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ORDINANCE NO. 2020-05

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF WEBSTER COUNTY, IOWA, 2009 BY AMENDING ARTICLE 2: DEFINITIONS, AMENDING ARTICLE 4: DISTRICTS, DISTRICT MAP, USES, AND AMENDING ARTICLE 8: SUPPLEMENTAL REGULATIONS.

WHEREAS, the Webster County, Iowa Zoning Ordinance does not contemplate the use or installation of Solar Collection Systems and Solar Generation Stations, and

WHEREAS, it is deemed advisable and recommended by the Webster County Board of Supervisors to amend Article 2: Definitions; amend Article 4: Districts, District Map, Uses; and amend Article 8: Supplemental Regulations, in an effort to clearly define and stipulate the definition of Solar Collection Systems and Solar Generation Stations and to regulate the use thereof in Webster County.

NOW THEREFORE IT BE ORDAINED, by the Webster County Board of Supervisors;

1. ADD NEW TEXT IN ARTICLE 2, SECTION 2.02. DEFINITIONS. The Webster County Zoning Ordinance is hereby amended by adding the following new definitions in Article 2, Section 2.02.
 - a. *“Solar Collection System”* - a panel or other solar energy device, the primary purpose of which is to provide the collection, inversion, storage, and distribution of solar energy for electricity, space heating, space cooling or water heating for a host building, whether residential, commercial, industrial or institutional.
 - b. *“Solar Generation Station”* - an energy generation facility comprised of one (1) or more free standing, ground mounted devices, together with any transmission lines, substations, ancillary buildings, collection lines, and accessory equipment or structures thereto, that capture and convert solar energy into electrical energy, primarily for use in locations other than where it is generated. Solar Generation Stations utilize photovoltaic cells to convert sunlight into electricity. A Solar Generation Station may also be known as a solar plant, solar generation plant, solar farm or solar power plant and shall be located on land or property that is a minimum of 5 acres in size. Solar thermal plants, including concentrated solar power plants, using light reflectors, concentrators, or heat exchangers, are prohibited in the unincorporated areas of Webster County.
2. ADD NEW TEXT IN ARTICLE 4, SECTION 4.04.03 CONDITIONAL USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.04.03(21).
 21. Solar Generation Stations.

3. ADD NEW TEXT IN ARTICLE 4, SECTION 4.05.03 CONDITIONAL USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.05.03(23).
 23. Solar Generation Stations.
4. ADD NEW TEXT IN ARTICLE 4, SECTION 4.12.03 CONDITIONAL USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.12.03(4).
 4. Solar Generation Stations.
5. ADD NEW SECTION IN ARTICLE 4, SECTION 4.04.04 ACCESSORY USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.04.04(8).
 8. Solar Collection Systems.
6. ADD NEW SECTION IN ARTICLE 4, SECTION 4.05.04 ACCESSORY USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.05.04(7).
 7. Solar Collection Systems.
7. ADD NEW SECTION IN ARTICLE 4, SECTION 4.06.04 ACCESSORY USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.06.04(8).
 8. Solar Collection Systems.
8. ADD NEW SECTION IN ARTICLE 4, SECTION 4.07.04 ACCESSORY USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.07.04(6). The existing text in section 4.07.04(6) shall be re-numbered to 4.07.04(7).
 6. Solar Collection Systems.
9. ADD NEW SECTION IN ARTICLE 4, SECTION 4.08.08 PERMITTED ACCESSORY USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.08.08(7).
 7. Solar Collection Systems.
10. ADD NEW SECTION IN ARTICLE 4, SECTION 4.09.04 ACCESSORY USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.09.04(7).
 7. Solar Collection Systems.
11. ADD NEW SECTION IN ARTICLE 4, SECTION 4.10.04 ACCESSORY USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.10.04(6).

- 6. Solar Collection Systems.
- 12. ADD NEW SECTION IN ARTICLE 4, SECTION 4.11.04 ACCESSORY USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.11.04(6).

6. Solar Collection Systems.

- 13. ADD NEW SECTION IN ARTILCE 4, SECTION 4.12.04 ACCESSORY USES. The Webster County Zoning Ordinance is hereby amended by adding the following section 4.12.04(6).

6. Solar Collection Systems.

- 14. ADD NEW SECTION IN ARTICLE 8: SUPPLEMENTAL REGULATIONS. The Webster County Zoning Ordinance is hereby amended by adding the following sections 8.04, 8.041.01, 8.04.02 and 8.04.03.

Section 8.04 Solar Energy

Section 8.04.01 Purpose

It is the purpose to promote the safe, effective and efficient use of solar collection systems and solar generation stations within Webster County.

Section 8.04.02 Solar Collection Systems

In addition to other applicable provisions, Solar Collection Systems shall comply with the following requirements:

- A. Freestanding solar panels shall be permitted consistent with any other accessory use permitted in all zoning districts and shall meet the minimum setbacks as required in the districts, which they are located.
- B. Freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height above the ground.
- C. The total coverage of a parcel or lot with freestanding solar panels cannot exceed the maximum lot coverage by structures allowed for the district in which they are located.
- D. Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more that the height requirements for the district in which they are located.

- E. No solar collection system shall be installed until evidence has been presented to the Planning and Zoning Department that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- F. Solar collection systems shall minimize adverse impacts on neighboring properties.
- G. A solar collection system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials.

8.04.03 Solar Generation Stations

In addition to other applicable sections of this Ordinance, Solar Generation Stations shall comply with Iowa State Statutes, the National Electrical Code and the following requirements:

- A. Community Open House. Prior to the submission of an application for a Conditional Use Permit for a Solar Generation Station, a community information open house shall be organized and hosted by the project developer or applicant. The purpose of the meeting is outreach, with the intent of providing complete information to the community in an informal setting. The meeting shall not be construed to be a local government meeting or formal public hearing. The open house shall be conducted in accordance with the following protocol:
 - 1. Notification. The applicant shall notify the County Board of Supervisors, the County Planning and Zoning Administrator and all property owners within 1,000 feet of the proposed Solar Generation Station a minimum of ten (10) days prior to the community open house by regular mail.
 - 2. Meeting Date/Time/Location. The open house shall be held on a weeknight (Monday thru Thursday) at an accessible location within 5 miles where the proposed project will be located, such as a City Hall or other community center, or alternatively at the Webster County Courthouse.
 - 3. Content of Meeting. The open house shall be arranged and hosted by the project developer, applicant or qualified representative and shall at a minimum include a detailed explanation of the project, the site plan for the proposed project, anticipated construction schedule, landscape and buffer plan and the decommissioning plan.

4. **County Representation.** Webster County Planning and Zoning staff shall be present at the meeting to monitor proceedings and provide guidance as needed.
5. **Response to Concerns.** The applicant shall solicit and accept all comments, questions and concerns of the citizens at the meeting, and respond to the identified concerns if possible with reasonable, practical means and methods of mitigating undue impact to the surrounding area.
6. **Open House Summary and Report.** A summary and report of the community meeting shall be submitted to the Planning and Zoning Administrator a minimum of twenty (20) days prior to the Board of Adjustment meeting. The report shall include a list of real property owners who were invited, a record of the attendees willing to register at the event, and copies of all written comments received. The report shall identify all concerns stated by the citizens and shall include a statement of reasonable, practical mitigation the applicant will undertake to address those concerns and minimize impacts to the area surrounding the project. This report may be used by the Planning and Zoning Department to establish conditions of approval for the Conditional Use Permit.

The Planning and Zoning Administrator shall have the authority at his/her discretion to require an additional Community Open House, if necessary based on the findings of fact obtained from the initial meeting.

- B. A Site Plan shall be submitted concurrent with a Conditional Use Permit application, and shall be subject to the following development and design standards:
1. Physical access shall be restricted by fencing or walls in accordance with the National Electrical Code. Razor wire is discouraged. All fencing and/or wall details shall be provided as part of a Conditional Use Permit application. Emergency access information to the site shall be provided to the applicable emergency management personnel.
 2. All applicants shall obtain all required state and federal permits (including but not limited to the Iowa Department of Natural Resources, the Federal Aviation Administration, etc.) prior to construction activities.
 3. Required Setbacks or Bufferyards. Solar Generation Stations shall adhere to the following minimum setbacks established in the following table:

Property Lines*	50 feet
Dwelling Units	150 feet
Road Right-of Ways**	50 feet

Wildlife Management Areas and State Recreation Areas	100 feet
Wetlands, as defined in Article 2 of the Webster County Zoning Ordinance	50 feet
Other structures and cemeteries	50 feet
River Bluffs	50 feet

* For Solar Generation Stations to be built on one or more abutting parcels, a zero (0) property line setback shall be permitted to the property line in common with the abutting parcel(s).

**The setback shall be measured from any future right-of-ways if planned change or expanded right-of-way is known at the time of application.

4. The design shall adhere to structural height requirements per underlying zoning district; provided, however, gen-tie lines, transmission lines, communication poles and similar structures may exceed the minimum structural height requirements. If the Solar Generation station requires roof-mounting on buildings on the property, the roof-mounted installation may not exceed the maximum height specified in the underlying zoning district.
5. A Solar Generation Station shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials.
6. Glare. Solar Generation Station shall be designed to minimize glare on adjacent property and roadways.
7. Reasonable efforts shall be made to place alternating current (AC) power lines underground, depending on appropriate soil conditions, shape and topography of the site, or other conditions or requirements.
8. Drainage System. The applicant shall use commercially reasonable efforts to repair damage to private or public drainage systems stemming from construction, operation and maintenance of a Solar Generation Station. A preliminary Stormwater Pollution Prevention Plan shall be required to be submitted concurrent with the Conditional Use Permit application for review.
9. Maintenance. The applicant shall be responsible for on-site clean up of all waste and scrap that is the product of construction, as well as ongoing maintenance of project property, including the disposal of trash, waste, and other detritus, for the life of the project. Any required buffers and landscaping shall be maintained as appropriate to maintain the health of the vegetation.

10. Landscape Plan. The applicant shall provide a landscape plan, which shall be submitted concurrent with the Conditional Use Permit application. The landscape plan shall be prepared by an licensed landscape architect or a certified arborist. Existing forestation, foliage and native flora within, near and surrounding the project area shall be preserved insofar as is practical.

Landscaping may be required to address or mitigate visual impacts. Any new, installed vegetative screening may be located within the required setbacks as noted in Section 8.04.03.B.3. Trees shall be a minimum of four (4) feet in height when planted.

Grounds around, under solar arrays and in the project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:

- a. Top soils shall not be permanently removed during development, unless part of a remediation effort.
- b. Soils shall be planted and maintained in perennial vegetation to prevent erosion, and manage run off. Seeds should include a mix of grasses and wildflowers which are naturalized and non-invasive to the region of the project site that will result in a short stature pollinator friendly habitat.
- c. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the department of natural resources, county soil and water conservation service, or natural resource conservation service.
- d. Plant material must not have been treated with systematic insecticides, particularly neonicotinoids.

11. Roads. The applicant shall:

- a. Identify all county, municipal or township roads to be used for the purposes of transporting Solar Generation Station parts, cement, and/or equipment for construction, operation or maintenance of the Solar Generation Station and obtain required weight and size permits from the impacted jurisdictions prior to construction.
- b. Conduct a pre-construction survey to determine existing road condition for assessing potential future damage due to development related traffic.

The survey shall include photographs to document the conditions of the public road.

- c. Be responsible for restoring the road(s) and bridges to pre-Solar Generation Station construction conditions, with ordinary wear and tear accepted and not considered damage.

12. Discontinuance of Use. A Solar Generation Station shall be considered a discontinued use upon notification from the Station owner or operator of its intention to to discontinue use of the Station. Upon the discontinued use of the Solar Generation Station, all Solar Generation Station facilities and structures above and below ground shall be removed entirely within 180 days from the date of discontinued use (the "Decommissioning Period") and the site shall be re-seeded. The 180 day Decommissioning Period may be extended for an additional 90 days if weather conditions or other factors beyond the control of the Station owner or operator prevent completion of decommissioning within the original Decommissioning Period. Additional extensions of the Decommissioning Period may be permitted in the reasonable discretion of the Zoning Administrator provided that the Station owner or operator provides proof of conditions causing delay in decommissioning that are beyond the control of the Solar Generation Station owner or operator.

C. Decommissioning Plan. Each Solar Generation Station shall have a decommissioning plan outlining the anticipated means and cost of removing the Solar Generation Station at the end of their serviceable life or upon discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the Solar Generation Station and accessory facilities.

15. REPEALER. All ordinances or parts of the previously adopted Webster County Zoning Ordinance in conflict with the provisions of this amendment are hereby repealed.

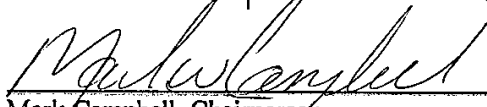
16. SEVERABILITY CLAUSE. If any section, provision or any part of this amendment is determined to be invalid or unconstitutional, such adjudication shall not affect the validity of the previously adopted Webster County Zoning Ordinance as a whole.

17. EFFECTIVE DATE. This amendment shall be in full force and effect from after passage and publication in a newspaper of general circulation.

ADOPTION

Passed and approved the first consideration on June 23, 2020
Passed and approved the second consideration July 7, 2020
Passed and approved the third and final consideration August 4, 2020
Adopted on August 4, 2020
Published on June 15, 2020

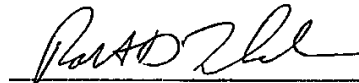
Webster County Board of Supervisors



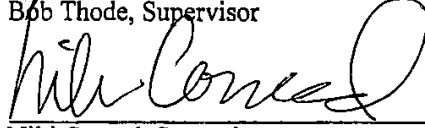
Mark Campbell, Chairperson

Abstain

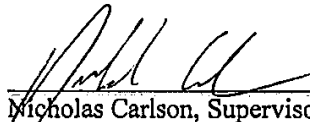
Keith Dencklau, Supervisor



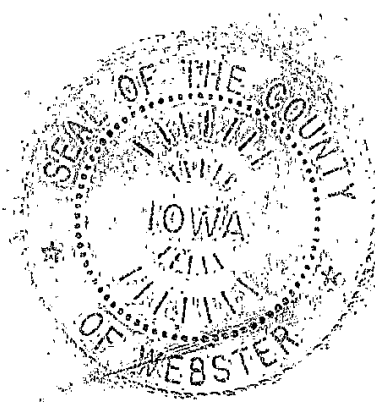
Bob Thode, Supervisor



Niki Conrad, Supervisor



Nicholas Carlson, Supervisor



Attest:



Webster County Auditor / Doreen Pliner