

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

Date: 8/2/2023

Weekly Agenda Date: 8/8/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor J.Taylor/M. Nelson

WORDING FOR AGENDA ITEM:

Upon Striking Agricultural Preservation as relates to Amendment 2 (Utility-Scale Solar), a Motion to Give Direction for a New Proposed Ordinance in Regards to Utility-Scale Solar

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors unanimously has voiced support for adding solar energy systems (private use) as accessory use in each zoning district and affirming support of solar energy systems (utility scale) in the GI Zoning District. However, given that AP constitutes roughly 75% of Woodbury County's 875 sq. mi and inherent to Agricultural Preservation is the preservation of agriculture, we have an interest in doing what is inherent in the name: preserving agriculture. Toward that end, we are not against solar but think that the following strikes a very reasonable and thoughtful balance, something that can feel rushed in the readings and end up making solar development projects so loose as to not know the desired saturation, legal implications (at least 2 other counties are in lawsuits based on the conditions set after the fact), and how we want to grow the next 25, 50, and 100 years.

Iowa Farm Bureau states regarding energy policy: "Iowa should maintain a balanced electrical energy generation portfolio to ensure energy reliability and resilience at an affordable cost" (2023) and "Iowa's electrical energy policy should not promote new wind and solar energy generation on viable and productive agricultural ground. Existing structures and nonproductive ground should be utilized to expand our energy production" (2023).

BACKGROUND:

Iowa Cattlemen land use policy states: "Whereas the issue of land use in Iowa becomes increasingly important as Iowa population grows and the use of land becomes more intensified, and whereas the cattlemen of Iowa have distinctive problems and interests in the use of land for production of beef cattle; and whereas the complexities of the many issues and interests involved are substantial, not the least of which are the preservation of private property rights and the location of control over land-use decisions. Therefore, be it resolved, land suitable for the grazing of livestock should be deemed agricultural land worthy of preservation and that grazing and be given over recreational and/or urban uses. Be it further resolved, public lands should be subject to the same rules and regulations as privately owned lands."

As the two supervisors representing the most rural areas, we deeply desire the preservation of agriculture while at the same time understanding the need for balance: private property rights, economic development, clean energy, and freedom. Therefore, if the county was to engage in utility-scale solar, at minimum, the county should consider this only if the following is met:

+ A conditional use permit for AP "C" with Planning and Zoning and the Board of Adjustment to be able to site-specifically take into consideration the concerns of neighbors, land/soil, and other factors when approving permit.

+ A slope of no more than 5% in order to preserve the land and to account for soil erosion, compaction, and future land stewardship.

+ A maximum height of no more than 20' for panel structures.

+ Of all AP, no more than 49% can be in such a project. In short, 51% must be for agricultural production or no longer considered "AP."

+ Utility solar can be no more than 2% of all AP "agricultural preservation," preserving 98% of AP. This equates to approximately 8,540 acres of the 427,000 acres of ag land, ag land constituting 75% of the 570,000 total acres in Woodbury County.

FINANCIAL IMPACT:

(cont...)

- + Current notification for utility-scale solar shall be 1 mile for public comment instead of 500 feet.
- + A requirement (or at least strong consideration) that the utility-scale solar project either be on a landowner's property or that the owner of the land be a resident of Woodbury County.

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:

Upon Striking Agricultural Preservation as relates to Amendment 2 (Utility-Scale Solar), a Motion to Give Direction for a New Proposed Ordinance in Regards to Utility-Scale Solar

ACTION REQUIRED / PROPOSED MOTION:

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