

Prepared by: John Robbins, Cerro Gordo County Planning & Zoning, 220 N Washington Avenue., Mason City, Iowa
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ORDINANCE No. 68

AN ORDINANCE INSTITUTING A MORATORIUM ON ACCEPTING APPLICATIONS OR ISSUING PERMITS FOR UTILITY-SCALE WIND ENERGY CONVERSIONS SYSTEMS (C-WECS), SOLAR ENERGY INSTALLATIONS, AND BATTERY STORAGE INSTALLATIONS UNDER THE PROVISIONS OF ORDINANCE NO. 15, ZONING ORDINANCE OF CERRO GORDO COUNTY, IOWA

WHEREAS, Iowa Code, Chapter 335 grants counties the ability to adopt a Zoning Ordinance to regulate land use within its jurisdictional boundaries; and,

WHEREAS, on March 13, 1990, Ordinance 15, Zoning Ordinance for Cerro Gordo County, Iowa was adopted by the Cerro Gordo County Board of Supervisors and has been periodically amended to regulate land use within the county's boundaries; and,

WHEREAS, Article 20.2(J) of the Zoning Ordinance regulates "Commercial microwave, radio and television towers, public utility structures and accessory equipment, including their transmitting stations and towers, and wireless telecommunications facilities" as a special use as provided for under Iowa Code and outlines minimum requirements for said uses, which includes utility-scale wind energy conversion systems (C-WECS), solar installations, and battery storage installations; and,

WHEREAS, from time to time, it is necessary and prudent to review and study said ordinance for necessary updates to ensure proper regulation; and,

WHEREAS, the County has had preliminary plans to update its county Comprehensive Development Plan since approximately 2018 and began the development of the North Iowa Corridor Joint Comprehensive Plan in July 2022 in conjunction with the cities of Clear Lake and Mason City, which is intended to include a high-level vision, goals, objectives, and policy pertaining to renewable energy to provide a foundation for subsequent county Zoning Ordinance amendments. The County and its partners understand the necessity to employ best planning principles and intend to complete the comprehensive planning process; and,

WHEREAS, the Board of Supervisors will require time to further study, consult experts, and conduct the revision process to complete multiple amendments to the county Zoning Ordinance; and,

WHEREAS, the Cerro Gordo County Planning and Zoning Commission, after study and public hearing, has recommended adoption of an ordinance instituting a moratorium from accepting new applications or issuing permits specifically for said uses, upon the application of the Zoning Administrator to allow the Board to properly plan for any appropriate ordinance changes consistent with the County's new comprehensive plan; and,

BE IT THEREFORE ORDAINED by the Board of Supervisors of Cerro Gordo County, Iowa:

SECTION 1. INSTITUTION OF MORATORIUM

Upon the effective date of this Ordinance, no application for Special Use Permit or Zoning Permit shall be accepted by Cerro Gordo County specifically for utility-scale wind energy conversion systems (C-WECS), solar installations, and battery storage installations as provided for and regulated under Article 20.2(J) or Article 22 of Ordinance 15, Zoning Ordinance for Cerro Gordo County, nor shall any permit be issued for the same. However, applications may continue to be accepted and permits may be issued for any other legally permitted uses, including communication and radio towers, substations, electrical conversion stations, meteorological towers used for research or weather conditions, or any other public utility structures in which this Ordinance does not specifically address.

SECTION 2. PERIOD OF TIME EFFECTIVE

This Ordinance shall be effective for a period of fifteen (15) consecutive months from the date it becomes effective.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE

This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Consideration: May 15, 2023

Second Consideration: Waived May 15, 2023

Third Consideration: Waived May 15, 2023

PASSED AND APPROVED THIS 15TH DAY OF MAY, 2023

AYES: Meacham Ginapp, Watts, Callanan

NAYS: None

ABSENT-NOT VOTING: None

Casey M. Callanan, Chairman
Cerro Gordo County Board of Supervisors

ATTEST:

Adam V. Wedmore, Auditor
Cerro Gordo County