

## NOTICE OF PUBLIC HEARING

### NOTICE OF PUBLIC HEARING OF JOHNSON COUNTY, IOWA, PLANNING & ZONING COMMISSION FOR THE PURPOSE OF HEARING PLATTING APPLICATIONS AND ORDINANCE AMENDMENTS

TO All owners of real estate situated within Johnson County, Iowa and without the corporate limits of any city or town within said county, and all persons owning or claiming an interest therein and TO WHOM IT MAY CONCERN:

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the Planning & Zoning Commission of Johnson County, Iowa, will conduct a Public Hearing in the Second Floor Boardroom, Johnson County Administration Building, 913 South Dubuque St., Iowa City, Iowa, at 5:30 p.m. on **Monday, July 12, 2021** at which time and place said Commission will consider applications for plat approval.

YOU AND EACH OF YOU ARE FURTHER HEREBY NOTIFIED AS FOLLOWS:

- 1. Public Hearing on Subdivision Application PZC-21-28072 of Kevin Castle**, requesting preliminary and final plat approval of Castle Farms. The request is on property located in the SE ¼ of the SE ¼ of Section 3, Township 80 North, Range 6 West of the 5<sup>th</sup> P.M. in Johnson County, Iowa. The property is situated on the south side of Sugar Bottom Road NE, approximately 1,200 feet west of its intersection with Poplar Avenue NE, in Newport Township.
- 2. AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE LANDSCAPING PLANTING LOCATION REQUIREMENTS FOR PUBLIC UTILITY FACILITIES.**

**Section I. Purpose.** The Purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County by updating the supplemental conditions for public utility facilities to revising the requirements on where required landscape screening can be located.

**Section II. Amendments.**

- A. Article 8:1.23.DD.3 is hereby amended by deleting subsection 8:1.23.DD.3.d in its entirety and replacing it with the following:
  - d. The planting area shall extend no further than fifty (50) feet beyond the outside of the use area which includes the security fence, required parking areas, required stormwater infrastructure, or other structures or infrastructure required or proposed with the development.

**Section III. Repealer.** All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section IV. Savings Clause.** If any section, provision, or part of this ordinance shall be adjudged invalid, illegal, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged, invalid, illegal or unconstitutional.

**Section V. Effective Date.** This ordinance shall be in effect after its final passage and publication as part of the proceeding of the Board of Supervisors.

- 3. AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT ORDINANCE TO UPDATE CERTAIN REQUIREMENTS FOR PUBLIC UTILITY FACILITIES AND UTILITY SCALE SOLAR ENERGY SYSTEMS, AND ADD REQUIREMENTS FOR BATTERY ENERGY STORAGE SYSTEMS.**

**Section I. Purpose.** The Purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County by updating certain requirements for public utility facilities and utility scale solar energy systems, and adding requirements for battery energy storage systems.

## Section II. Amendments.

- A. Article 8:1.4.B is hereby amended by adding subsection 8:1.4.B.26A and 8:1.4.B.26B, to read as follows:
- 26A. **Battery Energy Storage System, Tier 1.** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle; and which have an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
  - 26B. **Battery Energy Storage System, Tier 2.** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle; and which have an aggregate energy capacity greater than 600 kWh or are comprised of more than one energy storage system technology in a room or enclosed area.
- B. Article 8:1.6.B is hereby amended by adding subsection 8:1.6.B.3B. to read as follows:
- 3B. Battery Energy Storage Systems, Tier 1
- C. Article 8:1.6.C is hereby amended by adding subsection 8:1.6.C.2A to read as follows:
- 2A. Battery Energy Storage Systems, Tier 2
- D. Article 8:1.7.B is hereby amended by adding subsection 8:1.7.B.1B to read as follows:
- 1B. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 75 kWh.
- E. Article 8:1.8.B is hereby amended by adding subsection 8:1.8.B.4B to read as follows:
- 4B. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 75 kWh.
- F. Article 8:1.9.B is hereby amended by adding subsection 8:1.9.B.0A to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 75 kWh.
- G. Article 8:1.10.B is hereby amended by adding subsection 8:1.10.B.0A to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 75 kWh.
- H. Article 8:1.11.B is hereby amended by adding subsection 8:1.11.B.0A to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 75 kWh.
- I. Article 8:1.12.B is hereby amended by adding subsection 8:1.12.B.0A to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 75 kWh.
- J. Article 8:1.13.B is hereby amended by adding subsection 8:1.13.B.0A to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1.
- K. Article 8:1.14.B is hereby amended by adding subsection 8:1.14.B.0A to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1
- L. Article 8:1.15.B is hereby amended by adding subsection 8:1.15.B.0A to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1
- M. Article 8:1.15.C is hereby amended by adding subsection 8:1.15.C.0A to read as follows:
- 0A. Battery Energy Storage Systems, Tier 2
- N. Article 8:1.16.B is hereby amended by adding subsection 8:1.16.B.4B to read as follows:
- 4B. Battery Energy Storage Systems, Tier 1
- O. Article 8:1.17.B is hereby amended by adding subsection 8:1.17.B.0A to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1

- P. Article 8:1.18.B is hereby amended by adding subsections 8:1.18.B.0A and 8:1.18.B.0B to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1
  - 0B. Battery Energy Storage Systems, Tier 2
- Q. Article 8:1.19.B is hereby amended by adding subsection 8:1.19.B.0A and 8:1.19.B.0B to read as follows:
- 0A. Battery Energy Storage Systems, Tier 1
  - 0B. Battery Energy Storage Systems, Tier 2
- R. Article 8:1.23 is hereby amended by adding subsection 8:1.23.D1, to read as follows:

**D1. Battery Energy Storage Systems, Tier 2.** Tier 2 Battery energy storage systems are allowed as accessory uses in the ML and MH districts, and are conditionally permitted in the A and CH districts and are subject to the following conditions:

1. Height. Battery energy storage systems shall comply with the building height limitations for principal structures of the underlying zoning district.
2. Fencing Requirements. Battery energy storage systems, including all mechanical equipment, shall be enclosed by an eight (8) foot tall fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building, and not interfering with ventilation or exhaust ports.
3. Roads. Applicants are expected to avoid damaging public roads and shall be responsible for mitigation of damages to public roads. At the discretion of the Zoning Board of Adjustment, a Public Roads Damage Avoidance and Mitigation Plan may be required and shall be in accordance with the following standards:
  - a. Identification of Potential Roads Usage. The applicant shall identify, with the approval of the Johnson County Engineer, all state and local public roads to be used within Johnson County to transport equipment, parts and material for construction, operation or maintenance of the battery energy storage system and related components.
  - b. Documentation of Road Conditions. Prior to construction, the Johnson County Engineer shall document the current road conditions of the roads identified for use, with all associated costs paid for by the applicant. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
  - c. Road Preparation and Damage. Any road preparation or maintenance necessitated by the proposed battery energy storage system or damage caused by the applicant or its contractors during construction or decommissioning shall be promptly completed or repaired, as appropriate, at the applicant's expense.
    - i. The applicant shall demonstrate that it has appropriate financial assurance to ensure the repair of damaged roads.
    - ii. The Johnson County Engineer may require financial surety to cover all costs of potential damage to roads.
4. Areas within ten (10) feet on each side of battery energy storage systems shall be cleared of combustible vegetation and other combustible growth.
5. Landscaping Buffer. In an effort to mitigate any potential negative effects and reduce the visual impact of the facility, the perimeter of the facility shall be landscaped to create a visual screen from neighboring properties. Landscaping shall be installed within a planting area around the facility, in accordance with the following standards:

- a. The landscaping buffer shall preferably use trees, shrubs, grasses and forbs that are native to Iowa, or where appropriate may include naturalized and non-invasive species.
  - b. The landscaping buffer shall use a combination of trees and plants to provide a vegetative screen. Trees shall be at least six (6) feet tall within three (3) years of installation, and shall have a minimum mature height of twelve (12) feet or the height of any fencing, whichever is taller.
  - c. Landscaping screening shall be evaluated under leaf-on conditions.
  - d. The planting area shall extend no further than fifty (50) feet beyond the outside of the use area, which includes the security fence, required parking areas, required stormwater infrastructure, or other structures or infrastructure required or proposed with the development.
  - e. At the discretion of the Zoning Board of Adjustment, the minimum mature height of vegetative screening may be modified where the applicant can show good cause or practical difficulty.
  - f. If the battery energy storage system is being constructed within the landscaping buffer of a larger project, the Zoning Board of Adjustment may waive or modify the requirements in this subsection specific to battery energy storage systems.
6. Signage. Signage shall be in compliance with ANSI Z535 and shall include the following information: the type of technology associated with the battery energy storage systems; any special hazards associated; the type of suppression system installed in the area of the battery energy storage systems; and 24-hour emergency contact information, including reach-back phone number.
- a. As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
7. Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of sixty decibels (60 dBA) as measured at the outside wall of any non-participating residence or occupied community building or the property line. Applicants may submit equipment and component manufacturer noise ratings at the time of application to demonstrate compliance.
- a. At the discretion of the Zoning Board of Adjustment, the applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of comparable existing battery energy storage systems to demonstrate compliance with this standard.
  - b. To document decibel level if there is a complaint on an operational system, at the discretion of the Zoning Administrator, the owner shall commission a report providing Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the outside wall of any non-participating residence or occupied community building or the property line to demonstrate compliance with this standard.
8. Site Plan. A site plan shall be submitted showing preliminary structure details and location, fencing details and location, landscaping plan, signage, location of underground and above ground transmission facilities, project development timeline, and any other pertinent information as required by the Zoning Administrator. After a Conditional Use Permit is issued, and prior to ground disturbance or issuance of building permit(s), the Zoning Administrator may approve minor modifications to the preliminary site plan to account for reasonable engineering

optimization and final selection of equipment. The site plan application shall additionally include and conform to the following:

- a. Power and Communications Lines.
    - i. On-site power and communications lines between battery energy storage system units shall be placed underground to the extent feasible and as permitted by the serving utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.
    - ii. Power and communications lines running from the on-site system(s) to interconnections with structures off-site shall be buried underground to the extent feasible and as permitted by the serving utility.
    - iii. At the discretion of the Zoning Board of Adjustment, power and communications lines may be allowed to be unburied in the following cases:
      - a) Elements of the natural landscape, such as but not limited to shallow bedrock and water courses, interfere with the ability to bury lines;
      - b) Elements of existing infrastructure interfere with the ability to bury lines;
      - c) Or distance makes undergrounding infeasible.
  - b. An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
  - c. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.
  - d. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to issuance of the building permit.
9. Fire Safety Compliance Plan. The applicant shall document and describe how the fire safety system and its associated controls will function and be maintained in proper working condition.
10. Operations and Maintenance Manual. The applicant shall describe the ongoing maintenance schedule for the battery energy storage system as well as the general upkeep of the property.
11. Emergency Operations Procedures. A copy of the approved Emergency Operations Procedures shall be given to the system owner, the local fire department, and Johnson County Emergency Management. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The Emergency Operations Plan shall include the following information:
- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
  - b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
  - c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System that could signify potentially dangerous conditions, including shutting

down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

12. Decommissioning and Site Reclamation Plan. The Decommissioning and Site Reclamation Plan shall address and/or ensure the following standards:
  - a. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - b. The anticipated life of the battery energy storage system.
  - c. The estimated decommissioning costs and method of ensuring funds will be available.
  - d. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.
  - e. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
  - f. Following a continuous one-year period in which no energy is stored, or if substantial action on construction or repairs to the project is discontinued for a period of one year, the permit holder will have one year to complete decommissioning of the battery energy storage system. At the discretion of the Zoning Administrator, the continuous one-year period that triggers decommissioning may be extended if the applicant demonstrates ongoing commitment to the project through activities such as but not limited to making lease payments or documentation of ongoing maintenance or repairs.
    - i. Decommissioning shall be completed in accordance with the approved decommissioning plan.
    - ii. The land owner or tenant shall notify the Zoning Administrator both when the project is discontinued and when decommissioning is complete.
  - g. At the discretion of the Zoning Board of Adjustment, financial surety may also be required.
13. The application shall comply with all Environmental Standards in Chapter 8.3.
14. The application shall comply with all applicable federal, state, and local regulations.

S. Article 8:1.23 is hereby amended by deleting subsection 8:1.23.BB in its entirety and replacing it with the following:

**Solar Energy Systems, Utility Scale.** Utility scale solar energy systems are conditionally permitted in the A district and are subject to the following conditions:

1. Setback Standards. All structures, including solar arrays, shall adhere to the primary structure setbacks for the district where the system is located.
2. Security Fencing. The solar energy system shall be fenced with a minimum seven (7) foot tall security fence. Warning/no trespassing signs shall be posted within sight of all points of fence line or no greater than fifty (50) feet apart.

- a. Perimeter fencing for the site shall not include barbed wire nor chain-link and shall use wire woven or other wildlife-friendly fencing.
  - i. At the discretion of the Zoning Board of Adjustment, critical electrical and communications equipment may be fenced with chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety and provide additional security for the equipment.
3. Panel Clearance Height. The lowest edge of array panels (affixed or tracking) shall be at least eighteen (18) inches above the ground.
4. Roads. Applicants are expected to avoid damaging public roads and shall be responsible for mitigation of damages to public roads. At the discretion of the Zoning Board of Adjustment, a Public Roads Damage Avoidance and Mitigation Plan may be required and shall be in accordance with the following standards:
  - a. Identification of Potential Roads Usage. The applicant shall identify, with the approval of the Johnson County Engineer, all state and local public roads to be used within Johnson County to transport equipment, parts and material for construction, operation or maintenance of the solar energy system and related components.
  - b. Documentation of Road Conditions. Prior to construction, the Johnson County Engineer shall document the current road conditions of the roads identified for use, with all associated costs paid for by the applicant. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
  - c. Road Preparation and Damage. Any road preparation or maintenance necessitated by the proposed solar energy system or damage caused by the applicant or its contractors during construction or decommissioning shall be promptly completed or repaired, as appropriate, at the applicant's expense.
    - i. The applicant shall demonstrate that it has appropriate financial assurance to ensure the repair of damaged roads.
    - ii. The Johnson County Engineer may require financial surety to cover all costs of potential damage to roads.
5. Ground Cover Standards. Ground under and around the solar array shall be planted with a perennial vegetated ground cover. All applications for which this subsection applies shall submit a ground cover plan for review and approval. The ground cover plan shall be developed in accordance with the following standards:
  - a. Top soils shall not be removed during development, unless part of a remediation effort.
  - b. The area shall be planted and maintained in perennial vegetation for the full operational life of the project to prevent erosion, manage runoff and build soil.
  - c. Vegetative cover should include a mix of perennial grasses and wildflowers that will preferably result in a short stature prairie with a diversity of forbs and flowering plants that bloom throughout the growing season. Perennial vegetation (grasses and forbs) used should preferably be native to Iowa, but where appropriate to the ground cover plan goals, may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services (i.e. clovers).
    - i. Plant materials for the ground cover area must not have been treated with systemic insecticides, particularly neonicotinoids.

- ii. The application shall include the proposed seed mix specifications.
  - d. At the discretion of the Zoning Board of Adjustment, other practices, such as small-scale farming or grazing, may be allowed in the ground cover area as part of the conditions of approval for the project.
  - e. Seed and/or planting mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals, such as those from a state department of natural resources, county soil and water conservation services, or natural resource conservation service.
  - f. The ground cover plan must include management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three (3) years.
6. Landscaping Buffer. In an effort to mitigate any potential negative effects and reduce the visual impact of the solar energy system, a landscaping buffer may be required to be installed and maintained during the life of the array operation. Determination of screening requirements will be made by the Zoning Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography. Where the Zoning Board finds that a landscaping buffer is appropriate, landscaping shall be installed within a planting area around the portions of the site specified by the Zoning Board in accordance with the standards of this subsection. All applications for which this subsection applies shall submit a plan for review and approval. The landscaping buffer plan shall be in accordance with the following standards:
- a. The landscaping buffer shall preferably use trees, shrubs, grasses and forbs that are native to Iowa, or where appropriate may include naturalized and non-invasive species, or a combination thereof to provide a vegetative screen in all required areas. Screening shall have a minimum mature height equal to the height of any security fencing and shall achieve the required height within three (3) years of installation.
  - b. Where landscape screening is required adjoining a public or private road, plants shall be planted at a rate that provides no less than sixty-six (66) percent screening at a height equal to the height of any security fencing.
  - c. Where landscape screening is required as a buffer to nearby properties or uses, plants shall be planted at a rate that provides no less than one hundred (100) percent screening at a height equal to the height of any security fencing.
  - d. The planting area shall extend no further than fifty (50) feet beyond the outside of the use area, which includes the security fence, required parking areas, required stormwater infrastructure, or other structures or infrastructure required or proposed with the development.
  - e. Landscaping screening shall be evaluated under leaf-on conditions.
  - f. Planting and maintenance practices should be consistent with recommendations made by qualified natural resource professionals, such as those from a state department of natural resources, county soil and water conservation services, or natural resource conservation service.
  - g. The landscaping buffer plan must include management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three (3) years.



7. Glare Minimization. All solar panels shall be constructed in a manner that minimizes the reflection or glare onto neighboring properties, does not interfere with traffic, and does not create a safety hazard.
  - a. Utility scale solar energy systems shall also comply with all applicable airport zoning ordinances.
8. Site Plan. A site plan shall be submitted showing preliminary array details and location, fencing details and location, landscaping plan (if applicable), signage, location of underground and above ground transmission facilities, project development timeline, and any other pertinent information as required by the Zoning Administrator. After a Conditional Use Permit is issued, and prior to ground disturbance or issuance of building permit(s), the Zoning Administrator may approve minor modifications to the preliminary site plan to account for reasonable engineering optimization and final selection of equipment. The site plan application shall additionally include and conform to the following:
  - a. Power and Communications Lines.
    - i. On-site power and communications lines between rows or banks of arrays, or from arrays to buildings or other on-site structures, shall be placed underground to the extent feasible and as permitted by the serving utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.
    - ii. Power and communications lines running from the on-site system(s) to interconnections with structures off-site shall be buried underground to the extent feasible and as permitted by the serving utility.
    - iii. At the discretion of the Zoning Board of Adjustment, power and communications lines may be allowed to be unburied in the following cases:
      - a) Elements of the natural landscape, such as but not limited to shallow bedrock and water courses, interfere with the ability to bury lines;
      - b) Elements of existing infrastructure interfere with the ability to bury lines;
      - c) Or distance makes undergrounding infeasible.
9. Operations and Maintenance Plan. The applicant shall submit a plan for the safe operation and maintenance of the solar energy system. The plan should include, but not be limited to, Emergency Operations Procedures describing the fire safety and response measures.
  - a. A copy of the approved Emergency Operations Procedures shall be given to the system owner, the local fire department, and Johnson County Emergency Management. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders.
  - b. Signage at all locked entrances or in a prominent place on the fencing should provide the following information:
    - i. Name(s) and phone number(s) of the electricity utility;
    - ii. Name(s) and phone number(s) of the site operator(s); and
    - iii. The facility's 911 address and GPS coordinates.
10. Decommissioning and Site Reclamation Plan.

- a. The application must include a decommissioning plan that describes the following items: the anticipated life of the utility scale solar installation; the anticipated manner in which the project will be decommissioned, including plans to recycle components; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.
  - b. The applicant shall provide the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value). The cost basis shall include a mechanism for calculating adjusted costs over the life of the project.
  - c. Restoration or reclamation activities shall include, but not be limited to, the following:
    - i. Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, graveled areas and access roads.
    - ii. Re-vegetation of restored soil areas with crops, native seed mixes and plant species suitable to the area, consistent with the County's weed control plan.
    - iii. For any part of the project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use of remaining structures must be in conformance with the regulations in effect at that time.
  - d. Following a continuous one-year period in which no electricity is generated, or if substantial action on construction or repairs to the project is discontinued for a period of one year, the permit holder will have one year to complete decommissioning of the utility scale solar installation. At the discretion of the Zoning Administrator, the continuous one-year period that triggers decommissioning may be extended if the applicant demonstrates ongoing commitment to the project through activities such as but not limited to making lease payments or documentation of ongoing maintenance or repairs.
    - i. Decommissioning shall be completed in accordance with the approved decommissioning plan.
    - ii. The land owner or tenant shall notify the Zoning Administrator both when the project is discontinued and when decommissioning is complete.
  - e. At the discretion of the Zoning Board of Adjustment, financial surety may also be required.
11. Onsite Battery Energy Storage Systems. Where an applicant proposes to include Tier 2 battery storage in conjunction with the solar energy system, they shall obtain a separate Conditional Use Permit and comply with the applicable standards in subsection 8:1.23.D1. Tier 1 battery energy storage is allowed as an accessory use in the A district.
12. The application shall comply with all Environmental Standards in Chapter 8.3.
13. The application shall comply with all applicable federal, state, and local regulations.
- T. Article 8:1.23.DD.2 is hereby amended by replacing the words "every twenty (20) feet" with the words "within sight of all points of fence line or no greater than fifty (50) feet apart".
- U. Article 8:1.23.DD.3.a is hereby amended by deleting it in its entirety and replacing it with the following:
- a. The landscaping buffer shall preferably use trees, shrubs, grasses and forbs that are native to Iowa, or where appropriate may include naturalized and non-invasive species.

V. Article 8:1.23.DD.3.b is hereby amended by deleting the sentence “Plants can include shrubs, grasses, or other native plants.”

W. Article 8:1.23.DD is hereby amended by adding subsection 8:1.23.DD.4A, to read as follows:

4A. When a public utility facility includes onsite Tier 2 battery storage, the applicant shall additionally comply with the applicable standards in subsection 8:1.23.D1.

X. Article 8:1.23.DD.4 is hereby amended by deleting the sentence, “The permit holder shall notify the Zoning Administrator when the facility is fully decommissioned.” and replacing it with “The land owner or tenant shall notify the Zoning Administrator both when the project is discontinued and when decommissioning is complete.”

Y. Article 8:1.24.E is hereby amended by deleting subsection 8:1.24.E.5 in its entirety and replacing it with the following:

5. Certain Fences Exempt. Any security fencing required by section 8:1.23 shall be exempt from the height regulations of this section and shall adhere to the applicable requirements in section 8:1.23. Where security fencing is required as a condition of approval by the Zoning Board of Adjustment, the height requirement specified in said condition shall supersede the height regulations of this subsection.

**Section III. Repealer.** All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section IV. Savings Clause.** If any section, provision, or part of this ordinance shall be adjudged invalid, illegal, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged, invalid, illegal or unconstitutional.

**Section V. Effective Date.** This ordinance shall be in effect after its final passage and publication as part of the proceeding of the Board of Supervisors.

#### **4. AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE DEFINITION OF STREAM CORRIDOR AND TO UPDATE AND MODIFY CERTAIN REQUIREMENTS FOR STORMWATER MANAGEMENT.**

**Section I. Purpose.** The Purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County by revising the definition of Stream Corridor and updating and modifying certain requirements for stormwater management.

##### **Section II. Amendments.**

A. Article 8:3.4.B is hereby amended by deleting subsection 8:3.4.B.35 in its entirety and replacing it with the following:

35. **Stream Corridor.** A watercourse such as a river, stream or drainageway, which is shown in blue (the blue line) on the current United States Geological Survey (USGS) quadrangle topographic maps, and its floodway as delineated on the official Flood Insurance Rate Map (FIRM) for Johnson County. In cases where no floodway is delineated, the blue line will serve as the centerline within a thirty foot (30’) wide stream corridor.

B. Article 8:3.6.A.1 is hereby amended by adding two new subsections 8:3.6.A.1.b and 8:3.6.A.1.c which read as follows:

b. At the Zoning Administrator’s discretion, stormwater management planning may be deferred to time of building permit application for lots in a residential subdivision which were developed prior to the effective date of this ordinance.

- c. At the Zoning Administrator’s discretion, stormwater management planning may be deferred to time of building permit application for properties subject to the Site Planning requirements in chapter 8:1.25 or on sites where stormwater management is required in association with an approved Conditional Use Permit, if a stormwater runoff analysis, in accordance with the Iowa Stormwater Management Manual, clearly demonstrates that post-developed runoff rates will be decreased or remain unchanged relative to pre-developed runoff rates.
- C. Article 8:3.6.A.2 is hereby amended by deleting the words “one (1) buildable lot” between the words “than” and “shall” and replacing them with the words “one (1) additional buildable lot since the effective date of this ordinance”.
- D. Article 8:3.6.A.2.a is hereby amended by deleting the words “one (1) buildable lot” between the words “than” and “and” and replacing them with the words “one (1) additional buildable lot since the effective date of this ordinance”.
- E. Article 8:3.6.A.3 is hereby amended by adding a new subsection 8:3.6.A.3.a which reads as follows:
  - a. For expansion of sites developed prior to the effective date of this ordinance, stormwater management planning will only be required to address the areas which will be impacted by development associated with the proposed expansion.
- F. Article 8:3.6.A.6 is hereby amended by adding the words “some or all of” between the words “waive” and “the”.
- H. Article 8:3.6.A.6 is hereby amended by adding a new subsection 8:3.6.A.6.c, including two new subsections 8:3.6.A.6.c.i and 8:3.6.A.6.c.ii which reads as follows:
  - c. The property is subject to the Site Planning requirements in chapter 8:1.25, or stormwater management is required in association with an approved Conditional Use Permit, and both of the following apply:
    - i. A stormwater runoff analysis, in accordance with the Iowa Stormwater Management Manual, clearly demonstrates that post-developed runoff rates will be decreased or remain unchanged relative to pre-developed runoff rates.
    - ii. All existing and proposed stormwater discharges are and will be authorized under an active National Pollutant Discharge Elimination System (NPDES) permit.
- I. Article 8:3.6.E is hereby amended by deleting subsection 8:3.6.E.1 in its entirety and replacing it with the following:
  - 1. Residential subdivisions which propose no more than one (1) additional buildable lot, and do not exceed five thousand (5000) square feet of new impervious rooftop shall submit a Stormwater Quality Improvement Plan in compliance with this section.
- J. Article 8:3.6.E is hereby amended by adding two new subsections 8:3.6.E.1A and 8:3.6.E.1B which read as follows:
  - 1A. Where the Zoning Administrator has deferred stormwater management planning to time of building permit application, lots in a residential subdivision which were developed prior to the effective date of this ordinance, and do not exceed five thousand (5000) square feet of new impervious rooftop shall submit a Stormwater Quality Improvement Plan in compliance with this section.
  - 1B. Where the Zoning Administrator has deferred stormwater management planning to time of building permit application, properties subject to Site Planning requirements or certain Conditional Use Permits where a stormwater runoff analysis, in accordance with the Iowa Stormwater Management

Manual, clearly demonstrates that post-developed runoff rates will be decreased or remain unchanged relative to pre-developed runoff rates, shall submit a Stormwater Quality Improvement Plan in compliance with this section.

**Section III.** Repealer. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

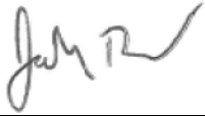
**Section IV.** Savings Clause. If any section, provision, or part of this ordinance shall be adjudged invalid, illegal, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged, invalid, illegal or unconstitutional.

**Section V.** Effective Date. This ordinance shall be in effect after its final passage and publication as part of the proceeding of the Board of Supervisors.

YOU AND EACH OF YOU ARE FURTHER HEREBY NOTIFIED that the applications referred to above may be inspected by you at the office of the Johnson County Planning, Development & Sustainability Director, Johnson County Administration Building, 913 South Dubuque Street, Iowa City, Iowa, at such time as said office is open to the public.

YOU AND EACH OF YOU ARE FURTHER HEREBY NOTIFIED that at said public hearing as indicated above all persons having an interest or concern will be afforded an opportunity to be heard in support of or in opposition to said application.

Dated this 30<sup>th</sup> day of June 2021, at Iowa City, Iowa.



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Joshua Busard, Director  
Planning, Development & Sustainability  
Johnson County, Iowa