EXECUTIVE SUMMARY

RENEWABLE ENERGY OVERLAY REZONING

STAFF CONTACT: CHARLIE NICHOLS

OWNER/APPLICANT INFORMATION

OWNER/APPLICANT: Balster Family Trust; Michael and Tammy Dougherty; Clayton Kramer; Kenneth and Deanice Ludolph; Joel and Kerry Peyton; and Levi and Sierra Peyton

Coggon Solar LLC c/o Clenera, LLC

MAILING ADDRESS: Various addresses, refer to application

P.O. Box 2576, Boise, ID 83701

PROPERTY ADDRESS: Various addresses, refer to application and site plan

REQUEST

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

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

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

STAFF RECOMMENDATION

Staff recommends approval subject to the conditions of the staff report.
STAFF REPORT
REZONING
JR21-0008
Planning and Zoning Commission Meeting: NOVEMBER 29, 2021
Board of Supervisors First Consideration: DECEMBER 13, 2021 (tentative)

PROPERTY INFORMATION:

MAP DESIGNATION: AA
(Agricultural Area)

CURRENT ZONING: AG (Agricultural)

PROPOSED ZONING: RE-AG
(Agricultural with a Renewable Energy Overlay district)

SURROUNDING LAND USES AND ZONING:

- North – Agricultural, 2 single-family dwellings; AG
- South – Agricultural, 3 single-family dwellings; AG
- East – Agricultural, 4 single-family dwellings; AG
- West – Agricultural, 3 single-family dwellings; AG

PROJECT SIZE: 750 acres

FORMAL PRE-APPLICATION MEETING:

The applicant had a formal pre-application meeting with Planning and Development staff on January 26, 2021.

MLS AND LESA REQUIREMENTS:

Per Article IV, Section 107-69, § (1)(a) and Section 170-70, § (1)(i) of the Unified Development Code, applications for rezoning to a renewable energy overlay zoning district are not subject to minimum levels of service or the Land Evaluation and Site Assessment (LESA) system.

FINDINGS OF FACT:

1. The owners of the properties within the project boundary are: Balster Family Trust, Michael and Tammy Dougherty, Clayton Kramer, Kenneth and Deanice Ludolph, Joel and Kerry Peyton, Levi and Sierra Peyton. Coggon Solar LLC will be leasing land from these owners for their proposed solar project.
2. The properties are currently zoned AG (Agricultural).

3. The properties are designated as AA (Agricultural Area) on the Rural Land Use Map.

4. The properties are currently in agricultural production.

5. The applicant met with staff for the required pre-application meeting on January 26, 2021.

6. A development application was received on July 9, 2021. The application is to rezone the subject properties from AG (Agricultural) to AG-RE (Agricultural with a Renewable Energy overlay) for the purpose of constructed a utility-scale solar project on 750 acres of land.

**CONCLUSIONS OF LAW:**

**Animal feeding operations separation distance requirements.** At the time of application, any proposed development that is located near an Iowa Department of Natural Resources (IDNR) permitted animal feeding operation shall be separated by the distance required for the type of structure as provided for in Appendix C of the Unified Development Code (UDC).

**Analysis:** Separation distance requirements for animal feeding operations apply to new residences, religious institutions, and educational institutions, not utility uses and structures.

**Conclusion:** The requirements of Appendix C of the UDC are not applicable to the proposed development.

Article IV, Section 107-69, § (5), Additional Standards for Review of the UDC states that any proposed development must be consistent with the Comprehensive Plan, the purposes and intent of the UDC and the supplemental policies, requirements and standards of the UDC, including but not limited to:

a. **The proposed development is not detrimental to existing agricultural uses.**

**Analysis:** The Coggon Solar project will take approximately 640 acres out of agricultural for production for a period of up to 35 years. This area of Linn County has been used for agricultural purposes since the mid-1800s and is characterized by "high value" agricultural soils, which have traditionally been defined as soils with a Corn Suitability Rating (CSR) of 65 or above. The average weighted CSR of the entire project area is approximately 73.76. Additionally, over half of the project area is defined federally as either prime farmland or farmland of statewide importance. Another 30% of the project area is identified as prime farmland if drained.

The Linn County Comprehensive Plan identifies seven “elements” key to the future success of Linn County. The two most important elements, as identified by Linn County residents, are Alternative and Renewable Energy and Resource Protection (specifically natural resources such as agricultural land). A key component of Alternative and Renewable Energy identified in the plan is utility-scale renewable energy of the type proposed by Coggon Solar. A key component of Resource Protection identified in the Plan is preservation and enhancement of soil and agricultural resources. These two elements are seemingly at odds in utility-scale solar projects - a substantial amount of renewable energy is generated, but this generation comes at the expense of taking prime farmland out of production for 30-35 years. In the case of the proposed Coggon Solar project, over half of the project area is classified as either federally defined prime farmland or farmland of statewide importance. Approximately 30% of the project area is identified as prime farmland if drained.

One way other jurisdictions have addressed these competing interests is through Agricultural Impact Mitigation Plans (AIMPs) with an accompanying robust vegetation management plan. Site-specific AIMPs identify measures to minimize potential impacts to agricultural uses of the land by requiring, among other things:
• Measures to segregate topsoil from subsoil during grading activities and the removal of topsoil during construction of the project to the extent that such actions do not violate sound engineering principles or system reliability criteria.
• Measures to minimize impacts to and repair drainage tiles damaged during construction of the project.
• Temporary erosion and sediment control during construction.

Along the same line of balancing renewable energy with resource protection, the intent of the vegetation management plan is to enhance the quality of soil on the site, improving the soil and agricultural resources in the project area over time in preparation for returning the site to agricultural production after the project is decommissioned. Effective vegetation management plans accomplish the following:

• Provide a benefit to pollinators.
• Enhance soil water retention and reduce stormwater runoff and erosion.
• Enhance soil quality, as defined by the Natural Resource Conservation Service (NRCS).
• Specify measures to prevent the introduction of non-native and invasive species.
• Specify measures to maintain established vegetation at the facility throughout the operational life of the facility.
• As possible, promote the co-location of agricultural practices such as sheep grazing and beekeeping.

The AIMP and vegetation management plan work hand-in-hand to mitigate the tradeoff of prime farmland (Resource Protection Plan Element) with renewable energy generation (Alternative and Renewable Energy Plan Element).

Coggon Solar has submitted both a site specific AIMP and a Vegetation Management Plan. The AIMP specifies best management practices the contractor will follow during construction in order to: avoid infestations of invasive species; segregate topsoil during earthmoving activities to be re-spread on top of any backfilled and/or disturbed areas; halt construction activities during wet weather; and implement temporary erosion and sediment control practices by submitting and adhering to a Stormwater Pollution Prevention Plan.

Additionally, Coggon Solar has committed to mapping and locating subsurface drainage tiles on site before construction using a combination of methods, including: consulting existing records, working with local tile contractors, scoping tile lines, and using ground penetrating radar. Any tile damaged during either the location process or construction will be repaired by Coggon Solar.

For the Vegetation Management Plan, Coggon Solar has submitted a seed mix for the site approved by the Natural Resource Conservation Service (NRCS). The purpose of the selected seed mix is to provide long-term stability and structure to the soil, detain and mitigate stormwater runoff, and act as habitat for pollinator species.

Conclusion: Based on the above analysis, while the land in the project area will be taken out of production for a period of up to 35 years, measures will be in place to mitigate negative impacts to this land and subsurface drainage tiles. Additionally, measures are in place to enhance the soil quality within the project area to improve the agricultural resources for future agricultural production operations. Staff therefore believes this standard has been met.

b. The proposed development will be served by adequate public facilities and services as set forth in a development agreement.

Analysis: Per Article IV, Section 107-69, § (1)(a), applications for rezoning to a renewable energy overlay zoning district are not subject to adequate public facilities requirements. However, due to the scope of the project, staff believes an analysis of possible impacts to public facilities and services is warranted. For the purposes of evaluating development proposals in Linn County, evaluating the level and capacity of public facilities and services focuses on five areas: water, wastewater, transportation, fire protection, and stormwater management.
Water
The project will not consume water in the operation of the facility. The project will also be operated remotely, after construction it is anticipated that maintenance employees or contractors will only be on site occasionally. Additional water services will not be needed.

Wastewater
The project will not generate waste, and the presence of employees on site will be minimal. Additional wastewater services will not be needed.

Transportation
All roads within the project footprint will be maintained by the applicant and will be used only for maintenance purposes. It is possible that damage to county roads could occur during the transportation of materials to the site for construction. Article VI, Section 107-117, § (h)(5) of the UDC requires the applicant to, if approved, conduct a pre-construction survey of road conditions in coordination with the impacted local road authority. Any damage to the roadway resulting from transportation of construction materials shall be repaired at the expense of the applicant. Additionally, the applicant is responsible for on-going road maintenance and dust control measures identified by the Linn County Engineer during all phases of construction.

Fire Protection
The project is within the Coggon fire district, located approximately 2 miles from the Coggon fire station. For comparisons sake, a residential development in an AG (Agricultural) zoning district would need to be within 5 miles of a fire station. The Coggon Fire Department is supported by other Linn County fire departments through mutual aid agreements. The applicant shall work with the Coggon fire district to develop an Emergency Management Plan.

Stormwater Management
Article VI, Section 107-117, § (h)(6) of the Unified Development Code requires the applicant to complete and adhere to a Stormwater Pollution Prevention Plan during construction. In addition to requiring a Stormwater Pollution Prevention Plan, the NRCS will also require the following as conditions for approval of the rezoning request: a 120-foot vegetative buffer for all named streams and open ditches with seasonal water flow; onsite stormwater practices to treat runoff from hard surfaces, including internal access roads; Low Impact Development practices to be utilized during construction; a post construction compaction mitigation plan; and a Vegetation Management plan with at least 70% of the site dominated by an approved seeding plan, and which includes the use of native grasses, forbs, and sedges.

Conclusion: Despite projects of this type being exempt from minimum levels of service requirements, staff believes the project is served by adequate public facilities and services.

c. The proposed development will not degrade significant environmental, ecological or natural resources.

Analysis: The applicant hired a third party engineering consultant, Stantec, to evaluate the environmental resources within the project boundary. This evaluation was then reviewed by Stanley Consultants, a consulting engineering firm with local offices, which was hired by Linn County Planning & Development. The environmental resources report found the following:

- Approximately 1.17 acres of wetlands were identified within the project area.
- Four streams meeting Waters of the U.S. criteria were identified within the project area.
- One woodland approximately 1 acre in size was identified within the project area.
- The following federally listed species (endangered, threatened, or candidate) were identified by the US Fish and Wildlife Service as having possible habitat within Linn County:
  - Higgins Eye Pearlymussel.
- Rusty Patched Bumblebee.
- Northern Long-eared Bat.
- Prairie Bush Clover.
- Eastern Prairie Fringed Orchid.
- Western Prairie Fringed Orchid.
- Monarch Butterfly.

- An analysis of each individual species in context of the project area found that the project would have “no effect” on all listed species with the exception of the Monarch Butterfly, which the project is listed as having a “may impact” effect.

- Stantec identified 50 state-listed threatened and endangered species from the Iowa DNR Natural Areas Inventory within Linn County. The Iowa DNR, responding to a request for comment, found no site-specific records of rare species or significant natural communities that would be impacted by the project.

- The Iowa DNR, in responding to Coggon Solar’s request for comments, also recommended that native vegetation beneficial to pollinators be established and maintained around the solar panels. The IDNR also recommended that additional studies and/or mitigation plans be required if listed species or rare communities are found during the planning or construction phases.

- No bald eagle nesting or foraging habitat is present within the study limits.

In addition to the findings of the environmental resources report, Coggon Solar submitted a document titled, “Rezoning Narrative,” in which they committed to the following:

- There will be no large-scale removal of trees.
- Top-soils will not be removed from the site during development.
- Minimal lighting will be used on the site. Fully shielded low sodium pressure lights will be used at the substation. Lighting will be motion activated instead of being on constantly.
- Fencing will be raised approximately 10 inches above the ground to allow small mammals, reptiles, etc. access to the project area for foraging and habitat.

Based on the above findings, the following conditions will be required by Linn County:

- Wetlands shall not be altered or removed. Temporary disturbances to wetlands during construction shall be avoided to the extent possible, and permitted by the USACE if unavoidable.

- The identified woodland shall be avoided during construction.

- A 120-foot vegetative buffer for all named streams and open ditches with seasonal water flow shall be implemented.

- If listed species or rare communities are found during the planning construction phases, the contractor shall let Linn County Planning and Development know immediately. Additional studies and/or mitigation may be required.

- At least 70% of the site shall be planted with a pollinator friendly seeding plan which includes the use of native grasses, forbs, and sedges.

- Large-scale removal of trees is prohibited.

- Top-soils shall be segregated and remain on site using methods outlined in an approved Agricultural Impact Mitigation Plan.

- All lighting shall be down shielded. Lighting shall be motion activated whenever possible.
Fencing shall be raised approximately 10-inches above the ground.

Additionally, the decommissioning plan submitted by the applicant has been updated to include the cost of updated environmental studies and permitting at the end of the project. An updated environmental resources report shall be completed at the end of the project to ensure decommissioning activities do not degrade environmental, ecological, or natural resources.

It should also be noted that it is estimated the project will offset approximately 300 million pound of CO2 annually, which is equivalent to burning approximately 15 million gallons of gasoline annually. In 2019, the Linn County Board of Supervisors adopted a resolution declaring a climate crisis and committed to accelerating efforts to limit the global average temperature increase. As part of this resolution, the Board committed to reducing countywide CO2 emissions by 45% by 2050 and increasing renewables to account for 100% of electricity generation in Linn County by 2050. A follow-up resolution passed in 2020 prioritizing vulnerable communities in future climate mitigation and adaptation projects further committed the Board of Supervisors to create green jobs and develop green job opportunities.

**Conclusion:** Based on the above analysis, staff believes adequate measures are in place to prevent the degradation of significant environmental, ecological or natural resources.

d. **The proposed development achieves densities and uses in agricultural areas, critical natural resource areas, rural residential development areas and urban service areas as designated in the Comprehensive Plan.**

**Analysis:** There is no Land Use Map designation for Renewable Energy overlay zones; these zoning districts are instead subject to a specific set of development standards contained in Article VI, Section 107-117, §(h) of the Unified Development Code.

**Conclusion:** This standard does not apply.

e. **The proposed development is consistent with the goals, objectives and strategies of the Comprehensive Plan.**

Table 1 below lists all of the Goals found within each of the seven (7) Plan Elements in the Linn County Comprehensive Plan and determines if the proposal supports, does not support, or is neutral to each individual Goal based on a review of the Objectives and Strategies found in the plan. Any Goals that are of significant consequence to Staff’s recommendation are discussed in greater detail below.

**Analysis:** The proposed project to the implementation of the following plan elements and strategies:

*Alternative and Renewable Energy.*
- **Goal 1:** The project provides for the increased use of renewable energy resources within our region.
- **Goal 3:** The project develops local renewable energy resources.

*Economic Development and Employment Opportunities.*
- **Goal 2:** The project supports renewable energy production and provides new and expanding local businesses with the opportunity to procure renewable energy.
- **Goal 3:** The project supports “green jobs.”

*Hazard Planning*
- **Goal 1:** The project contributes to reducing the frequency of climate events by offsetting CO2 generated through power production.
- **Goal 2:** Stormwater will be managed on site with a Vegetation Management Plan, requiring a minimum of 70% of the site to be planted with a native seed mix.
**Resource Protection.**

- **Goal 1:** The project will maintain and improve soil quality through measures including topsoil segregation and retention during construction and the planting of short stature prairie onsite for the life of the project.
- **Goal 3:** The project will utilize stormwater management techniques through a Stormwater Pollution Prevent Plan (SWPP), Low Impact Development practices, and a comprehensive Vegetation Management Plan.
- **Goal 4:** The project protects subsurface drainage tiles though adherence to an approved Agricultural Mitigation Plan.

**Sustainable Development.**

- **Goal 2:** The project proactively addresses climate change through greenhouse gas reduction.
- **Goal 3:** The project incorporates Low Impact Development techniques, implements erosion and sedimentation controls during construction, and uses soil restoration and protection practices during construction.

**Conclusion:** The proposal is in conformance with the Linn County Comprehensive Plan and therefore this criterion appears to be met.

<table>
<thead>
<tr>
<th>ELEMENTS</th>
<th>GOALS</th>
<th>Proposal Supports</th>
<th>Proposal Does Not Support</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
<td>Alternative and Renewable Energy</td>
<td>Goal 1: Encourage and support the development and use of alternative and renewable energy sources.</td>
<td>X</td>
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<td>Goal 2: Encourage and support energy efficiency strategies.</td>
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<td>Goal 3: Identify and mitigate barriers to the development of local alternative and renewable energy resources and increased energy efficiency strategies.</td>
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<td>Economic Development and Employment Opportunities</td>
<td>Goal 1: Encourage a diverse agricultural economy, including local foods and commodity-based agriculture.</td>
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<td>Goal 2: Seek opportunities to diversify and expand the local employment base by providing a supportive environment for existing and new businesses, as well as entrepreneurial activities.</td>
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<td>Goal 3: Support and encourage a well-educated, highly skilled, and diverse workforce prepared for an increasingly competitive global marketplace.</td>
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<td>Goal 4: Recognize that future economic success in the county depends on implementing sustainable business practices that protect our natural environmental systems.</td>
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<td>Hazard Planning</td>
<td>Goal 1: Identify and implement strategies to prevent the occurrence of human-made hazards.</td>
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<td>Goal 2: Reduce the risk of the loss of life, property, and economic activity as a result of the occurrence of natural and human-made hazards.</td>
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<td>Goal 3: Increase the capacity of local government and residents to respond to the occurrence of natural and human-made hazards.</td>
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<td>Goal 4: Increase the capacity of local government and residents to recover from the occurrence of natural and human-made hazards.</td>
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<td>Livable Communities</td>
<td>Goal 1: Protect and enhance the health and safety of all Linn County residents.</td>
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<td>Goal 2: Maximize resilience through the production and purchase of local and regional products, and the protection of local resources.</td>
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<td>Goal 3: Enhance connectivity and opportunities for all through improvements in transportation, education, and communication.</td>
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<td>ELEMENTS</td>
<td>GOALS</td>
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<tr>
<td>Resource</td>
<td>Goal 1: Support initiatives designed to prevent soil erosion, improve soil quality, and educate the public on the importance of healthy soils in both urban and rural environments.</td>
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<td>Protection</td>
<td>Goal 2: Encourage the long-term viability of agriculture.</td>
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<td>Goal 3: Strive to maintain high-quality water resources.</td>
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<td>Goal 4: Address drainage and stormwater management as a regional issue and foster multi-jurisdictional cooperation.</td>
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<td>Goal 5: Support initiatives designed to protect or improve local air quality.</td>
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<td>Goal 6: Conserve and enhance natural resources, open space, and wildlife habitat throughout the county.</td>
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<td>Goal 7: Balance accessibility to local mineral resources with public safety considerations and competing resource protection goals.</td>
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<td>Sustainable Development</td>
<td>Goal 1: Maximize the use of existing gray infrastructure and adopt innovative green infrastructure techniques.</td>
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<td>Goal 2: Proactively address climate change through prevention and adaptation.</td>
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<td>Goal 3: Incorporate enhanced stormwater management and erosion control practices into county development standards.</td>
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<td>Goal 4: Encourage green building practices for new construction and major remodels, and consider code amendments that encourage or do not inhibit sustainable development practices.</td>
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<td>Goal 5: Reduce landfilled waste and support clean, efficient, economical, and environmentally sound management of solid waste.</td>
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<td>Transportation</td>
<td>Goal 1: Ensure land use decisions are coordinated with city, county, and regional transportation plans.</td>
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<td>Goal 2: Encourage alternatives to auto-dependent travel when making transportation, land use, and infrastructure decisions.</td>
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<td>Goal 3: Consider environmental, cultural, and historic resources in planning future transportation corridors, and in the physical design of transportation infrastructure.</td>
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<td>Goal 4: Encourage a transportation system that improves the mobility, accessibility, connectivity, and safety for all residents.</td>
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<td>Goal 5: Promote comprehensive strategies to reduce dependency on nonsustainable fuel sources and increase fuel efficiency.</td>
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**ALTERNATIVES:**

The following alternatives may be considered:

1. Recommend approval of the proposal subject to conditions.
2. Recommend denial of the proposal.
3. Refer the proposal back to the applicant for additional review / information.

**STAFF RECOMMENDATION:**

Staff recommends Alternative 1 for the following reasons:

1. The proposed rezoning meets all standards for approval.
IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS’ NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.

LINN COUNTY SECONDARY ROAD DEPARTMENT, 892-6400
BRAD KETELS, COUNTY ENGINEER, Brad.Ketels@linncountyiowa.gov
JON RESLER, ASSISTANT COUNTY ENGINEER, Jon.Resler@linncountyiowa.gov

1. Entrance permit required for new entrances and existing unpermitted entrances, Sec.11 and the Unified Development Code, Article IV, Sec. 107-72 § 2 (h)(5). All approved entrances shall be brought into conformance with County standards.

2. Road Agreement with conditions related to access and road condition responsibilities. County Standard Specifications, Section 1.

3. Entrance permits and E-911 address signs to be applied for at Linn County Secondary Road Department, 319-892-6400.

IOWA DEPARTMENT OF TRANSPORTATION
JOEL KEIM, ENGINEERING OPERATIONS TECHNICIAN, 730-1533
Joel.Keim@dot.iowa.gov

1. If any work is to be done in the State of Iowa right-of-way, contact the IDOT for additional permits.

2. Not within the jurisdiction of the Iowa Department of Transportation.

3. No conditions to be met.

LINN COUNTY PUBLIC HEALTH DEPARTMENT
SUE ELLEN HOSCH, ENVIRONMENTAL SPECIALIST, 892-6033
SueEllen.Hosch@linncountyiowa.gov

1. No conditions to be met.

NATURAL RESOURCES CONSERVATION SERVICE
JON GALLAGHER, LINN COUNTY SOIL CONSERVATIONIST
JOHN BRUENE, DISTRICT CONSERVATIONIST, 377-5960 x3
Jon.Gallagher@ia.nacdnet.net

1. Show approximate location of natural drainage ways and a note restricting building within the natural drainage way should be shown on the site plan. Contact the NRCS office for widths and building restriction requirements.

2. All named streams or open ditches with seasonal water flow throughout the majority of the growing season will have a vegetative buffer approved by Linn County NRCS from the high bank to panel edge.

3. Land disturbance greater than 1 acre in size, not associated with agricultural crop production, will require a NPDES permit granted by the Iowa Department of Natural Resources.
4. Submit erosion and sediment control plan for review and approval.

5. Submit site grading plan showing existing and proposed surface grades. Clarify quantities and amounts of topsoil to be disturbed, incorporate both Low Impact Development principles, and a post construction compaction mitigation plan.

6. Wet soils may adversely impact possible home and septic site(s). Clarify plans for subsurface drainage with USDA Natural Resources Conservation Service (NRCS).

7. Submit storm water pollution prevention plan for review and approval prior to approval of plat and/or any site grading activities with emphasis placed on treating stormwater runoff for proposed hard surface areas in accordance with Statewide Urban Design and Specifications (SUDAS).

8. Submit either as a standalone document or component of an agricultural mitigation plan, a subsurface drain tile mitigation and management plan which provides uniform minimum thresholds for maintaining established subsurface drainage systems as currently being utilized on lands subject to development.

9. Provide additions/alterations to Agricultural Mitigation Plan for review and approval.

10. Provide additions/alterations to Vegetative Management Plan for review and approval. Final Plans shall include at minimum 70% of site dominated by an approved seeding plan which includes the use of native grasses, forbs, sedges and achieve an acceptable score on a Solar Site Pollinator Habitat Assessment Form.

Comments:

1. The use of non-hard-surface options for internal access or minimizing additional hard surface through non-traditional construction methods is encouraged.

2. In support of long-term site maintenance, maintaining the viability of an approved vegetative management plan, providing future unforeseen multi-use opportunities, and conform with regionally adopted constructed methods for solar facilities, Soil Conservation Department strongly encourages the utilization of a final construction plan that provides for a minimum low panel height of 28 inches as opposed to the current proposed 18 inch threshold.

LINN COUNTY CONSERVATION DEPARTMENT
DANIEL GIBBINS, 892-6450
Daniel.Gibbins@linncountyiowa.gov

1. No conditions to be met.

LINN COUNTY EMERGENCY MANAGEMENT
STEVE O'KONEK, 892-6500
Steve.OKonek@linncounty-ema.org

1. No conditions to be met.

LINN COUNTY PLANNING AND DEVELOPMENT - ZONING DIVISION
CHARLIE NICHOLS, DIRECTOR, 892-5130
Charlie.nichols@linncountyiowa.gov

1. Various revisions to the project site plan.
2. Prior to close of the Board of Supervisors’ public hearing, the owner must sign an “Acceptance of Conditions” form. The “Acceptance of Conditions” form states that the owner understands and agrees to comply with the agreed upon conditions as negotiated or required by the Board of Supervisors. It is strongly recommended that the owner meet with the Planning and Development staff to review the conditions of the rezoning.

3. The Renewable Energy overlay zoning district shall expire after a period of 35 years. In order to extend the zoning district past this timeframe, the project area must go through another rezoning process.

4. Applicant shall work with local fire district and sheriff’s department to develop an emergency management plan.

5. Avoid the small fen community north of the project limits and mentioned in the Stantec Environmental Resources Report. Bring the existence of this fen to the attention of the general contractor before construction begins and receive acknowledgement in writing.

6. A map depicting routes used during project construction shall be submitted before construction can start. Additionally, a preconstruction survey of all routes used during construction shall be performed prior to starting construction. All damaged cause during the course of construction shall be the responsibility of the applicant to repair in a timely manner.

7. Various revisions to the Operation and Maintenance plan.

8. The Vegetation Management Plan and Agricultural Impact Mitigation Plan must be approved by Linn County NRCS prior to the start of construction.

9. Construction shall be limited to the hours of 7AM – 5PM. Exceptions to this shall be made on a case by case basis by Planning and Development.

10. The identified woodland shall be avoided during construction.

11. If listed species or rare communities are found during the planning construction phases, the contractor shall let Linn County Planning and Development know immediately. Additional studies and/or mitigation may be required.

12. Large-scale removal of trees is prohibited.

13. All lighting shall be down shielded. Lighting shall be motion activated whenever possible.

14. Fencing shall be raised approximately 10 inches above the ground in areas to allow for the passage of small animals.

15. Panels shall be set back a minimum of 300 feet from all non-participating dwellings, unless the property owner waives the setback.

16. If conditions are not adhered to by the applicant or project owner of record at any point throughout the life of the project the Board of Supervisors may, after giving the owner reasonable time to remedy the violations, remove the overlay zoning district.

17. Coggon Solar LLC, or the current owner of the project, will be responsible for the cleanup of debris related to storm damage. The project owner shall have a representative onsite to assesses and acknowledge the presence of debris and the responsibility for cleanup within 72 hours of the storm event.

18. A performance bond will be required to cover decommissioning costs. The minimum amount required for this performance bond at all times is $1,000,000. Should decommissioning costs exceed this sum plus the salvage value of the components at any time during the life of the project, the amount of this bond shall be increased.

19. All submitted plans must be adhered too throughout the life of the project. Plans include:
a. Site Plan.
b. Decommissioning Plan.
c. Operation and Maintenance Plan.
d. Agricultural Mitigation Plan.
e. Vegetation Management Plan.

**Comments:**

1. During activities that require excavation, Linn County recommends a third party soil monitor be on site to ensure top soil is being appropriately segregated.

2. Linn County may require a performance bond to be held for a number of years after completion of the project. The purpose of the bond would be to address and repair tile damage that becomes apparent during future wet weather events.

**LINN COUNTY PLANNING AND DEVELOPMENT - BUILDING DIVISION**

**LUKE MALONEY, BUILDING OFFICIAL, 892-5130**


1. A building permit is required before work to construct, enlarge, alter, repair, move, or demolish a building or structure. Racking systems, fencing 7' in height or greater, foundations, buildings, etc. require permitting and inspection by the Linn County Building Division prior to the concealment of structural components.

2. A separate permit shall be obtained for any electrical work prior to the installation of any electrical components. Permits shall be obtained and work performed by contractors licensed in accordance with Iowa Administrative code chapter 103. Electrical components shall be inspected by the Linn County Building Division prior to concealment.

3. A certificate of completion, issued by the Building Official, is required before the building or structure, or portion thereof, is used. Documentation regarding Fire safety design, maintenance, emergency planning, and decommissioning are required to be submitted to and approved by the Building Official prior to the issuance of the Certificate of Completion and use of the installation.

4. The applicant should contact the building official for specific code provisions and/or submittal documents required for the proposed use, prior to construction. Construction documents are subject to review and approval by the Building Official prior to permit issuance. Racking system and electrical construction documents shall be designed and stamped by a registered design professional as required by Linn County ordinance.

5. Access driveways for emergency personnel shall be maintained and fully functional at all times, during all phases of construction.

The Planning & Zoning Commission recommended denial of case JR21-0008 on November 29, 2021

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