

**CITY OF PELLA, IOWA
BOARD OF ADJUSTMENT MINUTES
APRIL 18, 2022**

CALL TO ORDER BY THE CHAIRPERSON AND ROLL CALL

Chairperson Westra called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Kristi Kious, Jaci Nunnikhoven, Susan Reiter, Merlan Rolffs, Lyle Vander Meiden, Mike Vander Wert, and Corey Westra; absent: Vince Nossaman. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. No members of the public attended the meeting.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda

Motion by Reiter, second by Nunnikhoven to approve the tentative agenda. Motion carried 7-0.

APPROVAL OF MINUTES

Motion by Reiter, second by Kious to approve the March 21, 2022 minutes. Motion carried 7-0.

PUBLIC HEARINGS

Consider a Special Use Permit (SUP) Request from 1 Source Solar to Construct a Roof-Mounted Solar Panel Array at 2123 Idaho Dr.

1 Source Solar sought to construct a solar array on the roof of 2123 Idaho Dr. Under Chapter 165.26.5 of the Zoning Code, all solar arrays over 100 square feet on residential lots require a Special Use Permit (SUP). Staff believes the proposed use agrees with the zoning code and recommended approval as submitted.

Convened **Public Hearing** on the SUP request. One written comment was received and included in the meeting packet.

Motion by Kious, second by Reiter to enter the written comment into the public record. Motion carried 7-0.

Motion by Vander Wert, second by Rolffs to close the **Public Hearing** as no comments were received. Motion carried 7-0.

Motion by Reiter, second by Vander Wert to approve the SUP request as submitted. Motion carried 7-0.

OLD BUSINESS

Consider a Recommendation to Modify the City of Pella Municipal Code Regarding the Installation of Solar Energy Systems (Tabled at the Meeting on March 21, 2022)

The Board of Adjustment, at the February 21, 2022, meeting, requested that staff investigate the possibility of modifying the City of Pella Municipal Code to allow certain solar energy systems to be exempt from the SUP system currently in place. The Board, at the meeting on March 21, 2022, chose to table this item for consideration at a future meeting.

Current Pella Municipal Code, Section 165.26.5, requires all solar energy systems with arrays over 100 square feet on residential lots being constructed in the City to come before the Board for approval of an SUP. As the push for renewable energy increases, solar systems are becoming more prevalent in the area. The requirement for an SUP for each system can be very time intensive.

This modification of the Municipal Code was reviewed by the City Attorney. She has provided the following information:

“There is no specific solar panel siting statute under state law. In general, Iowa Code section 414.3(1) provides all zoning regulations “shall be made in accordance with a comprehensive plan and designed to: “promote reasonable access to solar energy.” Allowing solar panels to be installed as a permitted use under a building permit rather than an SUP approved by the Board of Adjustment would generally seem to be consistent with the directive to “promote reasonable access to solar energy.” Several other communities in Iowa allow solar panel installation under some form of a building permit process. Finally, there is no state law which would prohibit the City from amending its ordinance to change solar panel installation requests from a special use to a building permit application under its zoning code.”

Currently, the code has two options to process solar energy systems:

1. Solar Energy System-Minor: For systems under 100 square feet, allows the Zoning Administrator and Building Official to approve.
2. Solar Energy System: For systems over 100 square feet, requires the Board to approve an SUP.

Listed below are the staff suggested modifications for the Pella Municipal Code, Section 165.26.5, regarding the installation of solar systems:

1. All residential roof mount solar energy systems, regardless of square foot size, are no longer required to have an SUP granted by the Board of Adjustment. Residential roof mount systems will be treated as a Solar Energy System – Minor. Exceptions are as follows:

- a. Any roof mount residential solar energy system over 100 square feet in the Central Business District (CBD) will require an SUP.
 - b. Any residential (including multi-family) roof mount solar energy system over 100 square feet on properties fronting a Gateway Corridor will require an SUP.
 - c. Any residential ground mount solar energy system over 100 square feet will require an SUP.
2. Non-Residential Solar Energy Systems over 100 square feet will continue to require SUP approval by the Board of Adjustment.

Staff requested that the Board of Adjustment review the proposed code modifications and make a recommendation to City Council to modify Chapter 165.26.5 as described.

Staff noted that, in addition to getting an SUP from the Board of Adjustment, applicants must also acquire a solar energy system permit, an electrical permit, and complete an interconnection and purchase power agreement.

Motion by Reiter, second by Vander Meiden to make a recommendation to City Council that they approve the proposed code modifications with the additional requirement that any residential roof mount solar energy system in a Historic Preservation District will require SUP approval by the Board of Adjustment. Motion carried 7-0.

Staff will inform the Board when this item goes to City Council for discussion at a Policy and Planning work session.

OTHER BUSINESS

Next Meeting Date

The next meeting is scheduled for May 16, 2022. Planning and Zoning Director Gerald Buydos informed the Board that another SUP for a roof-mounted solar panel array, as well as a possible appeal of staff's decision, will be on the agenda for the next meeting.

Adjourned at 6:34 p.m.