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DEBORA A. VAN BEEST, COUNTY RECORDER
OSCEOLA COUNTY IOWA

Ordinance No. 54

An Ordinance amending the 2013 Zoning Ordinance for Osceola County, Iowa Zoning Ordinance by amending Article XIII, Wind Energy Regulations, Section 13.7 Review and Approval. Proposed text changes to 13.7.2 Agency Notice/Review. Please refer to Document 20131299 Book 2013, Page 1299 dated 11/4/2013.

ORDINANCE NO. 54

AN ORDINANCE AMENDING THE 2013 ZONING ORDINANCE FOR OSCEOLA COUNTY, IOWA BY AMENDING ARTICLE XIII, WIND ENERGY REGULATIONS, SECTION 13.7 REVIEW AND APPROVAL, SUBSECTION 2, AGENCY NOTICE/REVIEW

WHEREAS, the zoning ordinance on file in the office of the County Auditor designates certain standards as provided by Chapter 335, Iowa Code, and

WHEREAS, it is deemed advisable and recommended by the Osceola County Planning and Zoning Commission to amend Article XIII, Wind Energy Regulations, Section 13.7 Review and Approval, Subsection 2, Agency notice/review.

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

Section 1. AMEND TEXT. The Osceola County Zoning Ordinance is hereby amended by repealing and replacing in lieu thereof new text for Article XIII, Wind Energy Regulations, Section 13.7 Review and Approval, Subsection 2, Agency notice/Review to read as follows:

2. Agency notice/review. Prior to submitting an application for a commercial wind energy device, whether singularly or within a group of multiple wind energy devices, the project owner/developer of such structure shall be responsible for in notifying applicable governmental and community agencies and allowing each agency 60 days advance notice to do a preliminary review. Documentation of notification of these agencies, and any written responses from the agencies are to be provided to the county when the application is submitted. It is recommended that any issues be addressed prior to the public hearing. Osceola County staff and the project applicant will agree to a list of applicable agencies (identified below) to which the applicant will solicit comment from prior to Osceola County considering an application for wind energy project.

- a. Federal Aviation Administration
- b. U.S. Fish and Wildlife
- c. Environmental Protection Agency
- d. Federal Communications Commission
- e. Iowa Department of Transportation
- f. Iowa Department of Natural Resources
- g. Iowa Utilities Board
- h. Office of State Archaeologist
- i. Osceola County Engineer's Office
- j. Osceola County Conservation Board

Section 2. REPEALER. All ordinances or parts of the previously adopted Osceola County Zoning Ordinance in conflict with the provisions of this zoning amendment are hereby repealed.

Section 3. SEVERABILITY CLAUSE. If any section, provision or any part of this zoning amendment is determined to be invalid or unconstitutional, such adjudication shall not affect the validity of the previously adopted Osceola County Zoning Ordinance as a whole.

Section 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa. (*Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3*)

ADOPTION

Passed and approved of the first consideration on August 14, 2020

Passed and approved of the second consideration on August 28, 2020

Passed and approved of the third and final consideration on September 11, 2020

Adopted on September 11, 2020

Published on September 16, 2020

Attest:

Rochelle Vansiering
Osceola County Auditor



Chair, Osceola County Board of Supervisors

