

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 7/5/23

Weekly Agenda Date: 7/11/23

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley

WORDING FOR AGENDA ITEM:

Approval to schedule dates/times for 3 public hearings to consider amending the zoning ordinance to include solar energy systems, private and solar energy systems, utility scale. Dates; 8/1, 4:45 PM; 8/8, 4:45 PM, 8/15, 4:45 PM.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Proposal to set public hearing dates/times for proposed revisions to the Woodbury County Zoning Ordinance to consider amending the zoning ordinance to include solar energy systems, private and solar energy systems, utility scale in the land use summary table. Dates. The proposed dates/times are: 8/1/23, 4:45 PM; 8/8/23, 4:45 PM, 8/15/23, 4:45 PM

SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS: AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF: THE TABLE OF CONTENTS; SECTION 3.03.4 ENTITLED: LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT; PORTIONS OF: SECTION 6.02 ENTITLED DEFINITIONS; AND THE RENUMBERING OF DEFINITIONS AND PAGE NUMBERS. THE PROPOSAL IS TO ADD SOLAR ENERGY SYSTEMS (PRIVATE USE) AS ACCESSORY USES IN EACH ZONING DISTRICT AND TO ADD SOLAR ENERGY SYSTEMS (UTILITY SCALE) AS A CONDITIONAL USE IN THE AGRICULTURAL PRESERVATION ZONING DISTRICT AND THE GENERAL INDUSTRIAL ZONING DISTRICT.

BACKGROUND:

The Woodbury County Zoning Commission received direction from the Board of Supervisors on April 4, 2023 to evaluate solar power in Woodbury County. On May 22, 2023, the Woodbury County Zoning Commission conducted a public hearing to collect public input. Following the meeting, the Commission voted to recommend approval of a proposal that includes both Solar Energy Systems (Private Use) and Solar Energy Systems (Utility Scale). The Commission requested that the private use portion include a provision to allow for net metering which was added and shared at the June 26, 2023 meeting of the Commission.

The proposal is summarized as follows:

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The proposed dates/times are:

- Tue., Aug. 1, 2023 at 4:45 PM
- Tue., Aug. 8, 2023 at 4:45 PM
- Tue., Aug. 15, 2023 at 4:45 PM

FINANCIAL IMPACT:

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IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Approve to schedule dates/times for 3 public hearings to consider amending the zoning ordinance to include solar energy systems, private and solar energy systems, utility scale. Dates; 8/1, 4:45 PM; 8/8, 4:45 PM, 8/15, 4:45 PM.

ACTION REQUIRED / PROPOSED MOTION:

Motion to schedule dates/times for 3 public hearings to consider amending the zoning ordinance to include solar energy systems, private and solar energy systems, utility scale. Dates; 8/1, 4:45 PM; 8/8, 4:45 PM, 8/15, 4:45 PM.

ORDINANCE NO. _____

WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF: THE *TABLE OF CONTENTS*; SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*; PORTIONS OF: *SECTION 6.02 ENTITLED DEFINITIONS*; AND THE RENUMBERING OF DEFINITIONS AND PAGE NUMBERS.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGUAGE AMENDMENTS BE MADE:

Amendment #1 –

On page 39: To add the following line item use language within zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Utilities” category:

“Solar Energy Systems (Private use)”. With placement of the letter “A” within the AP (Agricultural Preservation), AE (Agricultural Estates), NR (Non-Agricultural Residential Zoning District), SR (Suburban Residential), GC (General Commercial), HC (Highway Commercial), LI (Limited Industrial), and GI (General Industrial) zoning districts columns on the table related to this line item use.

On page 92: To add the following definition, “Solar Array” as definition 158 to Article 6. Definitions. Section 6.02: Definitions as “158. Solar Array. Equipment used for private or utility scale solar energy systems. Can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure.”

On page 92: To add the following definition, “Solar Energy Systems, Private” as definition 159 to Article 6. Definitions. Section 6.02: Definitions as “159. Solar Energy Systems, Private. An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy primarily for immediate onsite use that already has an existing principal use on the same parcel. Solar Energy Systems, Private shall be allowed only as a non-utility scale accessory use to a permitted principal use. Surplus energy sold back to a utility must comply with all applicable laws including but not limited to Section 199, Chapter 15.11(5) of *Iowa Administrative Code*, and all requirements of the Iowa Utilities Board. Systems can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure.”

Amendment #2 –

On page 39: To add the following line item use language within zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Utilities” category:

“Solar Energy Systems, Utility Scale”. With placement of the letter “C” within the AP (Agricultural Preservation) and the GI (General Industrial) zoning districts columns on the table related to this line item use and with the placement of “--” in the AE (Agricultural Estates), NR (Non-Agricultural Residential Zoning District), SR (Suburban Residential), GC (General Commercial), HC (Highway Commercial), and LI (Limited Industrial) zoning districts columns on the table related to this line item use.

On page 92: To add the following definition of “Solar Energy Systems, Utility Scale” as definition 160 to Article 6. Definitions. Section 6.02: Definitions as “160. Solar Energy Systems, Utility Scale. An energy system, commonly referred to as a “solar farm”, which converts solar energy to useable thermal, mechanical, chemical, or electrical energy primarily for transmission through the electrical grid for offsite use or wholesale and/or retail sale. Systems can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure. Utility scale solar energy systems do not include concentrating solar power (CSP) systems.”

Amendment #3 –

Beginning on page 92, to re-designate or re-number the definitions in Article 6. Definitions. Section 6.02: Definitions 158 through 188. The purpose is to add “Solar Array” as definition 158, “Solar Energy Systems, Private” as Definition 159, and “Solar Energy Systems, Utility Scale” as Definition 160 thereby pushing the existing definitions 158 through 188 ahead three positions with Article 6. Definitions. Section 6.02 now including definitions 1 through 191.

Beginning on page 82, to amend Article 6. Definitions by moving the start page from page 82 to page 83.

On page iii: To repeal and replace “Section 6.01: Construction of Terms 82” with “Section 6.01 Construction of Terms 83”

On page iii: To repeal and replace “Section 6.02: Definitions 82” with “Section 6.01: Definitions 83”

THE WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew Ung, Chairman

Jeremy Taylor, Vice-Chairman

Daniel Bittinger II

Attest:

Mark Nelson

Patrick Gill, Woodbury County Auditor

Keith Radig

Adoption Timeline:

Date of Public Hearing and First Reading _____
Date of Public Hearing and Second Reading _____
Date of Public Hearing and Third Reading _____
Date of Adoption _____
Published/Effective Date _____