

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
THURSDAY, JANUARY 13, 2022 6:02 P.M.

The Board met in session at the Linn County Fairgrounds, 201 Central City Road, Central City, at the Lynn Dunn Memorial Building. Present: Chairperson Rogers, Vice Chairperson Zumbach and Supervisor Walker. Also present: Charlie Nichols, Planning & Development Dir., and Jon Gallagher, Soil Conservation.

Chairperson Rogers called the meeting to order for the second consideration on an ordinance rezoning the following parcels located on portions of Robinson Rd, Coggon Rd, Sutton Rd, Castle Ln, Pering Ridge Rd, Linn Delaware Rd, and Quality Ridge Rd from Agricultural (AG) to Agricultural with a Renewable Energy overlay (RE-AG). Parcels include: 020525100100000, 020627600100000, 026015100100000, 020632600100000, 020630100100000, 020642600100000, 020635100100000, 020637600100000, 020646100100000, 020647600200000, 020535100300000, 020720100100000, 020712600100000, 020712600200000, 020715100100000, 020717600100000, 020612600200000. He recapped Monday's meeting highlighting the two changes: increasing the minimum setback from 300-1250' and increasing the minimum height panel from 18" to 28". He also added that the Board can choose to hold additional meetings for further discussion/negotiations.

Pete Brecht, 3925 Jordan's Grove Road, Central City, shared his thoughts about people's reservations with the solar project being on prime farm ground that creates jobs in Linn County. He is concerned that if this project is allowed on private farm ground what happens with the next project. He also addressed food insecurity. Brecht stated that there is support from the union members due to the upfront short term jobs. If the project was moved to different farm ground they could have the best of both worlds, short term jobs to build the solar farm and the long term jobs created by agriculture. The burden is on Clenera to prove that the solar panels need to be placed on prime farm ground.

Nate Hoffman, 1657 Falcon Rd, Marion, representing Linn County Farm Bureau stated that it is the position of the Linn County Farm Bureau (LCFB) that siting and setback rules for utility scale solar should be considered as well as the landowner preference, ag productivity, environmental and neighborhood impacts. That being said, the LCFB understands the importance of balancing private property rights and the impact of this scale of project will have on adjacent landowner's and communities. They are encouraged by and support the recent changes by furthering the distance as an important first step in managing the balance. LCFB thanked the Board for their actions and trying to mitigate the impact to non participating neighbors. The decision the Board makes will set the precedent for future large scale solar projects in Linn County. The LCFB urges the Board to carefully weigh the impact this project will have on the rural and agricultural communities of Linn County noting that they are all in new territory with these solar projects.

Traci Nelson, 3311 Pleasant Creek Rd., Palo, referenced a study from the University of Texas regarding property value impacts due to utility scale solar projects. She read the following conclusions from the study: very few homes were located next to the 10 megawatt facilities; regression analyses suggest that closer proximity to an installation is associated with more negative estimates of property value impacts, as is larger installation size; features such as being located on land that previously had an appealing use and higher installations are expected to have a negative impact; and homeowner's have an interest in the value of their home as an asset and may be inclined to resist any modifications to nearby land use that could hurt their home's value. She concluded by highlighting an estimate of property values impacted by the size and distance of 102 megawatts.

Marty Robinson, 2005 Lookout Dr., Colorado, stated that he is a non participating adjacent landowner to the proposed project and thanked the Supervisor's for adding the conditions at Monday night's meeting. He feels that those conditions are important so the proposal meets environmental goals and also a recognition that there is also a real cost and sacrifice asked of rural neighbors for this proposal. He is in favor of the increased setback. Robertson questioned the current ag mitigation plan that is written noting that it appears to contradict or creates a conflict with Iowa Code regarding third party pre-established tile line easements. He asked the Board that these tile line easements be included in the ag mitigation plan. Robertson concluded in support of the 1250' setback proposal.

Joe Kerner, 4394 Comp Rd, Palo stated that he feels there is a lack of communication between the two ends of the information that is being shared. He spoke with regards to land values and why his land value will go down but others will go up but not for the non participating person. REC and CIPCO lost energy that was being supplied to them due to the Derecho. Power does cost a little more and they buy it with the rates going down but they are ignoring the part that gets the great energy going. Solar energy does not hit the top five nor does the impact of the environment putting solar on top level farm ground for money. He asked that they take the people into consideration and the independent person that didn't sign on for this project. Kerner appreciates the 1250' setback and Supervisor Zumbach asking hard questions.

Wendy Andrews, 3480 Lewis Bottoms Rd, Palo, stated that she has family that lived in Coggon and it's hard to see that they are going to put solar panels on farm ground that belongs to families. She asked if anyone thinks of the kids and grandkids that want to farm. Andrews questioned what happens if Clenera decides to sell and they do not have enough money to pay people for it, then what happens? She has relatives that

are against this project and are scared they are going to lose their farms. She noted that Supervisor Walker has been to their farm when he was little and how much he enjoyed it. She does support the 1250' buffer, if the project goes through.

Steve Myers, 3372 64<sup>th</sup> St. Dr., Palo, presented a handout and explained what a 100 megawatt solar facility's actual output is and what the proposed facility actually represents to the electrical grid.

Marc Franke, 4205 Vista Rd, Ely, stated that the process they follow for setbacks is different than what he is used to, having attended several Board of Supervisors meetings. He added that there was no staff report or discussion to change the setback from 300' to 1250' at Monday's meeting. Franke asked that a more normal process be followed instead of pulling a number from that what a hoglot would take.

Danny Hemminger, 6219 Ridgewood Meadows Ln. NE, CR, stated that he is in favor of the project. This is an opportunity for Linn County to be a leader. Landowners should have the right to choose how they use their land and this use is to harvest the sun's energy. He stated that he is the Business Manager of Local 33 and he hopes that the Board votes in favor of approving this. He noted that there is a letter of intent to build this project using local labor under a poa.

Jared McKee, Clenera, stated that he appreciates hearing the public comments and this project will be better because of this process. He highlighted the benefits of this project as follows: local jobs, investment to the county and commitment to clean energy from the county. The number two goal of the comprehensive plan is to power 18,000 homes. Many of those speaking today are a customer of CIPCO. A vital piece of the ability for the utility in Iowa to bring in low cost, reliable energy is to its members. This project will increase the revenue of property taxes in the millions. They need to determine where the ground is that they can come together noting that some things they cannot do due to the cost that will be passed on including the 1250' setback. That increased setback will increase the amount of land that will be taken out of production.

Tom Fitzgerald, Clenera Dir. of Development, addressed PV solar panel fires noting that fewer than 1 incident per 10,000 installations; 006% chance of starting a fire; and 1 in 16,667 chance. He also discussed the Coggon Solar fire safeguards and vegetation maintenance. Clenera manages their projects to today's highest standard and the highest standard of tomorrow. There is a fire concern in all communities with structures and Clenera would have a lot of loss in the event of a fire noting that they have a vested interest.

Bill Cherrier, CEO and Vice Pres. of CIPCO, presented a PowerPoint and discussed Coggon substation drain tile repair.

William Sondermann, CIPCO Manager of Engineering, gave an overview of the area, history and next steps of the CIPCO substation and the tile. Currently, they are waiting on the engineer's report. CIPCO is committed to ensuring the tile system is working property.

Fitzgerald also discussed the 1250' setback that does not work without more land noting that the 300' setback already exceeds typical zoning requirements. A 1250' setback would stop this project from moving forward. Clenera proposed an alternative condition of keeping the original 300' setback but installing a minimum of 1,000' of screening (trees, bushes, and hedges) no less than 8 feet tall along the fence line of the neighboring residences as well as residences in Delaware County and Mr. Bickal's unoccupied property. Fitzgerald also stated that regarding the panel height, 28" is not grounded in fact and there is no scientific basis for that height. If they raise to 28" it will increase the visibility of the system which is another major concern and would add a significant cost that would ultimately burden Linn County taxpayer's through increased energy rates. He highlighted the memo that was submitted to Clenera by Soil Conservation.

A lengthy discussion continued between Clenera and county staff regarding the 1250' setback, increased panel height, presence of toxic chemicals on the panels and soil health.

Jon Gallagher, Soil Conservation, adamantly stood behind his recommendation for the increased panel height of 28" and soil health.

McKee responded to Gallagher's comments that not all of the panels are going to be at 18" since the land isn't flat, some will be higher.

Fitzgerald presented a PowerPoint on how decommissioning will take place including providing the county with Clenera's compaction management plan and additional discussion followed.

Charlie Nichols, Planning & Development, stated that they do not have an ordinance that specifies a specific panel height and 28" is a strong recommendation, but not required.

Swati Dandikar, 2731 28<sup>th</sup> Ave., Marion and Chairperson of Bright Future Iowa, stated that she spoke Monday night regarding 4,000 Linn County residents that signed a petition supporting solar energy in Linn County. She will be addressing why Iowans are embracing solar. Solar farms do more than generate electricity and can energize the economy and enhance county services while ensuring they stay true to their agricultural history. Solar energy is what the market is demanding and Linn County must offer solar energy to remain an attractive location for new employers. The Coggon Solar Farm will create up to 300 construction jobs and will hire local union labor. Those jobs will help families pay their bills and put food on their tables. Solar will bring economic opportunities to Linn County as well. Iowa farmers have decided the best way to make a living and support their families is with the land they own. Farmers should have the ability to make decisions for themselves if they want to lease their land and that shouldn't be taken away from the farmer. Voluntarily, and temporarily, leasing land for solar is a way for Iowa farmers to diversify their income and lease payments provide a drought-proof, reliable source of income for decades. Approval of the Coggon Solar Project is an important part of achieving Linn County's comprehensive plan. This project supports clean energy jobs and careers and offers expanding businesses access to the renewable energy they are seeking. These are all reasons why 4,000 Linn County residents signed the petition in favor of solar energy in Linn County.

Nancy Patrilla, 3796 Alice Rd., Toddville, presented a prepared statement as mentioned Monday night, with questions including: how many residents are in Linn County and what percentage the 4,002 signatures on the petition are; she is in favor of the new setback distance; how binding the letter of intent is for local labor; how will this project increase property tax revenue; Clenera is owned by another company so what happens if the parent company decides to make a change; Clenera has a job to do and have done a good job but they get to go home and most likely that isn't next to a solar farm and the rest of them have to live with it for the rest of their lives; is there a temperature that the solar panels quit; what happens to the landowner's that are renting their land and the project goes belly up; do they lose their guaranteed income for the remaining years of the contract. Solar farms will not only affect businesses but also real people. Please take a look at the people who will be negatively impacted by this project. It shouldn't all be about money, lives matter too.

Joel Peyton, 3002 Troy Mills Blvd, Winthrop, stated that he is a participating landowner in the Coggon Solar Project. He has been farming for 14 years and they face challenges in farming. This will generate tax revenue for local school districts that his kids attend. The power is being sold to CIPCO. He based his decision off those reasons. There is a guaranteed revenue with the 20 year agreement for Clenera and he isn't worried about bankruptcy. It is going to help his farming operation and diversify it. Property rights are important to him and everyone works hard for what they own and they should be able to make their own decisions about it.

Laura Myers, 3372 64<sup>th</sup> St. Dr., Palo, stated that she understands property values are not a consideration for rezoning but if this had been handled a little bit differently she thinks they might have gotten more support. She doesn't know anyone in the room that is anti-solar. The non participating adjoining landowners are asking for equity and 1250' would help with that. Clenera will tell them that it will take more land but the fact of the matter is that it will cause them to refigure it but it should be approximately the same amount of land. She referenced the handout she provided noting that it is a picture of her home and her pond after the derecho and her neighbor's home is in it. 1250' would give non participating landowners an opportunity to not have all of that on their land. They are not currently being built to generating facilities standards which is risk category 3, current code is risk category 1.

Quinn Slaven, 1175 SE Olson Dr, Waukee, stated that he is the Field Director for the Iowa Land and Liberty Coalition and his primary focus is to support landowner rights through projects like this. The comprehensive plan was put together well and is great. This project and projects like it allow residents to do their part and participate in the comprehensive plan. It will help to create jobs in the community and contribute local energy to the grid promoting the regional energy independence. People do not have to participate. 100% of the solar panels will be placed on voluntary land. Linn County residents want this project here. The setback to 1250' instead of 300', serves to undermine the landowner and individual rights. He walked outside the other day and didn't like the color his neighbor chose for his house, that doesn't give him the right to tell them what paint to buy. Please serve their community well and remove the burdensome setbacks.

Terry Sullivan, CEO of Linn County REC, stated that they have approximately 30,000 members with 14,000 in Linn County. The DAEC closed in August of 2020 due to the derecho. CIPCO was 20% owner of that property, however the operating agreement or control was held by NextEra. CIPCO had no control over the DAEC closing. DAEC provided 1 million megawatts of energy to CIPCO. CIPCO currently has only 3 options to replace that energy, wind (which they have done), solar and natural gas. The more power that they can't lock in is more of a risk for them and their owners.

That puts them at risk for more market exposure. 65% of REC's cost comes from CIPCO. If those costs are more variable or fluctuate that puts them at risk and that is then passed along to their members. The volatility impacts their members. Their members

expect reliable, reasonably priced power and they expect the same from CIPCO. He asked for the Board's support in this project.

Les Beck, 3406 Sycamore Ct NE, CR, stated that this has been a very long process but very thoughtful and deliberate. He touched on Supervisor Walker's thoughts from Monday regarding the impact of any new conditions that are added by the Board. There are a number of staff conditions attached to this project and they are made with consideration of mitigating possible impacts of the project and also with an understanding of the ramifications of those conditions on the project, if approved. The Board has an opportunity to add or even remove previously approved conditions over the course of the next two considerations. As someone who sat where Charlie Nichol's is now, he would mostly like to speak to the application from a policy standpoint. There are different policy considerations at play here. This issue seemingly pits two priority policies, resource protection and alternative and renewable energy, against each other. He doesn't believe the development of utility scale energy facilities is an either/or proposition. The terminology for solar energy facilities has adopted some of the language of agriculture. There are solar farms and solar gardens, just as there are commodity crop farms and community gardens, depending on scale. Landowner's voluntarily participating in the project are partnering in the harvesting and distribution of the solar resource, while the developer provides the equipment and inputs to make it happen. This is a production model long used in agriculture. While there is some debate on the efficiency of the plan, the long term benefits to soil health, as he understands it, will also be provided through the vegetation management plan, achieving a healthier soil profile when the land may be returned to agricultural production. Finally, let's consider the argument being made that this type of facility should be placed on low CSR land instead of on high CSR soils. Low CSR soils are typically found in their stream valleys and riparian areas and in their woodlands. These environmentally sensitive, natural areas are also included as a priority resource along with highly productive ag land in the resource protection element of the comprehensive plan. Additionally, the topography of these environmentally sensitive areas typically makes them less suitable for the capture of the solar energy resource. He does not believe this or any future application for a utility scale solar farm comes at the expense of one policy over another. He believes the two policies are reconcilable and supports this from a policy standpoint.

Greg Geerdees, 105 Iowa Ave, Iowa City, stated that he is a lawyer representing the Robinson family and requested that the Board read page 34 of their comprehensive plan. He has been involved in this process for several months now and it became obvious today that the justification placed by the developer (Coggon Solar) for this project was the idea that they would not damage this high quality farmland that's going to be used for the project. Tonight they saw something remarkable and that is the developer take issue with very reasonable recommendations about what soil improvement requires. They heard from the resident expert Jon Gallagher and advocates that they not let Clenera set the rules. Many people have spoken regarding the 1250' setback being a step in the right direction and he 100% agrees. He commended the Board for recognizing that there is more at stake here than just Clenera's self-interest noting that some reconfiguration may be required and an increase in cost. The question is, is it more equitable to apportion that cost over the tens of thousands of ratepayer's who are going to using the energy or is it more reasonable for the aesthetic and cosmetic. The other costs of this project as it currently exists are to be placed on the 12 adjacent residences. The issue about land rights is not really about land rights, it's about getting things done as cheaply as possible. They live in an environment that requires compromise and he isn't hearing anything from Clenera about any ideas or willingness to compromise. Clenera is viewing this as a one sided deal and he suggests that they call Clenera's bluff. Clenera needs to be told that there are other interest to be considered and the Board is not going to roll over and lie down and let Clenera dictate what is going to be done in Linn County. His clients, the Robinson's, own a drainage easement underneath this solar farm project and they need access to it and to remove solar panels from that area to protect the easement. He thanked the Board for listening to their concerns.

Matt Restor, 423 Truman St., Lisbon, stated that he is a Linn County resident and a union electrician who has worked in the county for the last 20 years. He married into a proud farming family. He understands the opposition to change, even if the solar panels are not on their property. He agrees with his father in law that a landowner should have the right to do with their land what they see fit. He also believes in renewable energy that is built, maintained and produced locally. Becoming more energy independent while supporting the local economy is a win-win. The energy that is produced from this solar farm will help alleviate some of the burden on their already taxed electrical grid while simultaneously paying the landowner for use of their land to help their family's economic stability. It will also support families of construction workers, like his, during the building of the project. All of them in the construction field know that their jobs are temporary until the project is complete and then hopefully they move on to the next one noting that it is nice to work on a project that they believe in. He supports the solar project moving forward.

Steve Mason, 6547 Benton Linn Rd, Palo, spoke regarding solar projects and weather events such as tornados. This project would be serviced by volunteer fire departments

with a severe labor shortage. The US fire service has not done a good job of reporting and determining the causes of solar system fires. Britain and Japan have found that a significant number of failures were attributed to components starting at seven years of age for the panels. A Linn County 28E agreement does not prevent or extinguish a fire. A 1,250' setback is better than 300' but with no guarantees. He noted that Enlight Renewable Energy LTD, an Israeli company, owns Clenera. If the solar company files bankruptcy does that leave the landowner with the cleanup costs? A million dollars for decommissioning costs is all. He asked that the Board consider all aspects of the project from cradle to grave. Don't be blinded by the short term gain versus the long term consequences. Their decision will affect thousands of residents and businesses forever.

Jerome Ries, 1237 325<sup>th</sup>, Ryan, stated that he has brought this up a couple times and he is told that it is going to be dealt with but it doesn't go any further than that. He would like to know what happens when there is another Derecho or a tornado and his property gets covered with glass. His property has a value of a little over a million right now but if he cannot farm it, the value is zero. Who would reimburse him for his loss? They are spending a lot of time talking about solar panel height and setbacks but this is prime property and he thinks there is ground that is more usable for the project.

Bill Gerhard, 5134 Rapid Creek Rd, Iowa City, stated that he is a member of Linn County REC, member of Labors Local 43 and President of the Iowa State Building Construction Trades Council. He was also on the team that met with CIPCO and Clenera and met with their epc contractors and worked out a letter of intent so that they will use local people, pay union scale and they get to work on this. He spoke about a misconception that construction jobs are temporary jobs and explained the organized vs. unorganized construction industry. He fully supports this project that will put people to work making a living wage.

Kirk Hiland, 3743 Hiland View NE, North Liberty, stated that he is on REC lines and a Board member with CIPCO. They need the power and that's the bottom line. They don't have any coal plants available or gas plants at a reasonable price to buy power from. They need it today and 20 years from now. This is the first of several good alternatives and it won't be the last. There is a shortage of power and everyone in this room will be or is affected by it now in their price. He hopes that the Board does the right thing and puts this project through.

Jessica Petersen, 3224 68<sup>th</sup> St, Shellsburg, stated that her family has an agri tourism business outside of Atkins. She has been in contact with Greg Bickal regarding his Koi fish farm and they share similar visions for their businesses. Bickal's business could be surrounded on three sides by the solar project and she thinks the 1250' setback would help him. This is an opportunity for property equity. She does not understand why they need to put solar panels on such prime agricultural farm ground. She asked that they keep the families in mind that will be affected by this project. She supports the 1250' setback.

Pete Brecht, 3925 Jordan's Grove Road, Central City, stated that he keeps hearing about this being a good or bad project. He is not here to talk about the project. He wants to know why they are going to put the project on such prime farm ground. Do they not care about food insecurity and people that don't get to eat? Most of the support is for the solar project but not at the proposed location noting that a solar panel can be put literally anywhere. He is asking that they put the panels on an appropriate site and keep the farm ground for its intended purpose.

Marc Franke, 4205 Vista Rd, Ely, stated that Supervisor Rogers mentioned that they can take more time on this and he feels they should to figure out each of these issues. There has to be a way to compromise with the height and good development with vegetative management that was discussed tonight. He would also like a staff report on what is common with setbacks. He urged the Board to take more time if it is needed instead of taking final action.

Deb Yates, 2362 Young Rd, Palo, stated that she agrees, they need to take all of the time they need for this. One of her concerns is as rural residents, the people whose lives these projects impact have not had a seat at the table on industrial solar. They have no organizations like towns or labor unions to advocate their positions and are counting on the Elected Officials to do that. They have had to educate themselves on all things solar and worked to understand the process. At a previous solar meeting this past summer, Clenera was asked why develop here and their response was that the county has a great process and it favors renewables. Solar developers were allowed to contract with landowner's before informational meetings were held. The C02 pipeline now has to hold meetings prior to contracts. The proposed 1250' setback seems reasonable as that is the same distance livestock operations must abide by. Both are nuisances, solar every day and livestock someday. It also creates assurances that a non participating landowner does not need to negotiate on their own behalf or enter into a contract with a developer they do not wish to do business with. The Planning and Zoning committee with county residents voted to deny approval and asked many of the same questions they had. A task force was formed this summer but only recently showing their findings. The project must be fair for both residents and developers with clear standards established.

Carolyn Petersen, 4808 Olde Mill Ct NE, CR, stated that she is neither for nor against utility solar. She is advising the Board on the accuracy of the cost estimates for the project, how it affects Linn County and how Linn County may be liable for this project in the future. She previously worked for many years as an environmental consultant, in the field of cost estimation and litigation support and has examined thousands of environmental documents and related communications for companies. She has reviewed each document submitted by Clenera. She cannot explain every problem she has found for this project in five minutes and highlighted the following that are included in the handouts she provided: the cost estimate in the decommissioning plan is much too low and proceeding with this project is a very large liability to Linn County residents and its taxpayer's and she doesn't think the project should move forward.

Mitch Zumbach, 3292 110<sup>th</sup> Ave, Coggon, stated that he is a lifelong farmer and agriculture is his life. He had the opportunity to participate in this project himself and received the letter from Clenera. He is familiar with the land as he owns a seed/chemical business. The most important part of the project to him is the rights of the landowner and the neighbor. He believes prime farm land should be used to feed and fuel the world but this lands on both sides of the issue. The acreage they are discussing has been a solar farm all his life harnessing the sun's energy and storing it in nature's battery in the form of a kernel of corn, a soybean, a leaf of alfalfa or prairie grass and then turned into ethanol, captain crunch, t-bone steak, milk, etc. There are also landowners that want to venture into a new form of energy that is unconventional to them in agriculture. He believes he has the right to build a barn on his farm following the laws that are set forth. Many say a swine facility is offensive, others will say it's a masterpiece of food production. Some may find a solar farm offensive to see out their window while others view it as a solution to power the state of Iowa. These are all valid thoughts and beliefs. The setback proposed it a way to keep all the parties whole in this project. The acres may be reduced in one area and expanded in another. They are setting the precedent for future projects in Linn County. He thanked everyone for their participation in this project.

Laura Robinson, 2094 Linn Delaware Rd, Coggon, stated that Coggon Solar LLC is an experiment for Linn County and lots of important issues have not been addressed firmly with an answer that has substance. The lack of accountability and responsibility for severe weather damage to the panels has been addressed by the Myers numerous times. The mounting panels have been assigned a risk category 1 which means low risk. In the 41+ years they have lived on their small farm they have experienced three confirmed tornadoes. The plan states that someone will come within 72 hours to assess the damage. The 1250' setback will help keep debris off their property. Covering up some of the best soil in the state and country is not setting a good example of using their natural resources. She is not against solar for private use, she is against industrial sized solar especially on prime farm ground. The vast majority of people who support solar generally go home at the end of the day. She lives next to this proposed site and it will never be out of site or out of mind for her and her family. They didn't ask for this, they are just trying to protect what they have worked so hard for all of their lives. They deserve at least a 1250' setback as it's a step in the right direction and gives them a voice.

Greg Bickal, 2250 Coggon Rd., Coggon, stated that he is stressed out and losing sleep and at this point is ready to sell it all. If they want his land, they can have it. The 1250' setback gave him a little hope. It didn't matter to Clenera when they left him out of the process and didn't think him being surrounded on three sides was important. He thanked Nichols for giving him at least a 300' setback on a property he was dreaming to build. It is not about the view. The setback will give him distance from the panels, storms, fires, and peace of mind. Those that don't have representation need something to give them bargaining power to make Clenera listen to him and make him matter. Please do something to help him.

Tom Robinson, 2094 Linn Delaware Rd., Coggon, stated that he noticed at Monday's meeting all the Cedar Rapids people that were in favor of the project. Last week he was listening to a radio station and Doug Neuman (Cedar Rapids Metro Economic Alliance) was asked his top three priorities and solar and renewables were not mentioned. He found that ironic that they weren't brought up. He thanked the Board for considering the 1250' setback. It gives them a voice and a seat at the table for the first time since this process has started.

Julie Kraft, Cedar Rapids Metro Economic Alliance, stated that she doesn't believe anything is in front of the legislature regarding solar or renewable energy. She is pleased to see developers looking toward the future and recognizing the need for more increased renewable energy. Their office has companies come in who make requests for proposals/information routinely. These are businesses looking to start or expand their business here. They do inquire about renewable energy and it is now a basic stipulation. This project is a \$150 million investment which is a big wow for them. It ranks up there with some major projects in the Cedar Rapids area. The opportunities usually go to big cities so they view this as an opportunity for rural Iowa to cash in on a crop of renewable energy. She applauded the Board for publicly discussing and addressing sustainability and climate change. They encourage the Board to lead by example and support this project.

Cindy Golding, 7000 Tower Terrace Rd, CR, stated that she is a business owner and employer. They keep talking about bringing high quality jobs. They are doing construction and there are not enough people to fill the jobs they have right now. Iowa has more jobs available than people on unemployment. It has been said that 4,000 people signed up wanting solar. She wants solar but not on farm ground. She wants it on roof tops. There are lots of places solar can be used and used effectively, it doesn't have to be just on prime farm ground. She owns farm ground in Linn County and if they want to build they have to come to Linn County and talk to neighbors and jump through hoops. She applauded the Supervisors for looking at the 1250' setback which allows the people that live there to have some benefit. Vegetation and prairie grass would be usable with a 300' or 1250' setback.

Elliott Meyer, 106 W Harrison St, Edgewood, stated that he is an avid supporter of renewable energy and solar panels and is a strong supporter of this project. As a recent college graduate his thoughts turn to other graduates that are looking at getting into solar energy like himself. Solar energy is one of the fastest growing industries in the state. Supporting the Coggon Solar project will ensure that graduates like himself will have good paying jobs right here in Linn County. He does not support the 1250' setback. When a larger setback is created the land is less efficiently used. This would effectively go against every concern among those who have voiced opposition here tonight. The Coggon Solar project will benefit the county immensely by providing residents with clean energy, good paying jobs and attracting businesses for decades to come. He strongly urges the Board to support the Coggon Solar project for the benefit of Linn County.

John Zakrasek, 531 Lawndale Dr, CR, stated that lots of folks have expressed concern about our amazing farm land. He has noted that the people who actually own that farm land and whose interest is to keep it as high of quality as possible. They have voluntarily said they want the solar on their farm. At Badger Hollow Solar Farm it was a lifeline for them and their family to make additional investments with the solar revenue on that farm. He referenced a 2019 figure of \$5.9 million dollars a year, almost \$9,000/acre. That is a lot of value that would accrue to Linn County. Over time if you produce something of value, it makes the county more valuable overall. There has been a lot of discussion about bad weather events and having to deal with the emissions they are producing are creating even more difficulties dealing with weather. Those kind of events are going to occur more often and make it more difficult for their children and grandchildren. Today their electricity is 36% clean so they only get about 1/3 of the benefit they would like to have. They need to have more renewable energy so their grid is clean. Let's locate the solar in the west then we would need a transmission line to move electricity around and they don't have that. It takes 10-30 years to site a major transmission line. They need to put solar in quickly to mitigate climate change issues and do that where they can connect to existing electrical infrastructure. Rooftop solar is an order magnitude, it is too small and too slow and costs almost twice as much as a solar farm. The 1250' setback imposes significant non owner rights on participating landowner's. It is an easement without any compensation. In what configuration are the setbacks and what is a soft setback and what does it mean? Does vegetative screening accomplish the same thing they are trying to do with the setbacks? A good vegetative screening could go a long way in eliminating the issue that landowners have with the view shed. He has talked many times about the fact that if they produce electricity, but not cleanly, then they have coal and gas production on that electricity. People who live near those plants have to suffer the health effects of that. A study found that the health benefits of generating electricity from solar were worth about 8 cents per kilowatt hour of solar generation. It's important to move to that so everyone can have a healthy future. Linn Clean Energy District supports the project with vegetative screening and 300' setbacks and panel height that is conducive to building soil health with a really good seed mix.

Beth Dunkel, 3801 Williams Lake Rd, Center Point, stated that she and her husband are building their dream home outside of Center Point. An industrial solar company wants to build in their neighborhood so she is attending meetings in hopes to learn more about the process that Coggon and Clenera are going through right now. Her husband is one of the Captains of the Center Point Fire Dept. so she pays attention to discussion about fire safety. The Wapello Solar Farm has been up and running about 10 months now. She spoke to the Wapello Fire Chief this morning and there was visual damage done to their solar panels on December 15<sup>th</sup>. In 10 months of operation, no one has contacted him to discuss mock drills, keys to the gate or the name or phone number of anyone that he can contact at the solar farm when there is an emergency. His team was not asked to come out December 15<sup>th</sup> for storm watch. Those are all concerns for her. She also questions what is in the solar panels and if anything is toxic. It was mentioned earlier that nothing in the panels is toxic. She looked up safety data sheets for the panels that were installed in Wapello and found that they lack a lot of details. She questioned what a solar wafer is made of and is it toxic or flammable. How is Clenera held accountable in situations where safety plans are in place and Clenera doesn't follow through?

Alicia Porter, 3253 Fishel Rd, Marion, stated that she has been to several meetings and has listened to both sides for and against like the Board. She would like to share not only her experiences but also a proposal to consider. She has been in the real estate industry for over 21 years and has a 15 year study to share at the end,

how industrial solar has negatively impacted surrounding properties. The big question is will industrial solar affect my property value. In her professional opinion, yes. Residential is a separate matter at this point as panels are located on rooftops and do not impact neighboring properties to live and enjoy their property and views. She shared an example with a property off 32<sup>nd</sup> Street NE in Cedar Rapids. The client did not want to look at the ground mounted panels every day. She also addressed local jobs and economic growth citing a statement from the Bill and Melinda Gates Foundation. The jobs proposed are only for 2 years with the exception of 1 or 2 that are permanent. What about the agricultural jobs that are impacted for 30+ years. Does it make sense to trade short term jobs (approx. 200) when negatively impacting hundreds of others for 35+ years? What about leadership. Iowa is a national leader in corn and beans. Why would they want to take away from that? They are not able to make or produce more farm ground so why take away the vital resource that has been a blessing to Iowa for centuries. Her proposal is to consider the hundreds and thousands of roof tops, residential and commercial. Why not keep those subsidies that each and everyone in this room has contributed to through taxes and keep it in state, as the solar companies are from out of state. Let's reward and benefit their local constituents and businesses. There's a time and place for everything. She thinks this is the right time but they need to all agree on the right place without harming others in the process.

Samantha Petersen, 527 Driftwood Ln, Atkins, stated that high CSR land in Iowa, such as the land included in this project, should be used for growing crops. She does understand the code and process they are going through and supports both considerations added on Monday. Jon Gallagher gave a great recommendation regarding panel height. In regards to the consideration for the increased setback distance of 1250', she believes if it was denied it would show that the profit of a few is more important than the well-being of the community of the neighbors as a whole. If this condition is upheld, non participating residents in this community and other impacted communities in the future, it will give them a seat at the table and that is very important. She does not believe with Clenera's proposed screening that the non participating residents are getting the same considerations as the setback does. They have failed as a community if the only way to form some sort of a profit is to negatively impact the lives of many. She asked the Board to please continue to support both considerations to show that taking in concerns of the non participating residents is valued.

Sara Alden, 4124 Greens Grove Rd, Center Point, stated that she is a Linn County rural resident and her neighborhood is likely different than theirs if they do not live in the country. She lives on a gravel road, has a private well, protected by a volunteer fire service, doesn't have sidewalks or hydrants, etc. She lives less than 10 miles from Cedar Rapids. She does not have as many modern conveniences as those living in urban areas and that is ok with her. She chooses to live in the country because of the rural landscape. Her home's view shed is why she loves where she lives. She understands that Linn County is committed to investing in clean energy initiatives. Doing so doesn't mean sacrificing the property rights and mental well-being of rural residents to get there. She understands the constant fear and anxiety that these solar developers can have on residents because her brand new home is located inside a proposed solar project area. She did not intend to build her house in a proposed solar project area. She knows that people are excited about utility scale solar in Linn County but why does it have to be at their expense. Transparency is a huge issue with solar developers. It is the same story, over and over again, different company, different town. These projects are lobbied well to community leaders and supportive groups as being good for business and the environment. No one is talking about what is good for the local community and the taxpaying residents that have to live there. The developers only want to meet with and work with those that are contributing to the project and the land leasers, not the landowner's who are irrelevant and have no conversations. They are told this is happening whether they like it or not. If developers want to be well received and gain support why is trust and transparency such an issue? The local residents are expected to accommodate the developers and forfeit the value of their property. She supports the 1250' setback because it gives adjacent landowners the option to become relevant for developers; protects property values and less impact on rural residents and what they value about rural living. This is the first project for Linn County but not the last. Their decision with Clenera sets a precedent for all future projects. Resident's shouldn't have to sacrifice their value because developers made a poor decision to put their cart before the horse. She asked the Board to vote yes to protect both sides of the property line, vote yes to 1250' setbacks.

Mike Carberry, 2029 Friendship St, Iowa City, stated that he grew up in Benton County, was a County Supervisor for 4 years, was an environmental consultant and agricultural lobbyist for over 20 years, and comes from a fifth generation family of farming. He is at the meeting to support the solar project. All farming is solar farming and they use the power of the sun for everything. The power of the wind also comes from the sun and they need that. Farming is a business and businesses are in operation to make money. There is a problem in farming, most farmers have lost money for 7 years especially if the government payments are taken out of it or crop insurance. If they are a solar farmer and own that land they will get at least \$800/acre. Most farmers cannot make \$800/acre net per acre, most make \$100/acre after taking out the costs of the other inputs. If they are a landowner, they lease their farm and get \$200/acre or

maybe \$250/acre. The \$800/acre for solar is three times as much as leasing their land for a conventional farm. The energy produced from one acre of corn would run a car on

E85 about 12,000 miles but the energy from one acre of solar per year would run a Tesla or Chevy Bolt over a million miles on the power produced by that one acre of solar. As a Supervisor, they created a comprehensive plan and a solar ordinance. He read through some provisions of their solar ordinance and noted that Linn County's ordinance should include those same provisions. He suggested that the Board tells Clenera what they want and their application needs to meet the requirements. He has never seen 1250' setbacks before or 300'. In the wind business, the way you kill it is with setbacks. If they want solar, they can't have 1250' buffers. They need vegetative buffers to block their view.

Pam Mackey Taylor, 2200 S 31<sup>st</sup> St, Marion, stated that she is the Director of the Iowa Chapter of the Sierra Club and her comments are made on behalf of the Sierra Club. They support the zoning change that is being requested for Coggon Solar. She thinks there is a significant problem with the vegetative management study and it needs to be modified. There is a major difference between tall grass prairie (like they have in Iowa) and short grass prairie that they would see in places like Kansas, Colorado, Nebraska, etc. The difference is largely in the height of the plants. She noticed that the vegetative management plan suggests that the plants under the panels will be grasses and sedges and that is very different from a diverse planting. She suggests that the Board have the vegetative management plan updated.

Kelly Merta, 4194 Quail Ridge Rd, Center Point, stated that she is a widow. She shared a story about being invited to a wedding shortly after his death and the grief she experienced then that she is also experiencing now with this solar journey. She is grieving the loss of what her family started two years ago when they moved to rural Linn County. Everything has flipped upside down. The motion on Monday to require the 1250' setback with the negotiable 950' setback gave her some piece of mind. That gave them a seat at the table to have dialogue that hasn't been present to anybody at this point. Clenera said that the 1250' setback would squash their project. Clenera had an opportunity to meet with those people that live around the project but they didn't do that. Does Clenera want the project? Will Clenera take action? She has land that is under an active solar lease option and she has hired an attorney as well. 1250' means she would have a chance to protect her property value and gives her a seat at the table. The approval of purchasing her home in 2019 came down to the view shed. To her, 1250' means protection from blowing debris; more time for that volunteer fire dept. to respond to her home and protection from construction noise. She works at home as a social worker and it's important that she can focus and do her job well. A 1250' setback gives her safety for her children. She questioned if Supervisor Rogers remembers her kids because he told her that when it came time to vote on solar projects, their safety would be a consideration. It would give her 6 hours of sleep at night instead of the 4 she is getting. She is consumed with anxiety, fear, grief and insomnia and has lost weight since she received the certified letter. 1250' would allow her to breathe. The Linn County rural residents deserve that. Please vote to move this project forward so that her peers can smile but do so with a 1250' setback so she can smile.

William Rogan, 5737 Pering Ridge Rd., Coggon, stated that he thinks the label of a non participating adjacent landowner is a misnomer. They are all participating here and this is his third meeting, others have participated by email, with attorneys, etc. and they are not getting paid for this (others like Clenera are). They will be participating with this project for 35 years and Clenera will go home. He wants to make sure that they are fully aware that this is a long term decision for them and a short term decision for Clenera. He appreciates the hours and stress the Board and others have put into this, eventually they will move on with their career and won't have to deal with this project but they have to continue to deal with this. He implored the Board to consider reaching out to Mrs. Petersen regarding her comments made earlier tonight. He doesn't want to take up the Board's time but can't sit here and not say something when it's going to affect him into his 70's as well as his children and their children. This is his land.

Ken Hart, 2093 Wapsie Y Rd, Coggon, stated that if they want to benefit rural Iowans show them some money. Freeze property taxes and assessment values and have CIPCO freeze electric prices to REC's that operate in Linn County. Do that until decommissioning takes place. He thanked Mrs. Petersen for the real costs regarding decommissioning noting that maybe the bond should go from 1 million to 30 million so they don't get stuck paying for it. US solar companies go bankrupt because of decommissioning costs. There are a lot of nervous people in the room and they need to do some compromising.

Mike Dougherty, 2237 Castle Ln, Coggon, stated that he and his wife are landowners within the solar field and have attended all the meetings. He has lived on his acreage for 30+ years and feels that they should have the right as landowners to make a good income off their farm. Everyone's goal is for a good income. He questioned what prime farm ground is having heard it a thousand times throughout this process. He would call his land average but not prime (71 CSR) and sees farm ground on a daily basis. He doesn't see the big deal with using prime farm ground and views it as a different commodity and still a farm. He thinks the 300' setback with the screening

would be a good compromise. If they don't do solar, coal or nuclear, where will they get their electricity?

Charlie McClintock, State Rep., stated that this solar issue started in the spring and has only accelerated from there. It was an emotional and highly concerning topic for many of them. It made its way to the legislators and what they can do. He wrote a letter to the IUB and was concerned about the size and the underlying motivations to put so many panels on Iowa's most precious resource, their land. He has received their letters and emails and has talked to them in person. He can write legislation regarding 1250' or more on the offsets to push it back, crop ratings with requirements, zoning, taxation, etc. He asked on behalf of district 95 and the constituents and himself that they pass it as amended this evening unanimously.

Senator Dan Zumbach, thanked the Board for taking the time to think outside of the box to protect the rights of everyone in the room. No one in the room tonight said they hate solar because they don't. They appreciate what it has to offer. They have come up with a concept to respect the property rights of everyone in the room. Everything Clenera said today was about money and everyone else talked about everything except money. These folks were here before Clenera and they will be here after them. Please use the intellect they have and think outside the box and appreciate what the Board has put together.

Traci Nelson, 3311 Pleasant Creek Rd., Palo, stated that she wanted to expand more on the property value impact. She is pleading with the Supervisor's to take an 18 month pause which was not approved to work on the reasonable buffers and setbacks to be added to the ordinance. She once again referenced a handout from a study that was done. There is a negative impact on property values and she has used research to prove to them that property values will be significantly impacted. If the project is approved they will deal with traffic, noisy construction, flooding from water runoff, possible grass fires, etc. She is asking the Board to vote no on the whole project but if they won't, at least require the 1250' setback.

Steven Kueter, 5960 Robinson Rd, Coggon, stated that he is an adjoining landowner and has as much to lose as anyone and is just as much invested and more at stake than the 4,000 people that signed the petition from Cedar Rapids. He explained his understanding of setbacks regarding his property. He supports the additional setback and applauds that it was brought up and with room for negotiations and plants to shield the panels. It is his understanding that the 900' is a soft distance, in other words, subject to negotiations.

Supervisor Zumbach stated that he came up with the 1250' setback, 900' which can be negotiated on. He doesn't think 950' will be on most properties. CIPCO mentioned many more projects and that is more than fair to say. He has solar on his farm and it has worked well for him. He is a 5<sup>th</sup> generation farmer and has a long standing history to be able to do what he wants with his land. Iowa farmers also help and respect their neighbors and that is what the 1250' is meant to do. It was not to kill the project. They should stick with the 1250' setback and Gallagher's recommendation for the height of the panels. They need to give the 1250' setback a chance to work it out.

Supervisor Walker stated that at Monday's meeting he took a position that conditions not be voted on. He is trying to be as fair as he can. There is a lot of talk about participating and non participating members and property loss values. Saw studies that show both. He came into this meeting skeptical. He does think the applicant has demonstrated that their plan is in Planning & Zoning's spec's and adds to their sustainability goals. There has been very strong cases made that individual property landowners have the right to enter into private agreements. He is in support of the project as it stands.

Supervisor Rogers acknowledged his gratitude for everyone's endurance through the process. He appreciates them showing up and being vulnerable noting that they do not often have a project to this size and scale. He supported the 1250' setback, not to kill the project, but wanted to have room for discussion. He wanted to understand more from Clenera about their business calculations and leverage. Clenera has explained their side. He has to take at their word that additional land has to be procured. With new information, it gives him pause on the 1250' setback. If Clenera cannot make the 1250' setback work and 300' is more than the usual, he is not willing to jeopardize a \$150 million capital investment. Land where industrial scale solar is located can be returned to its original state if done well. They did move the goalposts on the applicant. He wanted to make sure the 1250' setback got the attention, conversation and vetted it required. This is a very difficult decision, and is only the second consideration. There's an opportunity to have a 3<sup>rd</sup> and possibly 4<sup>th</sup> reading. May not be a seat at the table they want but still a seat at the table. He appreciates the lengths and depths of people's passion and desire to ensure it's done correctly. He hasn't heard anyone say they are against solar.

Supervisor Zumbach asked for a moratorium several months ago and there were a few things they should really have looked at. The Board represents the people of Linn County and not Clenera.

Discussion continued between Walker and Zumbach regarding the pros and cons of the setback and Walker suggested creative solutions such as offering non participating landowners a reduced cost or rebate for their own panels.

Senator Dan Zumbach stated that language is being drafted for 1250' setbacks and 65 CSR farm ground noting that this would be a stand-alone bill.

Jared McKee, Clenera, stated that there will be no negotiations and they will have alternatives when they come back on the 18<sup>th</sup>.

Motion by Walker, seconded by Rogers to hold the third consideration on Tuesday, January 18th but not vote on final.

VOTE: Rogers & Walker - Aye      Zumbach - Nay

Motion by Walker, seconded by Rogers to approve upon second consideration on an ordinance rezoning the following parcels located on portions of Robinson Rd, Coggon Rd, Sutton Rd, Castle Ln, Pering Ridge Rd, Linn Delaware Rd, and Quality Ridge Rd from Agricultural (AG) to Agricultural with a Renewable Energy overlay (RE-AG). Parcels include: 020525100100000, 020627600100000, 026015100100000, 020632600100000, 020630100100000, 020642600100000, 020635100100000, 020637600100000, 020646100100000, 020647600200000, 020535100300000, 020720100100000, 020712600100000, 020712600200000, 020715100100000, 020717600100000, 020612600200000

Adjournment at 11:57 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor  
By: Amanda Hoy, Executive Assistant

Approved by:

BEN ROGERS, Chairperson  
Board of Supervisors