

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
TUESDAY, SEPTEMBER 5, 2023 10:00 A.M.

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

Chairperson Zumbach called the meeting to order.

Motion by Zumbach, seconded by Rogers to approve minutes of August 30 & August 31, 2023 as printed.

Motion by Rogers, seconded by Running-Marquardt to approve claims dated 9/1/23 for payroll deduction checks #71012119 - #71012124 in the amount of \$557.74, ACH in the amount of \$20,090.33, EFT Wire in the amount of \$18,717.51, and ACH Wire in the amount of \$2,128,493.46 for a total of \$2,167,859.04.

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

INFORMATION TECHNOLOGY

HelpDesk Spec/Desktop Assoc Richard Cornelison New hire 9/18/23 58A \$25.79

LIFTS

LIFTS Driver Sherri Etscheidt End of probation 9/12/23 55A \$20.42–55B \$21.42

FINANCE & BUDGET

Senior Accountant Sonia Evans Step increase/contract 9/7/23 40C \$37.02–40D \$39.01

Sonia Evans, Finance & Budget, discussed Linn County Department requests for American Rescue Plan Act funds including three for Human Resources and one for Planning and Development for a total of \$301,000.00. The Board will make a decision next week.

Supervisor Rogers noted that no one is present at today's meeting to discuss but this item is straightforward. Discuss a Resolution Declaring Surplus County Property and Authorizing Its Disposal related to the transfer of vehicle ownership from Linn County Sheriff's Office to the Coggon Fire Department. The Board will approve Wednesday.

Dennis Goemaat, Conservation Dir., discussed the Fall Fiscal Year 2024 Conservation Budget Amendment request noting that it is related to equipment that was ordered in FY23 and has not yet arrived. They are requesting to carry forward these dollars.

Motion by Rogers, seconded by Running-Marquardt to approve Liquor License for Indian Creek Nature Center, 5300 Otis Rd. SE, Cedar Rapids, retroactive to August 30, 2023, noting all conditions have been met.

Motion by Zumbach, seconded by Rogers to open public hearing for an ordinance amending the Code of Ordinances, Linn County, Iowa, by amending provisions in Chapter 107, Unified Development Code, relating to Renewable Energy, Utility-Scale Solar, and Battery Energy Storage Systems.

Charlie Nichols, Planning & Development Dir., gave a recap noting that Linn County has three approved solar projects to date. Four renewable energy review committees drafted statements to review the code including four areas: good neighbor practices, battery energy storage systems, life cycle costs and balance agriculture and solar. Further changes to the ordinance include: clarify requirements for a preconstruction road survey; define drainageways and eliminate language for an immediate requirement to repair them; eliminate a requirement that unused equipment be removed from the site; and applicants seeking rezoning for a renewable energy overlay district would race additional notification requirements of property owners and tenants.

Beth Dunkel, 3801 Williams Lake Rd., Center Point, thanked the Board for their time and effort in creating the scorecard. She highlighted the scorecard noting that 8 out of 10 categories have a score of 20 or lower. She is a non-participating neighbor and has been following the solar topic for quite some time. People buy land to farm as farmers or move to the country because they love nature and the rural area. The land will depreciate in value if solar is around them. There seems to be a lot of points on the scorecard and they are unrealistic. NextEra does not have 100% participation. Native species seems like something of high importance or value and then CSR has a low value on it in comparison to other categories. Those are concerns with the scorecard.

Sheryl Schumacher, 3845 Hagerman Rd., Toddville, stated that she wants to talk about the 300-foot setback. She feels that it should be on the inside of the property for solar. Dwellings in the country are not all set back the same distance. She feels it would be more economical if they had all the solar panels in the same row. She questioned the 120-foot set back line with open ditches and if they are using the flood determination map. If they are, are they using the 100- or 500-year map?

Danny Hemminger, 6219 Ridgewood Meadows Ln. NE, Cedar Rapids, stated that he is a construction craft laborer and business manager of local 43. They have several members working on Phase 1 and Phase 2 of the Duane Arnold Solar Project. They bring the best to the table as far as apprenticeships and train the best tradesmen and tradeswomen in the world. It is projects like this that allow them to educate the future builders of this county, state and country. They have been involved in several steps and the

Supervisors have been diligent, informed and patient and taken the time to do their job. He feels that the Supervisors are holding contractors and developers accountable. He asks that they continue doing that and weigh what is in the best interest of the constituents and to do what is best economically and what is best for their labor force in moving green energy forward. His personal opinion regarding the scorecard is that CSR is a government overreach, and anyone should be able to utilize their property the way they feel.

Randy Walker, 7706 Pin Tail Dr. NE, Cedar Rapids, stated that he is in opposition of any further expansion of solar farms in Iowa as they are not compatible with the climate. They will be lucky to have 125 days of available sunshine. If one or more of the panels are damaged due to the weather, snow, debris, etc. they will not function. Iowa has a hailstorm every 15 years. One damaged panel will take out the whole series. 125 days is less than 1/3 of the year of available sunshine for something they are relying on for their energy. Grass, trees and shrubs are not compatible with solar farms as they block the sun. According to Harvard business review, solar tax credits will expire in 2023 (265) and why there is a big push for solar panels. He is ok with panels in the neighborhood but not utility scale solar. They have 5,000 acres of vital farm ground that is taken up by panels. Alliant Energy has a garden at 33<sup>rd</sup> Avenue that is included in that acreage of land taken up. Agricultural crops make biofuels and take about 10% of the energy that it takes for installing solar farms to produce the equivalent amount of energy. China produces over 80% of the solar panels that are produced in the world. There is currently an embargo against solar panels due to utilizing slave labor. 100% of all energy in China is brought to them by coal with no scrubbers or restrictions on their pollutants. Good luck with green energy there. Panels are only viable for 20 to 30 years. Is there a time limit on destruction of farm ground? The water testing is ridiculous. If someone lives in a rural area their well has to be tested once a year. They are proposing to move the test limits out and Walker questioned why they would do that. There are lots of toxic chemicals in the panels and who is going to wash them? The panels will produce less than half the power if they are not washed within six months. A utility never met an expense they didn't like because they are cost plus guaranteed. 11% return on investment is why they want larger power and relay stations.

Taylor Guest, 601 Travis St., Houston, TX, stated that during previous Planning & Zoning meetings he discussed several environmental topics he feels need revision within the solar ordinance language. The first issue relates to noise modeling assessment. He requested the revision of the language from modeling at property line to modeling at dwelling. He stated his technical justification that measuring noise from the property line would add additional setbacks limited landowners' availability to develop their private property as they see fit. There is no consistent distance with agricultural land between an occupied dwelling and a property line. The proposed ordinance should account for non-source existing background noise that should not count against a project's noise limits. His second and final revision relates to the screening requirements that are being proposed. He stated his technical justification that visibility of the panels changes as they rotate throughout the daylight hours, however the maximum visibility when the panels are at their maximum tilt (12 to 15 feet off the ground) assuming a minimum panel height of 18-24 inches occurs for less than an hour daily. Solar panels are less visible after sunrise and sunset at distances up to 1,000 feet. Screening requirements should be targeted as requested by landowners to provide screening for facility components that are likely to be visible. He gave an example of sufficient targets requested by landowners. Tools such as viewshed analysis can determine how visible a project would be for each landowner and provide a more targeted approach.

Swati Dandekar, 2731 28<sup>th</sup> Ave., Marion, Co-Chairperson of Bright Future Iowa, thanked department staff for working on this. She has a few concerns about the new suggestions for the ordinance and feels it is very restricting with the changes. The opening line of the solar ordinance is to encourage and support development and use of alternate and renewable energy sources. They should not lose sight of that goal. Some of the proposed changes make development more restrictive than necessary. Linn County has always been a leader for Iowa and they are no different with renewable energy. They have approved two of the first solar farms in the state and brought hundreds of construction jobs for their brothers and sisters along with millions in new development for their community. Many counties across Iowa are watching what Linn County is doing and need to make sure they are doing it right. They need to have an ordinance that still welcomes solar. She feels that Linn County should be leaders in renewable energy and economic development. This is not their land; it is not something the county or a group of people collectively share. Individuals own this land, and they want to ensure they continue to respect farmer's rights and desires for their land. Those farmers feel that the ordinance has a level of intrusion from the county. Dandekar thinks they should drop the scorecard. CSR was not even suggested by the committee and battery storage should be looked at.

Deb Yates, 2362 Young Rd., Palo, thanked the Supervisor's for seeking the citizens' input on utility scale solar and to the committee members and planning and zoning staff who have worked to produce these changes. As a landowner and farmer, the new code with the scorecard better meets the goals of the comprehensive plan and will ensure good stewardship of agricultural property. She knows the solar developers will claim to have only used lesser quality land or needed to use better methods of construction will stop future projects. Kimberly Dickey, Duane Arnold developer, stated at a previous meeting that their team began targeting land that was 65 CSR or less to make themselves feel better about doing the right thing up front and targeting lower soil. They would not have made that decision to pursue these projects if it was not possible. Yates is requesting a change in the decommissioning section under site restoration areas and the removal of all components and equipment. Number 3 of that section states that agreements may be made with the landowners to leave items. She is asking that if an

agreement to leave equipment is made it should be required to be in writing and recorded with the land records so that a future land purchaser is aware of below surface items like underground cables, cut off pylons and footings. She feels that this is a waiver of the removal of all components code. Waivers to code on setbacks and screenings are required to be a written document that is recorded. Her main request is that information be recorded with the land record.

Kimberly Dickey, 2601 Bever Ave. SE, Cedar Rapids, NextEra Energy, stated that during the special meeting on August 16<sup>th</sup> their team submitted for the public record and also took public comment sharing their proposed revisions and the technical justifications for those revisions. There have been comments made already regarding the Duane Arnold Solar Projects. They will reiterate some of their positions with regards to the ordinance. She acknowledged the hard work and effort the multiple Linn County agencies have put into the development of the proposed ordinance and scorecard including all community stakeholders in the room and online watching. It is time for the Board to make some decisions and ultimately vote on the final ordinance. While her team was not directly involved in that process, they spent the last year during the moratorium conducting their own lessons learned. That is their dedication at NextEra to survive for continuous improvement as they develop future projects in Iowa and Linn County. Two of the things they discovered to be pain points during development of the first two phases of the project they are looking at addressing in future phases that include offering participation agreements with adjacent landowners and are in the midst of piloting a tenant farmer focus group. They have met with five tenant farmers to get their input so they can look at a compensation package for tenant farmers.

Susan Freund Opperman, Environmental Scientist and Project Manager at Olsson acting as Environmental Consultant for the Duane Arnold Solar Projects, stated that she specializes in solar vegetation management. She presented some questions and comments at the Planning Commission meeting last month on the solar scorecard itself. They are requesting to strike seed origin from the Vegetation Management Plan. The Vegetation Management Plans are prepared for the project submittal, which happens well before the seed is purchased so it is not possible to know which producers will have the necessary quantities of each native species until it comes time to buy the seed. The quantity of seed produced from individual harvesting efforts varies from year to year. She also addressed the frequency of soil sampling. Sampling annually during the first five years is closer to an academic research rate of sampling than typical utility scale solar construction monitoring. It is estimated that the proposed soil sampling frequency would result in doubling an applicant's cost compared to existing requirements. Soil sampling constitutes a destructive sampling process that introduces disturbance to the soil itself. Improvements to soil health occur slowly and are unlikely to occur within the first five years. They recommend one pre-construction survey to establish a baseline, followed by sampling in year five and once every five years beyond that without skewing those results. Lastly, replacing compaction prevention with compaction reduction. Soil compaction cannot be prevented outright. Regarding temporary seeding of cover crops with two months of permit approval, she is requesting to add within two months of commencement of pre-construction and civil activities. Applicants cannot access land leased to each project until landowners are issued and receive notices to exercise leases (including seeding temporary cover).

Liam Hoey, Senior Project Engineer for NextEra, stated that he is going to discuss repowering. NextEra's definition of repowering is replacing and/or repurposing an existing solar or battery storage facility that has outdated generation equipment with new updated technology to increase the projects efficiency and energy generation. Repowering does not include the replacement of equipment due to damage to the equipment via weather or equipment failure. This allows time-sensitive action to be taken.

Megan Murphy Salyer, NextEra Energy employee, stated that she is a proud resident of Linn County and is proud of the work the Board has done to support solar in Linn County. She wants to recognize the importance of making sure that any proposed ordinance changes don't also create additional unforeseen issues. She referenced the panel height requirement of 32 inches. Some of the challenges with that include raising the height of the array which will create more of a visual obstacle and a lot of people object to that. In order to balance the landowner's concerns and the height requirement they don't need to raise the solar panels. They have worked closely with Linn County to identify diverse native vegetation that will work under panels placed at an 18-inch height. She also emphasized that NextEra's top concern is always safety. Even if they raise the panel height and plant higher growing vegetation, they may have to mow it to reduce the fuel load for fires so it might not meet that 32-inch height.

Chris Derr, Regional Manager for NextEra, stated that he will be speaking about operations, maintenance and future operations. Unused equipment was brought up earlier and their suggestion to remove the word unused. NextEra does agree with that suggestion. Regarding providing a site-specific schedule of operations they feel nonproprietary information can be publicly circulated to the county officials. As far as future operations, they agree to the staff's recommendation on the immediate repair of public drainage systems. Requiring annual reporting to the county regarding the ongoing service schedule for the battery energy storage system is an undue burden. They can change that language to an applicant can provide a typical operations and maintenance plan of the battery energy storage system based on industry and companies' best practices which can omit proprietary information.

Tim Arnold, Project Developer for NextEra Energy, stated that he was to discuss the proposed ordinance and the wildlife habitat assessment and mitigation plan. They recommend removing subpart c in article 6 having to do with established drainage ways. It is not a defined technical term as it is laid out. The text

amendment as written is vague and subjective for regulations that may prohibit infrastructure in undefinable areas. That would essentially be up to the interpretation of county staff without any specific guidance. If they don't know how to establish or where drainage ways are that limits development of a site plan to be done up front and could result in a bunch of revisions. Regarding the proposed 120-foot setback from open ditches, etc., this regulation achieves that same objective. Another issue with the wildlife habit assessment and mitigation plan is the use of wildlife friendly fencing, currently planned for the movement of small to medium sized wildlife species without the need for additional wildlife corridors. Requiring the establishment of wildlife corridors may result in an increased project footprint and taking additional agricultural land out of production by disrupting layout of the panels. They are requesting a definition of wildlife corridor be provided.

Edward Hayes, 327 30<sup>th</sup> St. SE, Cedar Rapids, stated that his issue is with the general premise not necessarily the individual choice to have green energy or solar power, etc. He is a believer not a denier. He believes in Greenland that is 80% covered in snow right now. The Vikings did not name Greenland to be obtuse. Between 900 and 1300 AD, it was quite green and warm. The question they should be asking is, how did Greenland become green and warm without the tremendous aid of man? How is the planet able to dissipate CO<sub>2</sub> gas levels that are five times what they are today without the aid of human intervention? The sun is a primary driver of temperature and weather on earth. Back in February of 2022 Elon Musk had 40 satellites knocked out of orbit because of a solar flare and presently are in a period of heightened solar activity. Climate models do not accurately portray past weather behavior so how can they be depended on for future predictions. Temperature rise proceeds CO<sub>2</sub> increases by 600 years in the geologic history charts. All human activity on a percentage basis contributes a minuscule amount of CO<sub>2</sub> to the atmosphere 0.123% compared with other sources like the ocean. China is building coal fire plants at the rate of 2 per week and they sell a lot of their coal to China. Are they building on the present fad or are they really looking towards the future? Will this thing last them a lifetime or more?

Dr. Jerry Rozeboom, 5206 N Center Point Rd., Walker, stated that he has been a part of the original discussions regarding solar panels. He disagrees with a lot of what has been done and that has been made clear in his previous comments. As a surgeon for 30 years, when they introduced new technology like robotic surgery in Cedar Rapids, they trusted that it was good, but they verified it repeatedly that it was good. The fact that they have begun allowing industrial solar in the county is past history. As they move forward into the future with expansion of the projects, he commends them for slowing it down and putting new rules in place. It is very interesting, but not surprising, that the whole back row of the audience has come up to speak this morning about not liking some of the regulations that are being done. That tells him they are on the right path and that is the trust of verifying. Going forward, the Board is in charge of the well-being of the people of Linn County. Move the project forward by being judicious and do not be pressured into cutting corners. The industry is known to take advantage and will push the envelope on some of these rules. The looser they can get the Board to make the rules, the better it is for them and then they will tie the landowner's or the county up in lawsuits based upon interpretation of the rules. He urges the Board to keep doing their jobs as they have been and to keep the rules strict. They need to prove that they are good stewards of the liberties the Board has given them. If they do not prove it, those rules need to be strengthened. They cannot bring back the tightness of rules in the future.

Marc Franke, 4205 Vista Rd., Ely, stated that he has been speaking at almost all of these meetings for the last two years that good balance is key to these projects. Do the project but complete it in a balanced way. He referenced Governor Reynolds being sued over not meeting the open records law, how it is worded, and they lost that lawsuit. It's possible for people to inadvertently wander into a development if the road access signage is not clear. Landowners have the choice regarding CSR if they want to keep growing corn or soybeans. If it is replaced with solar panels, there is a 75% increase in renewable energy compared to ethanol. One of the Supervisors has high voltage signs around his solar panels and that is good to do, but sheep are being used all across the United States to do grazing and don't die from grazing on the ground underneath. Franke has had solar panels for 10 years and has had no issues with hail. His roof and siding all had to be replaced from hail but not his solar panels. There is a Palo solar field next to their community center and it survived the 2020 derecho. The panels can be pretty robust. CO<sub>2</sub> growth is a serious issue and most of the growth is from human fossil fuel burning. There are 8 billion people on earth burning kerosene, gasoline, diesel fuel, etc. and that's where most of the CO<sub>2</sub> increase has come from in the last 100 years.

Tom Treharne, Project Manager for NextEra Energy, stated that he appreciates the time the board has given to this issue. He addressed the battery energy storage systems included in the ordinance but are identified as a conditional use permit. He is requesting that be changed and treated similar to solar and included in the overlay district. It would be a much broader input process. Battery energy storage systems are quite complicated and have a lot of very specific things in them that need to be talked about.

Jane Tompkins, 4621 Windy Meadow Circle NE, Cedar Rapids, speaking as the Policy Advisor for the Center of Infrastructure and Economic Development. The center is a research and policy organization committed to helping communities for the development of renewable energy policies that provide financial and quality of life benefits for their citizens. The center is not a project focused organization. They don't advocate or get involved with applications, they just help to understand policies and regulations. A service they provide is to help communities review ordinances and help them through the drafting process. She has submitted written comments to the Board. Balance was mentioned many times today and that is what they are all striving for. A number of sections in the ordinance are very balanced

including setbacks, noise level (not including where it should be measured), landowner waivers, etc. She feels there are some other sections that are worthy of a closer review. They feel that some requirements are singling out solar facilities that aren't applied to other projects. They ask that the Board take another look at decommissioning. They do not see a need for the scorecard as it is outside of industry practice & not used in other areas.

Thomas Bean, 4660 Leprechaun Ln., Cedar Rapids, referenced Supervisor Running-Marquardt's comment about CSR's limits and restrictions not being a poison pill. While it may not kill the project entirely, it is still punishing some of those landowner's that may have higher land values when it comes to CSR, and it is limited their participation in projects and their ability to make an income for their family farms. The scorecard punishes those landowners, and they should have the right to make their own decisions with their land.

John Zakrasek, 531 Lawndale Dr. SE, Cedar Rapids, stated that solar is different than a lot of other projects and they are actually preserving the land for future farmers down the road. 30 years from now that soil will be there and able to be farmed. He was stunned that many of the farmers he met and talked with said to them this is a way for them to keep the farm that had been in their family for generations for future generations. It's important to recognize that because someone has high CSR land, they shouldn't take away from them the right to preserve that farmland for future generations. He also feels strongly about panel height due to the increase in cost. Most of the changes proposed by the developer seem to be reasonable and deserving of some consideration.

Curt Hancock, 518 2<sup>nd</sup> St. NW, Mount Vernon, stated that he is not concerned with solar but the verbiage that is taking place. A comment was made that they want to move renewable energy forward. Is the renewable energy they have not renewable? They have centuries of natural gas so in a sense it is very renewable. What they have for renewable energy is not going to run out within any lifetime soon. They are just exporting it. Where are the solar panels made? A huge amount of energy is required to dig up the holes. It is not green to generate and build these. What happens to the costly chemicals to get rid of them? Is what they have not good so they need an alternative energy? It is an additional energy source, not an alternate. CO2 is not a pollutant and they need CO2 in their environment. Animals for 6,000 years expelling CO2. Not have little buzz words that put fear in people's minds.

Motion by Zumbach, seconded by Rogers to close public hearing.

Board members feel that the responsibility for reviewing conditional use permits for stand-alone battery energy storage stations should fall on them instead of the Board of Adjustment, as the Board members are Elected Officials.

Discussion continued regarding repowering (replacing parts of the solar installation) to avoid the developer undergoing an entire site review; minimum solar panel height reduction from 32 inches; noise levels being measured from a property line or dwelling.

Motion by Rogers, seconded by Running-Marquardt to approve upon first consideration an ordinance amending the Code of Ordinances, Linn County, Iowa, by amending provisions in Chapter 107, Unified Development Code, relating to Renewable Energy, Utility-Scale Solar, and Battery Energy Storage Systems.

Nichols also presented a draft Linn County Utility-Scale Scorecard noting that it was generated from the renewable action review committees. Developers of a utility scale solar installation would need 100 points for a project to pass. Points can be earned by several different metrics on the scorecard: planned number and percentage of species in entire site's vegetation cover; having an approved vegetation plan and agricultural impact mitigation plan; locating the site in a medium or high corn suitability rating area (CSR); use of agrivoltaic practices; including flowering plants in the vegetative cover; planned seasons with at least three blooming species present; low percentage of the site graded; exceptional "Good Neighbor Practices", minimizing non-participating dwellings within 300 to 1,250 feet of project boundaries.

Discussion continued regarding pain points with CSR; soil structure; cover crop timing and LESA scorecard.

Mike Tertinger, Planning & Development, discussed proposed Temporary Use Permit, Case PTU23-0008, request by Troy & Linda Thompson, for the Farm Fresh Reggae Fest, a music and arts festival, located at 838 Bolton Manor Road, Springville, Iowa, from September 15, 2023 to September 17, 2023. This is a reoccurring event that is handled outside of the Board of Supervisors, however they made a significant change which is the addition of selling alcohol. There are a couple outstanding items yet but they are recommending approval. He has also received a phone call from a concerned citizen regarding management of the festival. The Board will approve next week.

Page 6  
September 5, 2023

Adjournment at 12:36 p.m.

Respectfully submitted,

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

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson  
Board of Supervisors