

Taylor County Board of Supervisors

405 Jefferson Street

Bedford, Iowa 50833

ORDINANCE NO. #40

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF TAYLOR COUNTY, IOWA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR DATA CENTER, SOLAR ENERGY SYSTEM, BATTERY ENERGY STORAGE SYSTEM, AND MINERAL RIGHT DEVELOPMENT

WHEREAS, the Board of Supervisors of Taylor County, Iowa, is vested with the authority to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of the county and its residents pursuant to Iowa Code § 331.301; and,

WHEREAS, counties in Iowa possess the authority to adopt zoning regulations and land use ordinances under Iowa Code Chapter 335, including the power to regulate the location, height, bulk, number of stories, and size of buildings and structures, the size of yards, courts, and open spaces, the density and distribution of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes; and,

WHEREAS, the Board of Supervisors has the authority to adopt interim zoning regulations and moratoriums to maintain the status quo while the county studies, reviews, and updates its comprehensive plan, zoning ordinances, and land use regulations; and,

WHEREAS, Taylor County has experienced a significant increase in inquiries, proposals, and applications for large-scale commercial and industrial development projects, including but not limited to data centers, solar energy systems, battery energy storage systems, and mineral extraction or mineral right conveyance activities; and,

WHEREAS, these proposed developments present novel land use issues, including but not limited to: infrastructure capacity and demand on county roads, bridges, drainage systems, and emergency services; compatibility with existing agricultural operations and rural residential uses; protection of prime agricultural land; groundwater and surface water availability and quality; stormwater management and soil erosion; impacts on viewsheds and the rural character of the county; decommissioning, reclamation, and long-term stewardship obligations; and fiscal impacts on county services and revenues; and,

WHEREAS, Taylor County's current zoning ordinance and land use regulations do not adequately address the unique characteristics, scale, duration, and cumulative impacts of data

centers, solar energy systems, battery energy storage systems, and mineral extraction and mineral right development; and,

WHEREAS, the Board of Supervisors has determined that it is in the public interest to undertake a comprehensive review and possible amendment of the county's zoning ordinance, comprehensive plan, subdivision regulations, and related land use policies to establish clear, enforceable standards and procedures governing such development; and,

WHEREAS, absent a temporary moratorium, the acceptance, processing, and approval of applications for such development could result in approvals that are inconsistent with standards and policies that the county is in the process of developing, thereby undermining the county's planning process and potentially resulting in land use decisions that are contrary to the public health, safety, and welfare; and,

WHEREAS, the Board of Supervisors finds that this temporary moratorium is necessary to protect the public health, safety, and welfare of Taylor County residents while the county conducts this comprehensive review and develops appropriate regulations; and,

WHEREAS, the Board of Supervisors finds that the imposition of a twelve-month moratorium is a reasonable period of time within which to complete the necessary studies, hold public hearings, and adopt revised land use regulations; and,

WHEREAS, this moratorium is not intended to constitute a permanent prohibition on the development activities described herein, but rather a temporary pause to allow for informed, deliberate planning and regulatory development.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Taylor County, Iowa, as follows:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the "Taylor County Temporary Development Moratorium Ordinance."

SECTION 2. FINDINGS AND PURPOSE

The Board of Supervisors hereby adopts and incorporates the findings set forth in the recitals above and further finds and declares as follows:

2.1 Findings.

- (a) Taylor County is experiencing increased development pressure from data centers, renewable energy facilities, battery storage systems, and mineral extraction operations that differ substantially in scale, intensity, and impact from traditional agricultural and rural residential uses.
- (b) The county's existing land use regulations were not designed to address the unique characteristics of these emerging development types.
- (c) Approval of such development under existing regulations may result in land use decisions that are inconsistent with the county's long-term planning objectives and may adversely affect the public health, safety, and welfare.
- (d) A temporary moratorium is necessary to provide the county with adequate time to study these issues, engage stakeholders and the public, and develop comprehensive regulations tailored to these development types.
- (e) The twelve-month duration of this moratorium is reasonable and necessary to complete the required planning, analysis, and regulatory drafting processes.

2.2 Purpose. The purpose of this Ordinance is to:.

- (a) Temporarily suspend the acceptance, processing, and approval of applications for data center, solar energy system, battery energy storage system, and mineral right development.
- (b) Provide the Board of Supervisors, county planning staff, and the public with adequate time to comprehensively review and, if appropriate, amend the county's comprehensive plan, zoning ordinance, subdivision regulations, and related land use policies.
- (c) Ensure that future development is subject to clear, reasonable, and enforceable standards that protect the public health, safety, and welfare.

- (d) Preserve the status quo during the planning and regulatory development process.
- (e) Prevent the creation of nonconforming uses and structures that would be inconsistent with standards under development.

SECTION 3. AUTHORITY

This Ordinance is adopted pursuant to the authority granted to the Board of Supervisors under Iowa Code §§ 331.301, 335.2, 335.3, and all other applicable provisions of Iowa law authorizing counties to regulate land use and adopt interim zoning regulations.

SECTION 4. DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

- 4.1 "Application"** means any application, petition, request for approval, site plan, conditional use permit application, special exception application, rezoning petition, subdivision plat, development agreement proposal, building permit application, or other submission seeking county review, approval, or authorization for development subject to this Ordinance.
- 4.2 "Battery Energy Storage System"** means a facility, system, or equipment designed to store electrical energy through chemical, mechanical, or other means for subsequent discharge and use, including but not limited to lithium-ion batteries, flow batteries, compressed air energy storage, and similar technologies, whether standalone or associated with a renewable energy generating facility. This definition excludes battery systems accessory to a single-family residential use or farm operation serving on-site energy needs only.
- 4.3 "Data Center"** means a building or structure, or group of buildings or structures, primarily used to house computer systems, data storage systems, telecommunications equipment, and associated components such as cooling systems, backup power supplies, and redundant data communications connections, for the purpose of storing, processing, managing, or distributing data and applications. This definition excludes small-scale server rooms or information technology infrastructure accessory to a primary permitted use.
- 4.4 "Development"** means any construction, erection, installation, expansion, alteration, or establishment of structures, facilities, or uses, including grading, excavation, or other land disturbance preparatory to such activity.
- 4.5 "Mineral Right Development"** means:
 - (a) The conveyance, lease, assignment, or transfer of any interest in subsurface mineral rights, including but not limited to oil, gas, coal, metallic minerals, and non-metallic minerals; or

- (b) The commencement, expansion, or conduct of mineral extraction, mining, quarrying, drilling, or other operations for the exploration, development, or production of minerals, whether conducted on the surface or subsurface.
- (c) This definition excludes agricultural drainage tile, water wells for domestic or agricultural use, and geothermal systems serving a single property.

4.6 "Solar Energy System" means a device, structure, or collection of devices and structures that converts solar energy into usable thermal or electrical energy, including but not limited to photovoltaic panels, solar thermal collectors, mounting systems, inverters, transformers, substations, and ancillary equipment. For purposes of this Ordinance, "Solar Energy System" means:

- (a) Ground-mounted solar energy systems with a nameplate capacity exceeding [50] kilowatt; or
- (b) Solar energy systems occupying more than [one-half (½)] acre of land area.
- (c) This definition excludes roof-mounted or building-integrated solar energy systems accessory to a permitted use on the same property.

SECTION 5. MORATORIUM IMPOSED

5.1 Effective upon publication of this Ordinance, and for a period of twelve (12) months thereafter, the county shall not accept, process, review, approve, or issue any permit, license, or other authorization for any Application related to:

- (a) Data Center development;
- (b) Solar Energy System development;
- (c) Battery Energy Storage System development; or
- (d) Mineral Right Development.

5.2 Scope of Suspension. The moratorium imposed by this Section applies to all Applications subject to county jurisdiction, including but not limited to:

- (a) Zoning permits, conditional use permits, and special exceptions;
- (b) Rezoning petitions and comprehensive plan amendments;
- (c) Subdivision plats and site plans;

- (d) Building permits and certificates of occupancy;
- (e) Development agreements and annexation agreements; and
- (f) Any other county approval, authorization, or consent required for development subject to this Ordinance.

5.3 Applications Pending on Effective Date.

- (a) Any Application that has been formally accepted by the county as complete in all respects prior to the effective date of this Ordinance may continue to be processed and may be approved, conditionally approved, or denied in accordance with the regulations in effect at the time the Application was deemed complete, provided that:
 - (i) The Application was submitted in good faith and not for the purpose of avoiding the moratorium;
 - (ii) The Application complies with all applicable procedural and substantive requirements in effect at the time of submission; and
 - (iii) All required fees have been paid.
- (b) **Incomplete Applications.** Any Application that has not been formally deemed complete by the county prior to the effective date of this Ordinance shall be subject to this moratorium and shall not be processed during the moratorium period. Such Applications may be resubmitted following the expiration or termination of the moratorium.
- (c) **New Applications During Moratorium Period.** No new Applications subject to this Ordinance shall be accepted during the moratorium period. County staff shall return any such Applications to the applicant with a written explanation referencing this Ordinance.

SECTION 6. EXCEPTIONS

The moratorium imposed by Section 5 of this Ordinance shall not apply to:.

- 6.1** Routine maintenance, repair, or replacement of existing lawfully established facilities, systems, or structures, provided such activity does not involve expansion of capacity, footprint, or intensity of use.
- 6.2** Emergency repairs necessary to protect public health, safety, or welfare, as determined by the Board of Supervisors.

6.3 Activities expressly mandated by federal or state law or regulation that preempt local authority.

6.4 Battery energy storage systems or solar energy systems that are accessory to an existing lawfully permitted residential, agricultural, or commercial use and that serve only on-site energy needs, provided such systems do not exceed the thresholds set forth in Section 4 of this Ordinance.

6.5 Agricultural operations and practices exempt from county zoning authority under Iowa Code § 335.2, provided that the activity qualifies as a bona fide agricultural operation under applicable law.

SECTION 7. DURATION

7.1 Effective Period.

This Ordinance shall take effect upon publication as required by law and shall remain in effect for twelve (12) months from the effective date, unless earlier terminated or extended as provided herein.

7.2 Extension.

The Board of Supervisors may, by resolution adopted after public hearing, extend the moratorium for one or more additional periods not to exceed six (6) months each, if the Board finds that additional time is necessary to complete the comprehensive review and regulatory development process and that the extension continues to serve the public health, safety, and welfare.

7.3 Early Termination.

The Board of Supervisors may terminate this Ordinance prior to its expiration date by resolution if it determines that the purposes of the moratorium have been accomplished or that continuation of the moratorium is no longer necessary or appropriate.

7.4 Expiration.

Upon expiration or termination of this Ordinance, Applications subject to the moratorium may be accepted, processed, and reviewed in accordance with the zoning ordinance, comprehensive plan, and land use regulations then in effect.

SECTION 8. ADMINISTRATION

8.1 Duties of County Officials.

The County Engineer and the Taylor County Board of Supervisors are hereby directed to:

- (a) Provide written notice of this moratorium to all persons or entities that have submitted Applications subject to this Ordinance;
- (b) Post notice of this moratorium on the county website and at the county administrative offices;
- (c) Decline to accept or process any Application subject to this moratorium during the effective period;
- (d) Maintain a record of all Applications submitted during the moratorium period and return such Applications with written explanation; and
- (e) Implement this Ordinance in accordance with its terms.

8.2 Interpretations. The County Attorney, in consultation with the Board of Supervisors, shall have authority to interpret the provisions of this Ordinance and resolve questions concerning its application. Any person aggrieved by an interpretation may appeal to the Board of Supervisors in accordance with county procedures.

8.3 No Vested Rights. No person shall acquire any vested right to develop property in a manner inconsistent with this Ordinance during the moratorium period, and no Application submitted in violation of this Ordinance shall confer any rights upon the applicant.

SECTION 9. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, and provision hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared invalid, unconstitutional, or unenforceable.

SECTION 10. CONFLICTS AND REPEALER

All ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. This Ordinance shall supersede any prior inconsistent provisions of the Taylor County Zoning Ordinance and Code of Ordinances.

SECTION 11. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be published once in THE BEDFORD TIMES-PRESS, a newspaper of general circulation in Taylor County, Iowa, as required by Iowa Code § 331.302. This Ordinance shall take effect upon publication.

SECTION 12. ADOPTION

PASSED AND ADOPTED by the Board of Supervisors of Taylor County, Iowa, this 30th day of ~~June~~, 2026.
July,

TAYLOR COUNTY BOARD OF SUPERVISORS

<u>Jack Beggs</u>	Jack Beggs, Chairperson
<u>Ron Fitzgerald</u>	Ron Fitzgerald, Member
<u>Lincoln Wall</u>	Lincoln Wall, Member



ATTEST:

Judy Henry Judy Henry, County Auditor-Taylor County, Iowa
Date: July 30, 2026

[SEAL]

