

**Jones County Planning and Zoning Commission Meeting Minutes March 4, 2024 4:30 p.m.**

Members present:

Tim Fay  
Keith Stamp  
Kris Doll  
Janine Sulzner

Members Absent:

Lowell Teidt

Staff present:

Whitney Amos, Jones County Land Use Administrator

Visitors present:

Kristofer Lyons-County Attorney  
Krist Aitchison- GIS Coordinator  
Ned Rohwedder- Supervisor  
Mary Melchert

Chairperson Fay called the meeting to order at 4:30 p.m.

Motion by Stamp seconded by Sulzner to approve the agenda for the meeting. All aye. Motion carried.

Motion by Sulzner seconded by Doll to approve the meeting minutes with corrections for the February 13, 2024, meeting. All aye. Motion carried.

Much discussion was had regarding the pipeline ordinance. Kristi Aitchison presented the Commission with the two maps that were requested with a ½ mile buffer around structures and ¼ mile buffer around structures. With the ½ mile buffer map it was evident that there would be no possibility for a pipeline. The ¼ mile buffer map was a little more practical however it would still be difficult.

Lyons stated that he had contacted Shelby and Story County Attorney's about the lawsuits they are involved in with the pipeline company. He stated that the biggest issue the other counties are running into are the preemption issue. If the state utility board allowed the pipeline projects, then the county cannot uphold their ordinance, as it would be going against the state. The county can work with the pipeline but cannot enforce their ordinance.

Sulzner questioned definitions #15 "Hazardous Liquid" & #16 "Hazardous Liquid Pipeline" would this then apply to all pipelines or just CO2 pipelines? Lyons advised that how the ordinance is written that it would apply to all pipelines. If CO2 pipelines were singled out, then that could also result in a lawsuit and would not stand up in court. All current pipelines would be grandfathered in.

Melchert brought up the discussion of Dickinson County's pipeline ordinance. It is different than most as far as setbacks, 1600 ft. from city limits. It is their intention to avoid a lawsuit to be filed against them. Additionally, ½ mile from churches, schools, nursing homes, medical facilities, public parks, and other "sensitive" areas; 1,000 feet from livestock operations and certain utility infrastructure; 200 feet from wells.

Lyons stated with lawsuits going before the federal court it maybe worth waiting to see how the 8<sup>th</sup> circuit Judge will rule. Or wait to see if the legislature will rule on this in the next couple of months since there is no proposed pipeline coming through Jones County currently.

There was also questioning as to where the Board of Supervisors stand on this ordinance. What setbacks would they like to see? Do they still want to proceed with an ordinance or wait? Rohwedder believes the entire Board is still wanting an ordinance, but there has been very little discussion between them. Rohwedder requested that someone attend a meeting to update the Board.

It was a consensus that there has been a lot of discussion on this ordinance, and it would be beneficial to have the Supervisors input.

Stamp would like to move forward with the ordinance and ¼ mile set back and give it to the Board of Supervisors to make changes as they see fit.

Motion by Stamp seconded by Doll to move the Pipeline ordinance with the ¼ mile set back and current language of the ordinance to the Board.

Fay- Aye  
Stamp- Aye  
Doll- Aye  
Sulzner-Nay

Motion carried. 3-1

Next meeting, will be Tuesday April 9th, 2024, at 4:30 p.m.

Motion by Stamp seconded by Sulzner to adjourn at 5:24 p.m.

All aye. Motion carried.