

**DELAWARE COUNTY BOARD OF ADJUSTMENT**

1:00 p.m.

Tuesday, November 21, 2023

Conference Room (basement), Delaware County Courthouse  
301 E Main Street, Manchester, Iowa

**Board Members Present:** Chairperson Tammy Eibey, Vice Chairperson Therese Beswick, Board Members Marv Heims, and Randy Rattenborg.

**Board Members Excused:** Lamont Davidson,

**Board Members Absent:** None.

**Staff Member Present:** Zoning Administrator Alex Linderwell and ECIA Senior Planner Laura Carstens.

**CALL TO ORDER AND ROLL CALL:** The meeting was called to order by Chairperson Eibey at 1:02 p.m.

**APPROVAL OF MINUTES:** Motion by Beswick, second by Heims, to approve the minutes for the October 17th, 2023 Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Davidson, Heims, Beswick, Rattenborg, and Eibey; Nay – None.

**PUBLIC HEARINGS:**

**Docket # 3-23: Special Exception** - 1168 160<sup>th</sup> St Dundee, IA 52038 in Coffins Grove Township, Section 5, Township 89, Range 6 W, PIN 110050001820. **Applicant:** Snyder & Associates, Inc. % Interstate Power & Light Co. **Proposal:** Remove an existing guyed tower and replace it with a 349' self-support lattice style tower for utility communication.

Chairperson Eibey summarized the request of applicant, Snyder & Associates, Inc. on behalf of Interstate Power & Light Co., is for a Special Exception for 1168 160<sup>th</sup> St Dundee, IA to remove an existing guyed tower and replace it with a self-support lattice style tower for utility communication, and asked to open the public hearing. Motion by Heims , seconded by Beswick, to open the public hearing. Motion carried by the following vote: Aye – Heims, Beswick, Rattenborg, and Eibey; Nay – None, Absent-Davidson

Chairperson Eibey asked for a presentation by the applicant. Rick Grace of Alliant Energy spoke in favor of the request, and explained the proposal. He described the 5-acre project site, the substation, the existing tower, and the proposed new 349-foot tower. He explained the existing the tower would remain in service until the proposed new tower was constructed and functioning; at that point, the existing tower would be removed.

In response to questions from the Board, the applicant explained the process for removal of the existing tower and construction of the proposed tower. He explained the federal and state regulatory reviews that apply to this type of project, including some “grandfathered” provisions. Discussion followed on the potential post-construction improvements planned for the 5-acre site.

Zoning Administrator Linderwell reviewed the proposal, the subject property, surrounding conditions and land use, and soil CSR values from the staff report and attached maps. He noted that the Zoning Ordinance allows a commercial communications station and tower provided that: a. It shall not be closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility, be provided. He noted the tower complies with these requirements. He noted comments from the County offices, FAA,

and FCC. He reviewed the staff analysis of the four standards for approval: Compatibility, Transition, Traffic, and Environmental Protection. Discussion followed on the staff analysis and findings of fact.

Chairperson Eibey asked for public comments. Mike Corkery, E911 Coordinator spoke in regard to the proposal, asking of the tower height.

Chairperson Eibey asked to close the public hearing. Motion by Rattenborg , seconded by Beswick, to close the public hearing. Motion carried by the following vote: Aye – Heims, Beswick, Rattenborg, and Eibey; Nay – None, Absent-Davidson

Board members reviewed the findings of facts, and discussion followed. Motion by Heims, seconded by Rattenborg , to approve the special exception as presented based on the Board’s determination the proposed special exception is in conformance to the four standards for approval: Compatibility, Transition, Traffic, and Environmental Protection without conditions, as presented in the staff report. Motion carried by the following vote: Aye – Heims, Beswick, Rattenborg, and Eibey; Nay – None, Absent-Davidson

**WORK SESSION: Discussion on Zoning Ordinance amendment recommendation.**

**Cell Tower Decommissioning:** Board members discussed potential requirements for cell tower decommissioning regarding a draft Zoning Ordinance amendment, including bonding specifications, 5-year reviews of financial assurance and decommissioning plan, removal of tower and related structures, site restoration, submission of performance bond or other financial assurance at application or within 30 days of approval but prior to issuance of a building permit, submission of a decommissioning plan at application, checking if FCC requires a notice of discontinuance, require for replacement or removal, and exploring ability to have a contractual arrangement for decommissioning that would allow substantial penalties of \$5,000 per day for non-compliance/non-performance – in addition to and separate from Iowa Code Section 331.307 County infractions.

**Plat Review for Zoning Compliance:** Zoning Administrator Linderwell reported that the other County departments he contacted agreed with the proposed plat review process for zoning compliance. He indicated that the goal was to begin this process in January 2024. Discussion followed.

**ITEMS FROM PUBLIC:** None

**ITEMS FROM BOARD:** Other Business:

**ITEMS FROM STAFF:** Zoning Administrator Linderwell reviewed a new shop/event center development that will require platting and rezoning to be made compliant. He also provided an update on the cell tower appeal. Discussion followed. He noted the next meeting is December 19, 2023 and will be a continuation of the work session discussion since there are no cases pending.

**ADJOURNMENT:** Motion by Rattenborg, seconded by Heims , to adjourn the Board of Adjustment meeting. Motion carried by the following vote: Aye – Heims, Beswick, Rattenborg, and Eibey; Nay – None, Absent-Davidson. The meeting adjourned at 2:51 p.m.

Respectfully submitted,

Alex Linderwell, Zoning Administrator

Adopted: \_\_\_\_\_

