

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
TUESDAY, MAY 30, 2023 10:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center. Present: Chairperson Zumbach and Supervisor Kirsten Running-Marquardt. Absent: Vice Chairperson Rogers (personal business). Board members voting "AYE" unless otherwise noted.

Chairperson Zumbach called the meeting to order.

Motion by Zumbach, seconded by Running-Marquardt to approve minutes of May 24, 2023 as printed.

Motion by Running-Marquardt, seconded by Zumbach to open Public Hearing for an ordinance amending the Code of Ordinances (case PA23-0005), Linn County, Iowa, by amending provisions in Chapter 107, Unified Development Code, relating to:

- Simplifying requirements for minor site plans.
- Allowing for a boundary adjustment between a non-buildable outlot and an adjacent parcel after a Land Preservation Parcel Split has been completed.
Clarifying setback requirements for detached accessory structures proposed to be located in front of a dwelling.
- Changing the approval process for public campgrounds from a Conditional Use Permit to a Major Site Plan.
- Updating the definition of a Two-Family Dwelling to help clarify how these units differ from Accessory Dwelling Units

Proof of publication was presented.

Stephanie Lientz, Planning & Development, presented and explained the amendments which make things more flexible for the public. The majority of the language was changed based on public input. There were no oral or written objections.

Supervisor Running-Marquardt thanked Lientz for all her work and for the explanation.

Motion by Running-Marquardt, seconded by Zumbach to close public hearing.

Motion by Running-Marquardt, seconded by Zumbach to approve upon first consideration an ordinance amending the Code of Ordinances (case PA23-0005), Linn County, Iowa, by amending provisions in Chapter 107, Unified Development Code, relating to:

- Simplifying requirements for minor site plans.
- Allowing for a boundary adjustment between a non-buildable outlot and an adjacent parcel after a Land Preservation Parcel Split has been completed.
Clarifying setback requirements for detached accessory structures proposed to be located in front of a dwelling.
- Changing the approval process for public campgrounds from a Conditional Use Permit to a Major Site Plan.
- Updating the definition of a Two-Family Dwelling to help clarify how these units differ from Accessory Dwelling Units.

Tamara Marcus, Sustainability Program Dir., presented a Resolution authorizing and directing East Central Iowa Council of Government (ECICOG) to submit the application and associated documents for the EPA Climate Pollution Reduction Grant". Marcus presented a summary and noted that a letter of support was submitted by the Board last month.

Chairperson Zumbach noted that Linn County will not be participating in anything above state law. He also suggested changing some "will's" to "may's".

Supervisor Running-Marquardt stated that at the end of this legislative session, there was a piece in an ag. bill that dealt with air quality, local jurisdictions and the state overall. She didn't hear anything that would tie their hands. The Board will approve on Wednesday.

Motion by Zumbach, seconded by Running-Marquardt to approve Employment Change Roster (payroll authorizations) as follows:

AUDITOR'S OFFICE

Account Technician Beth Ludwig Transfer to Treasurer's Office 06/09/23

TREASURER'S OFFICE

Accounting Analyst Beth Ludwig Promotion – internal applicant 06/10/23 58E \$31.01 – 38C \$31.14 New position

FACILITIES

Custodian Kossi Dabokou New hire – PT 06/12/23 10A \$18.01 + \$.25 20 hrs/wk Replaces J. Bader

SHERIFF'S OFFICE

Special Deputy Laurent Hakizimana Termination/resignation 05/18/23

FINANCE & BUDGET

Senior Accountant Mary Wiese Step increase/contract 06/01/23 40D \$38.06 – 40E \$40.13

COMMUNITY SERVICES

Child Care Wrkr Kelly Wertz New hire – on-call 06/12/23
48A \$12.03 Replaces S. Kunce

ENGINEERING

Light Equipment Oper. Jason McKinstry Termination/resignation 05/26/23

Motion by Zumbach, seconded by Running-Marquardt to approve Claims dated 5/26/23 for payroll deduction checks #71011090-#71011110 in the amt. of \$709,108.76; ACH in the amt. of \$57,320.81; and wires in the amt. of \$1,994,702.56 for a total of \$2,761,132.13.

The Board recessed at 10:15 a.m. and reconvened at 1:00 p.m. to discuss Renewable Energy Review Committee Statements. Present: Chairperson Zumbach, Vice Chairperson Rogers (leaving the meeting at 2:50 p.m. which was prior to the last statement and public comment) and Supervisor Running-Marquardt.

Charlie Nichols, Planning & Development Dir., presented statements from the following committees:

- Good Neighbor Practices Committee
- Battery Energy Storage System (BESS) Committee
- Balancing Ag and Solar Committee
- Lifecycle Costs Committee

Nichols stated that the purpose of this meeting is for the Board to give staff direction.

Chairperson Zumbach explained that each Board member has met one on one with Nichols prior to this meeting and noted that this is a county-wide ordinance and is not being drafted to fit one company.

Each board member gave their input regarding each statement.

Committee members Mike Carberry and Carolyn Peterson were called upon for further explanation regarding their specific committees.

Correspondence was placed on file from Laura Myers.

Public Comment:

Steve Mason, Palo, gave a recap of the early closure of the Duane Arnold Energy Center and the impact. He also gave a recap of NextEra's lack of follow through on various promises. He encouraged the Board to consider his statements to help guide policy, noting that this is the beginning of a 20,000-acre facility.

Thomas Bean, Cedar Rapids and a member of the Land and Liberty Coalition, stated that the Board mentioned the CSR score on the scorecard for developers when applying for a permit. This would cause a farmer having high quality land to be a detriment to their application.

John Zakrasek, Cedar Rapids, stated that battery technology is moving fast and will be a critical part of making BESS regulations work and he gave an example. He appreciates the work that it has taken to think through the farmers viewpoint, and he appreciates that and the effort of the Board looking at the landowner's perspective.

Traci Nelson, Palo, referred to Kimberly Dickey serving on the Planning & Zoning Commission (while working for NextEra) during the drafting process of the renewable energy regulations. There was no input provided by the residents of Linn County. Non-participating landowners that live near the solar project will be negatively affected by the noise during construction (10 hrs. /day 6 days/wk.). Despite the noise during construction, there will be threats from fire and storm related debris. She hopes the Board accepts the recommendation of the committees as this is the first time residents have been allowed to participate.

Bruce Lindholm, Cedar Rapids and BESS Committee Member, referred to his comments made last week and are they singling out solar with regulations that are not applied to other industrial areas in the county (hog, grain storage).

Sara Alden, Center Point, stated that she is glad to hear today's comments from the Board regarding a score card or a way to evaluate renewable energy facilities. She lives near one of the solar farms. The Renewable Energy Overlay is the only development rezoning in Linn County where LESA is not looked at LESA as a way to evaluate the appropriate development. All other developments use that criteria. If the Board does not do that, then please use another score card to help evaluate. Right now, as the ordinance

is written, any agricultural land in Linn County can be developed into renewal energy. There needs to be some criteria for the Board to objectively evaluate it.

Chairperson Zumbach thanked each and every one who participated on the committees, and he looks forward to looking into their recommendations in hopes of coming up with something far better than what they had. Speaking as a private citizen, Linn County has zoning for nearly everything. This is no different.

Nichols explained the next steps which is to take today's discussion and start drafting code. It will then be taken to the Planning & Zoning Commissioner which will take anywhere from 2-3 months. After that, it will go to the Board. There will be plenty of chances for public input. He will also issue a summary of what the Board agreed to today. He will make that available on the county's website. He also explained that the Moratorium will expire on June 30th and can be extended another three months.

Supervisor Running-Marquardt stated that there are some areas that still need to be flushed through with more detail and stronger language. There is still work left to do between the Board and Planning & Development, noting that more information still needs to come in. She also wanted to thank Nichols and his team for all the work they have done. They have a great start with great public input and that's not what is seen in all government entities. She assured everyone that they can still communicate with the Board, and she values their input.

Chairperson Zumbach indicated to Nichols that the Board is interested in completing this whole process completely before lifting the Moratorium.

Adjournment at 3:31 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor
By: Rebecca Shoop, Deputy Auditor

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson
Board of Supervisors