their recommendation to ensure

compliance. Fitzgerald said Clenera would likely be amenable to such condition and added that the panels are constructed to withstand winds of 140 mph.

Nichols explained that the decommissioning plan requires financial assurance be provided based on the agreement between the developer and county. Two options have been discussed: a performance bond or cash in escrow account. Nichols did not think it would be unreasonable to decide the method of assurance prior to the Board of Supervisors meeting.

Nichols stated that the county could become responsible for cleanup or decommissioning if the owner or applicant became unresponsive.

Fitzgerald said there are currently 23 recycling facilities in the United States that accept solar panels, the closest one being in Wisconsin. He was uncertain of costs involved to recycle.

Nichols explained that there are two main parties responsible for oversight of the project; Iowa Utilities Board and Linn County.

Fitzgerald said Clenera/Coggon Solar has reached out to surrounding property owners both directly and indirectly to ascertain the locations of their drainage tiles.

Fitzgerald stated that Clenera/Coggon Solar would provide a manufacturing specification sheet to anyone interested. He certified that there are no hazardous materials in the production of panels, adding that he has already provided Nichols with a Bill of Materials.

Nichols addressed concerns about taking prime farmland out of production. He stated that per the Vegetation Management Plan, 70% of the land is required to be seeded with short-stature prairie and native grasses in effort to keep the soil healthy and viable to go back into production once the 35-year project has concluded. Nichols also said that any other type of development; commercial, residential, etc., is much more permanent than this proposal.

DuBois asked Fitzgerald to address fire hazard concerns. Fitzgerald said Clenera has not reached out directly to the Coggon Fire Department. Michael Gallego, Vice President of Construction with Clenera, explained that out of the 25 solar facilities they run in the United States, none have had fires. He said Clenera strives to provide the highest standard of safety and mitigate any fire hazards by following local county codes. Detterbeck wondered what mitigation measures have been tailored to this specific proposal. Gallego said no measures have been determined yet, but will be once Clenera submits their building permit application. Gallego added that standard fire protection would include fire extinguishers, water trucks and roads within the farm for emergency vehicle access.

Kuntz referenced the decommissioning plan that calls out a 1.5% inflation rate, wondering how the plan would be adjusted based on changing inflation rates. Fitzgerald

said the plan will be reviewed on a one, two, and five-year basis and will be revised accordingly.

Commission Deliberation:

Maxwell motioned to table the case until January. Motion died due to lack of second.

Grenis thanked members of the public for coming to the meeting. He expressed his empathy toward many of the opinions shared.

Kuntz also thanked public for attending. He insisted 640 acres is merely a drop in the bucket in the big scheme of things. Kuntz also understands that this proposal could be detrimental to existing agricultural land. He does not believe all standards for approval have been met.

Detterbeck argued Kuntz' point, that this amount of land is no drop in the bucket and insisted that the Commission needs to keep the residents of Linn County in mind during consideration.

DuBois spoke in support of adding a condition to the recommendation that requires Clenera to clean up debris resulting from a major weather event. She thought it would be a good idea to add a condition regarding financial assurance, as well. DuBois stated she would like to know the number of acres currently being used for ethanol production, noting that this proposal will not remove those acres from energy production, it would only displace it. She anticipates the nearby water quality will improve due to fewer chemicals being sprayed on the land included in proposal.

Wagner shared the same opinion as those who were concerned about taking prime farm land out of production, however, he noted that his concerns had been addressed during previous discussion.

Motion by Grenis to recommend approval of case JR21-0008, subject to the conditions of the staff report . Second by Wagner .

DuBois suggested adding conditions related to debris cleanup and financial assurance to the motion.

Motion by DuBois to modify the original motion to recommend approval of case JR21-0008, but adding a condition to ensure the applicant be responsible for debris cleanup and specify the financial assurance method used in the decommissioning plan. Second by Eilers.

Detterbeck	No
Maxwell	No
DuBois	Aye
Grenis	No
Wagner	Aye

Kuntz	No
Eilers	Aye

OTHER BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

Nichols explained that this case would go to the Board of Supervisors, with a recommendation of denial from the Planning & Zoning Commission. Dates to be determined. He will make dates available on website and send out surrounding property owner notices once dates have been confirmed.

ADJOURNMENT

The meeting was adjourned at 10:07 p.m.

DuBois reconvened the meeting at 10:13 p.m. per staff recommendation that a motion, either for or against a case, always requires a vote in the affirmative before moving forward. Since the previous motion failed, a new motion must be taken. The commission agreed with the staff request and reconvened the meeting.

Motion by Kuntz to recommend denial of case JR21-0008 . Second by Detterbeck .

Wagner	Aye
DuBois	No
Eilers	Aye
Detterbeck	Aye
Kuntz	Aye
Grenis	Aye
Maxwell	Aye

The meeting was adjourned at 10:17 p.m.

Respectfully submitted,

Tina Dubois, Chair

Jessie Black, Recording Secretary