

KOSSUTH COUNTY PLANNING AND ZONING

Kossuth County Engineer's Office
114 W. State St., Suite 5
Algona, IA 50511
515-295-3320
515-295-4973 (fax)
zoning@kossuthcounty.iowa.gov

Doug Miller, Administrator
Lisa Hefty, Assistant

KOSSUTH COUNTY PLANNING AND ZONING COMMISSION TENTATIVE AGENDA

Date: April 13, 2021
Time: 4:30 p.m.
Location: Virtual Meeting

Meeting to begin at 4:30 p.m.

Virtual Attendance can be accomplished by:

Video Conference:

- Join Zoom Meeting ID: 392 098 9650, Passcode 676147
- Dial 1 312 626 6799, Meeting ID: 392 098 9650, Passcode 676147

Email questions and comments to dmiller@kossuthcounty.iowa.gov

Information Packet will be available on Kossuth County Zoning Web Site

<https://kossuthcounty.iowa.gov/zoning.php>

The tentative agenda is as follows:

1. Call Meeting to Order
2. Approve Agenda
3. Approve Minutes of Previous Meeting
4. Review proposed amendment to Kossuth County Wind Energy Conversion System Ordinance and recommend approval to Board of Supervisors. The amendment lowers the name plate production allowed in Kossuth County from 700 MW to 600 MW.
5. Review proposed amendment to the Kossuth County Comprehensive Plan with respect to the Commercial Solar Energy Conversion System Ordinance and recommend approval to Board of Supervisors.
6. Discussion with Zoning Administrator
7. Adjourn Meeting

KOSSUTH COUNTY PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

The Kossuth County Planning and Zoning Commission (Commission) will conduct a Public Hearing on April 13th, 2021 at 4:30 p.m. to discuss a proposed amendment to Kossuth County Ordinance #310-A - An Ordinance Regulating the Construction and Operation of Commercial Wind Energy Conversion Systems in Kossuth County (Ordinance). The Commission will specifically review Section III 3 (iii) of the Ordinance which limits total nameplate production in Kossuth County to 700 megawatts and determine if the limit should be lowered to 600 megawatts.

This is an open invitation from the Kossuth County Planning and Zoning Commission to attend the hearing listed above and to provide your comments about the proposed amendment to the Ordinance. It is your privilege to participate in the said hearing to express your views concerning the proposed change or you may submit your comments to the Kossuth County Zoning Administrator in writing no later than 12:00 noon, Tuesday, April 13th, 2021.

More information is available at: www.kossuthcounty.iowa.gov/zoning.php

Virtual Attendance to the hearing can be accomplished by:

- Join Zoom Meeting ID: 392 098 9650, Passcode 676147
- Dial 1 312 626 6799, Meeting ID: 392 098 9650, Passcode 676147

Comments can be sent by:

Emailing to : dmiller@kossuthcounty.iowa.gov

Mailing to: Kossuth County Zoning Administrator
114 West State Street, Suite 5
Algona, IA 50511

Doug Miller
Kossuth County Zoning Administrator

KOSSUTH COUNTY PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

The Kossuth County Planning and Zoning Commission (Commission) will conduct a Public Hearing on April 13th, 2021 at 4:30 p.m. to discuss a proposed amendment to the Kossuth County Comprehensive Plan (Plan). The Commission will specifically review and discuss zoning provisions for Utility Scale Solar Energy Systems (USSES) and ensure that they address the concerns of Kossuth County and its citizens.

This is an open invitation from the Kossuth County Planning and Zoning Commission to attend the hearing listed above and to provide your comments about the proposed amendment to the Plan. It is your privilege to participate in the said hearing to express your views concerning the proposed change or you may submit your comments to the Kossuth County Zoning Administrator in writing no later than 12:00 noon, Tuesday, April 13th, 2021.

More information is available at: www.kossuthcounty.iowa.gov/zoning.php

Virtual Attendance to the hearing can be accomplished by:

- Join Zoom Meeting ID: 392 098 9650, Passcode 676147
- Dial 1 312 626 6799, Meeting ID: 392 098 9650, Passcode 676147

Comments can be sent by:

Emailing to : dmiller@kossuthcounty.iowa.gov

Mailing to: Kossuth County Zoning Administrator
114 West State Street, Suite 5
Algona, IA 50511

Doug Miller
Kossuth County Zoning Administrator

KOSSUTH COUNTY REGIONAL ZONING COMMISSION

MOTION TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF AN ORDINANCE TO AMEND KOSSUTH COUNTY ORDINANCE 310-A, REGULATING THE CONSTRUCTION AND OPERATION OF COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN KOSSUTH COUNTY, IOWA TO REDUCE THE MEGAWATT PRODUCTION CAP TO 600

Motion by _____ and Seconded by _____ to approve the following resolution:

WHEREAS, Kossuth County has previously enacted Ordinance #310-A – *“An Ordinance Regulating, the Construction and Operation of Commercial Wind Energy Conversion Systems (WECS) in Kossuth County, Iowa (the “Ordinance”)*, and

WHEREAS, the Ordinance provides a limit for total name-plate production in Kossuth County in an amount not to exceed 700 megawatts; and

WHEREAS, Kossuth County has previously issued WECS permits, which as those projects are completed, would bring the total name-plate production within the County to just under 600 megawatts; and

WHEREAS, a proposed amendment to 310-A would reduce the limit for total name-plate production in Kossuth County to an amount not to exceed 600 megawatts for any new applicants; and

WHEREAS, this Regional Zoning Commission has held a public hearing on the Ordinance and the proposed amendment and, after hearing, and considering Kossuth County Ordinance 310-A, and the proposed amendment to the ordinance, deems the amendment to be in the best interest of the public.

NOW, THEREFORE, the Kossuth County Regional Zoning Commission, after public hearing, and due consideration of Kossuth County Ordinance 310-A and the proposed amendment thereto, does hereby recommend to the Kossuth County Board of Supervisors that the Board adopt Kossuth County Ordinance 310-A with the proposed amendment reducing nameplate production to 600 megawatts.

April __, 2021
Dated at Algona, Iowa

_____, Chairperson
Kossuth County Regional Zoning Commission

ATTEST:

Doug Miller, Zoning Administrator

Vote	AYE	NAY
Studer	_____	_____
Rock	_____	_____
Thilges	_____	_____
Thul	_____	_____
Deitering	_____	_____

**AMENDMENT TO THE KOSSUTH COUNTY COMPREHENSIVE PLAN
MARCH 24, 2021**

I. Goals/Objectives

The primary goal of this proposed amendment to the Comprehensive Plan is to help ensure that any specific zoning provisions that are adopted for Utility-Scale Solar Energy Systems (USSES) reflect the goals, and address the concerns, of the citizens of Kossuth County.

Secondary goals include:

- Directing the development of USSES to locations that minimize conflict with existing land uses; and
- Developing specific zoning provisions that are flexible enough to address the fact that USSES are likely to be proposed within various zoning districts throughout the County.

II. Standards and Guiding Principles

In developing specific zoning provisions for Utility-Scale Solar Energy Systems, the Planning and Zoning Commission and Board of Supervisors has numerous principles they should consider, to wit:

1. Because Kossuth County is an area of prime agricultural land, the preservation of that land for agricultural purposes should be of foremost consideration. Thus, the impacts that a wind farm has on farming operations must be considered. These impacts include:

- a.) direct and indirect loss of land because of the structures and related infrastructure associated with USSES;
- b.) interruption of agricultural drainage tiles and ditches, and overland surface flows because of the construction and operation of a USSES;
- c.) soil compaction during installation and repair activities associated with USSES;
- d.) increased traffic and resulting wear and tear on the County road system;
- e.) decommissioning and/or removal of the USSES after it has no longer operating;
- f.) impacts on other public utilities.

2. Because USSES involve arrays that generate electricity and are designed to be operated for decades, (as well as associated above and below-ground transmission equipment and lines,) there is an obvious need to consider:

- a.) the visual impacts on surrounding land, particularly if that land has residential uses, parks or natural areas, historically, culturally, or environmentally sensitive areas, cemeteries, or other special uses;
- b.) “typical” zoning provisions regarding separation distances from lot boundaries and adjacent land uses (e.g. – residences, airports, and sensitive areas identified in (a.) above), noise, density (both on a project basis and county-wide), color, interference with other electrical systems and similar issues attendant with USSES;
- c.) safety and emergency protocols for local responders in the event of an accident involving a USSES that causes injury to persons or property; and
- d.) the obligation for removal of the structures when they are no longer operational, including financial responsibility.

3. The economic impact (both favorable and unfavorable) on Kossuth County resulting from USSES; including job creation, tourism, and the effects on existing and potential business and industry.

4. The promotion of clean and renewable energy sources.

5. Such other considerations as may reflect the community values and desires of the citizens of Kossuth County.

III. Strategies

1. Because of the complex nature of USSES, the drafting of a zoning ordinance to address the siting of such systems in the County will be equally complex and controversial. It is thus imperative that the Board solicit the input and comments from: the citizens of Kossuth County, the individual municipalities and other governmental entities within Kossuth County (including secondary schools and community colleges, townships, and fire districts, the Iowa DNR and DOT, the federal agencies involved with the Union Slough Wildlife Refuge, the owners and operators of the USSES, and other utilities and businesses in Kossuth County. It is recommended that the above parties be directly notified of any public hearings on USSES as well as invited to provide their comments to a central source at the County level. It is further recommended that the Board hold workshops at various locations in the County to review and discuss the specific zoning provisions. Because of the recent proliferation of USSES across

Iowa, the Board should also consult with other counties to see what their experiences with USSES have been like, and any recommendations they may have regarding zoning for USSES.

2. Due to the unique and complex set of factors that must be considered with each request for a USSES, the Planning and Zoning Commission recommends that the Board develop a Zoning Ordinance that treats USSES as conditional uses in the existing zoning districts of Kossuth County (rather than make them allowable uses in certain districts, or attempt to develop separate or overlay districts for USSES). The zoning ordinance should identify general uniform conditions for all proposed USSES, while allowing the Planning & Zoning Commission and Board broad discretion in allowing USSES based on more specific considerations that take into account any special conditions or circumstances in the affected area. As such, there is no need to change the existing land use map for USSES.

3. In designing a zoning approval/permitting procedure for USSES, the County should emphasize the need for Applicants to provide IN ADVANCE plans showing the approximate location, and the size, and specs of all structures and lines proposed to be installed, as well as the adjacent areas that will be affected during construction.

DRAFT