

Resolution 2026-23

A Resolution Directing Administrative Action Regarding Ordinance # 2019.09.30

Whereas on September 5, 2019 the Worth County Zoning Commission recommended a change to the County Zoning Ordinance to add conditional use permit requirements for Commercial and private solar generators and battery storage systems, and

Whereas the County Board of Supervisors passed Ordinance #2019.09.30 on September 30, 2019 directing the text of the County Zoning Ordinance to be updated to include language requiring conditional use permit requirements for Commercial and private solar generators and battery storage systems, and

Whereas Administrative oversight failed to update the text of the actual Zoning Ordinance published to the county relating to conditional use permits for solar generators and battery storage facilities, and

Whereas the discovery of the administrative error of not updating the text was not discovered until early Jun 2026, and

Whereas a commercial solar project (Worthwhile Solar West) has been proceeding through planning and near implementation during the intervening period between the date the Ordinance was to have been updated in 2019 and the date of discovery of the failure to do make the updates (June 2026), and

Whereas the Worthwhile West Solar project has already proceeded through the milestones of (1) obtaining a Certificate of Public Convenience and Necessity from the State of Iowa, (2) executed an Interconnect Agreement with the electrical authority, (3) Executed a Road Use Agreement with the County Board of Supervisors, (4) Executed a Drainage agreement with the County Board of Supervisors, and

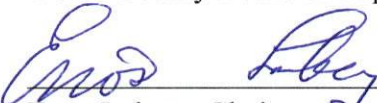
Whereas a Conditional Use Permit would normally be required prior to the milestones of 3 and 4 above (Road Use and Drainage Agreements),

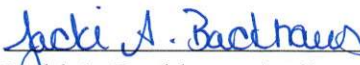
Now Therefore Be IT Resolved;

1. That the Worth County Board of Supervisors directs the County Auditor to take immediate action to update the text of the County Zoning Ordinance consistent with the Ordinance 2019.09.30
2. That the Worth County Board of Supervisors recognize that the Worthwhile West Solar Project has proceeded, as a result of a county administrative error, past the point at which the project should have applied for a conditional use permit if the Zoning Ordinance had been updated as directed on September 30, 2019 and as a result has a vested right to continue the project without reversing the process and thereby exempt from the requirement of obtaining a Conditional Use Permit.

Adopted this 29th day of June 2026.

Worth County Board of Supervisors


Enos Loberg, Chairperson

ATTEST: 
Jacki A. Backhaus, Auditor