

Community Considerations: three decision-process tools

Create time to plan, respect confidentiality law, and make the public process visible before the vote.

Build the process before the pressure

1

Moratoriums

Create time to plan

A temporary planning window gives communities time to study, engage, and establish appropriate standards.

2

NDAs

Keep law in control

Confidentiality may protect trade secrets, but Iowa Code Chapter 22 determines what may remain confidential.

3

Transparency

Show the public record

Put project documents, decision points, meeting dates, comments, and updates where residents can find them.

Three tools, one goal: an informed, lawful, open process that the community can understand.

Community Consideration: Moratoriums

Community trust depends on whether the public process can answer the questions that arrive with the project.

SITING

WATER

POWER

ROADS

NOISE

PUBLIC VALUE

Data center interest arrives



Multiple decisions land at
once



Board must decide

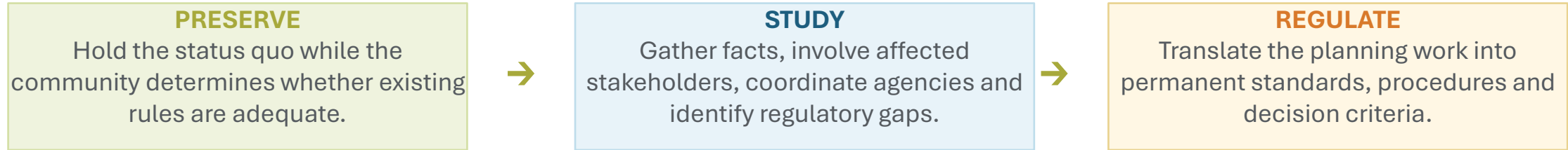
The threshold question

**Do our current regulations adequately address the
relevant questions?**

Sometimes the issue is not whether the project is good or bad. The issue is whether the existing planning framework is capable of answering the questions in public, on a record, before a vote.

What Is a Moratorium For?

Iowa case law supports the idea of a temporary pause as a planning bridge, not the final policy or permanent ban.



Geisler: preserve the status quo

The Iowa Supreme Court recognized interim development controls as useful for preserving the status quo while a local government performs its planning function and develops permanent regulations.

Worthwhile Wind: build the framework

A county may respond to a proposed large-scale land use by adopting a temporary moratorium and new rules when no adequate regulatory framework exists; awareness of the project alone is not bad faith.

A moratorium is the bridge between realizing the rules are not ready and adopting the rules the community actually needs.

Anatomy of a Well-Structured Moratorium

A practical design framework for supervisors and staff.

1

Defined purpose

What regulatory gap or public-welfare concern requires study?

2

Defined scope

What category of development is paused—and what is not?

3

Defined time

What is the sunset or end date?

4

Work plan

What studies, engagement, coordination and drafting will happen?

5

Public record

How is the pause tied to health, safety, welfare and planning needs?

6

Clear exit

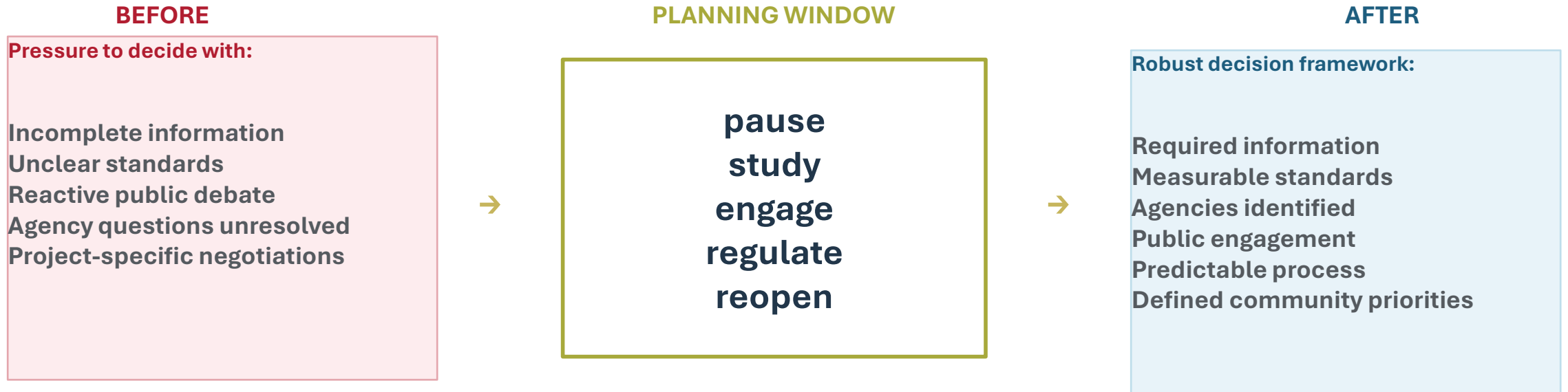
What permanent framework or decision will reopen the process?

Caution line from the cases:

Do not use a pause to illegally delay or defeat a properly submitted, conforming application. The defensible purpose is to create an adequate planning and regulatory framework.

The Goal Is a Better Decision

The measure of a moratorium is the framework that exists when the pause ends.



The goal is not to delay the decision. The goal is to improve the decision.

Linn County approach: organize around questions

A technical work program helps convert broad concerns into subjects people can work through.

FOUR LINKED WORKSTREAMS

01

WATER

Source, efficiency, wastewater, long-term resources

02

POWER & GRID

Interconnection, reliability, onsite generation

03

LAND USE

Noise, setbacks, compatible siting, construction

04

END OF LIFE

Decommissioning, reuse, financial assurances

QUESTIONS



EVIDENCE



POLICY OPTIONS

Takeaway: Organize around specific questions so public input can inform evidence, choices, and clear standards.

Linn County approach: make the process transparent

People may disagree with the results. They should understand the process.

THREE TRANSPARENCY COMMITMENTS

01

ONE SET OF FACTS

Staff, committee members, and decision makers have access to the same information. Everyone learns together.

SHARED INFORMATION

02

VISIBLE DECISIONS

Publish committee materials, discussions, and recommendations as the work progresses.

VISIBLE DELIBERATION

03

CLOSE THE LOOP

Show how the Board of Supervisors considers committee guidance in its final standards and decisions.

EXPLAINED OUTCOMES

Takeaway: Transparency means shared facts, visible deliberation, and a clear explanation of the final decision.

Community Consideration: Non-Disclosure Agreements (NDAs)

Confidentiality may protect true trade secrets — but Iowa open-records law determines what can legally remain confidential.

A developer’s preference for confidentiality is not the same thing as a legal exemption from disclosure.

The community should know the assumptions behind the public decision: timeline, scale, water, power, roads, taxes, and enforceable obligations.

A practical confidentiality protocol

- 1

Do not assume an NDA is required
Communities can ask why confidentiality is needed and limit it to specific information.
- 2

Require written justification
Applicant identifies the exact information and provides the Iowa Code §22.7 basis at submittal.
- 3

Chapter 22 controls
The NDA can set notice/process, but confidentiality exists only if Iowa law allows it.
- 4

Keep public summaries public
Non-confidential versions should explain the key facts needed for zoning and community decisions.

Linn County ordinance model

- 1

Applicant marks specific information claimed as confidential at submittal.
- 2

Applicant provides a written legal basis under Iowa Code §22.7.
- 3

County treats records under Chapter 22 — and may only keep records confidential when Chapter 22 allows it.

Takeaway: NDAs can organize confidentiality; they cannot replace public-records law or hide the basis for a public decision.

Community Consideration: Transparency and Public Communication

Residents should not have to hunt for application materials, meeting dates, comment options, or the decision timeline.

A strong project webpage answers four public questions

1

What is proposed?

Application packet, maps, technical studies, staff reports.

2

Where is it in review?

Process steps, meeting dates, status, voting points.

3

How can I participate?

Comment form, public meetings, notification sign-up.

4

What changed?

Updates, new documents, third-party reviews, revised plans.

Same facts • visible timeline • clear participation points

Linn County examples

One public-facing page can organize both the record and the public process.

EXAMPLE 1

Coggon Solar project page

- Application documents + staff report
- Review status table + meeting dates/videos
- Construction checklist

Open project webpage

EXAMPLE 2

Morgan Valley Energy Center

- Application documents by topic
- Review process + future meeting notices
- Public comment link

Open project webpage

Community principle: don't make people hunt for the record or guess when they can participate.

