

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES
Monday, May 20, 2024

The Linn County Planning and Zoning Commission meeting was called to order at 6:00 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	2028
	Allen Wagner	2024
	Bob Doubek	2027
	Griffin Kuntz	2026

ABSENT:	Diane Brecht	2025
	George Maxwell	2025

STAFF:	Stephanie Lientz, Planning & Zoning Division Manager
	Charlie Nichols, Director
	Mike Tertinger, Senior Planner
	Brad Wylam, Planner II
	Benjamin Schmidt, Planning Intern
	Amy Speed, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the April 15, 2024 and Amended March 18, 2024 Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

PPS24-0004	Roseberry 2nd	Residential Parcel Split
PF24-0006	Holiga's First Addition	Final Plat
PPS24-0005	Henik's Third Addition	Residential Parcel Split

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

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

REGULAR AGENDA

PA24-0001 UDC TEXT AMENDMENT-UTILITY SCALE WIND ORDINANCE

Tertinger spoke and confirmed that there are no projects at this time but the amendment is in preparation. There are six sections to review. Most is just replacing verbiage except for the definitions in Section 6. Section 1 and Section 2 (9) are replacing utilities, wind farms, with utility scale wind energy conversion system. This change also appears in Section 3 (j), Section 4, and Section 5 (a), (c), (g). There are 21 new definitions added as well.

A draft went out a month ago and we have received back some public comments that include: inconsistency with County Comprehensive Plan & regulatory barriers increasing, inconsistent application of development requirements, and developer/stakeholder communication to public is lacking in specificity.

Tertinger went over the main concerns/themes in regards to setbacks, viewshed analysis, noise analysis, operation & maintenance plan, wildlife avoidance & mitigation, agricultural impact & mitigation, lighting, emergency response plan and the decommissioning plan.

A staff review of the text amendments was then gone over in more detail.

Tertinger then spoke in more detail about setbacks. Recommending considering 2 times total turbine height or 1000' to occupied structures, whichever is greater. Grenis asked if a waiver can happen before the approval and Tertinger responded yes.

Tertinger commented on visual impact and how it will require analysis.

When Tertinger spoke about the noise analysis and how the County is recommending 45 dBA and Grenis commented that it could be multiple landowners who are affected.

When speaking about operation & maintenance, Tertinger stated the Zoning Administrator will need to review. Dubois asked about debris clean-up and who is responsible for where it lands? For wildlife avoidance and mitigation, the avian and bat fatalities will be minimized. Will be coordinating with DNR and the Iowa Utility Board.

In agricultural impact and mitigation, submission of detailed strategies and soil analysis will be done.

For lighting, the County recommends using FAA requirements.

For emergency response plan, questions will need to be asked about battery energy storage systems, signage and if there will be security fencing. Will reach out to Secondary Roads for input.

For the decommissioning, a plan will need to be submitted.

Staff is recommending Alternative 1 which is to recommend approval of the proposed Amendments with no changes to draft ordinance.

Dubois would like more language about the clean-up of debris. Is it wherever the debris ends up or just the property on where the utility scale wind conversion system is located?

Kuntz commented on the 45 dBA at the property lot line compared to the edge of the property. The recommendation to the Board of Supervisors is to be more conservative but can raise to 50/55 dBA if they recommend.

The floor was then opened up to public comments.

Mike Carberry, 2029 Friendship St, Iowa City- Is with Bright Future Iowa- wanted to thank Commission, Staff and BOA for the opportunity. Good policy=good projects. There has to be a compromise and encourage renewable energy and cut the red tape. He mentioned he has never seen an ordinance at 45 dBA that works. Low decibels and setbacks can be a burden. A more responsible dBA would be 55. Wants the Commission to reconsider the 45 dBA and measure from the building and not a property line.

Phil Engen, 4913 Lincoln Heights Dr, Cedar Rapids- With Citizens' Climate Lobby- Wanted to echo Mike's comments about 45 dBA. A city street average is 70 dBA and it is much more realistic. Better off to encourage wind development because of climate change.

Thomas Bean, 1649 S Steamboat St, West Des Moines- Iowa Land & Liberty Coalition- He also encourages good policy. He mentioned that a lot of the elements of the draft were in good shape. He agrees it is reasonable to measure sound from the property line. He would like to see the dBA increased to 55.

Randy Walker, 7706 Pin Tail Dr NE, Cedar Rapids-Spoke about concerns he had about eagles, mallards, sound, water runoff, land use and failure rate as well as weather, pollen counts and animal farmers. Wants to know who will pay for fines for killing protected items?

John Zakrasek, 531 Lawndale Dr SE, Cedar Rapids-Commented on noise level and how 50-55 dBA is a more likely number. Had a question about debris and would it include clean up and rebuilt structures if damaged? Was also unsure about leaching tests.

Kelly Merta, 4194 Quail Ridge Rd, Center Point-Wants to measure dBA from the property line. How do you measure if they decline to not let you on their property? Is okay with 2x's height recommendation.

Sara Alden, 4124 Greens Grove Rd, Center Point- raised concerns about the bald eagle population. Would like more specificity regarding distances from where they live and hunt. In 2022, NextEra Energy pleaded to guilty to the death of at least 150 bald eagles to turbines at a judgement of \$8 million.

Public comments were closed and it was the Commission's turn for comments.

Kuntz mentioned that most of the commenters that spoke don't live here.

Wagner stated that he wasn't sure what the dBA level should be. They are noisy but not sure what is less bothersome.

Dubois said that 55 dBA is more realistic but do we want the BOS to determine that?

Kuntz had a comment about pitching of blades.

Dubois again commented on the debris cleanup and she appreciates the specificity regarding the bald eagles.

Motion by Kuntz to recommend approval of case PA24-0001, subject to the

conditions of the staff report (to include the debris language that was discussed).

Second by Wagner.

<i>DuBois</i>	<i>Nay</i>
<i>Kuntz</i>	<i>Aye</i>
<i>Wagner</i>	<i>Aye</i>
<i>Maxwell</i>	<i>Absent</i>
<i>Grenis</i>	<i>Aye</i>
<i>Doubek</i>	<i>Aye</i>
<i>Brecht</i>	<i>Absent</i>

OTHER BUSINESS- Dubois had to leave so Vice-Chair Grenis resumed the meeting.

- a. Discuss & decide on proposed updates to the Planning & Zoning Commission Rules of Procedure.
This was tabled as not every member of the Commission was present.
- b. Discuss proposed updates to the Ely Fringe Area Agreement.
Lientz presented. It was originally done in 2007. It allows for coordinated land use planning and it covers areas within 2 miles of boundaries. The new Ely Comprehensive Plan was adopted in 2023. They were seeking public input through the website. Updates include a reduction of the named fringe areas from 4 to 2. As well as smaller areas of residential where city water/sewer are available. There will also be a reduction of 90 to 60 days for a review. This will be back to PZC again next month. Grenis asked if they could vote on recommendation and Lientz replied yes.

COMMISSION COMMENTS- no other comments.

STAFF COMMENTS- no other comments.

PUBLIC COMMENTS- no other comments.

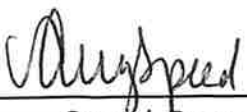
ADJOURNMENT

The meeting was adjourned at 7:18 p.m.

Respectfully submitted,



Tina DuBois, Chair



Amy Speed, Recording Secretary