

# CLAYTON COUNTY ORDINANCE #2-2020

## UTILITY SCALE SOLAR INSTALLATIONS

---

### TITLE

An Ordinance Establishing Regulations for Utility Scale Solar Installations in Clayton County, Iowa.

BE IT ENACTED by the Board of Supervisors, Clayton County, Iowa.

### SECTION 1. PURPOSE

The purpose of this ordinance is to allow utility scale photovoltaic solar installations. Concentrating solar power (CSP) systems shall be prohibited.

### SECTION 2. DEFINITIONS

For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

- a) **Appurtenant Structure.** A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- b) **Concentrating Solar Power Systems.** A system that generates solar power by using mirrors or lenses to concentrate a large area of sunlight onto a small area. Electricity is generated when the concentrated light is converted to heat.
- c) **Photovoltaic System.** An active solar energy system that converts energy directly into electricity.
- d) **Solar Access.** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
- e) **Solar Farm/Solar Array.** A commercial facility that converts sunlight into electricity and is the principal use for the parcel of which it is located.
- f) **Solar Panel.** A device or structure for which the primary purpose is to transform solar radiant energy into electrical energy.
- g) **Solar Panel Surface.** Any part of a solar panel that absorbs solar energy for use in the collector's energy transformation process. Panel surface does not include frames, supports and mounting hardware.

### SECTION 3. PROCEDURES

A Special Exception Use Permit in accordance to Section 9 of the Clayton County, Iowa Zoning Ordinance, and site plan are required. The application shall include the following information on the site plan, or in narrative form, supplied by the utility scale solar installation owner, operator, or contractor installing the structures:

- a) Plat of Survey showing the parcel(s) on which the solar array will be located.
- b) Corn Suitability Rating on parcels of ten (10) acres or more in accordance with Clayton County Comprehensive Plan.
- c) Number, location, and spacing of solar panels/arrays.
- d) Planned location of underground or overhead electric lines.
- e) Project development timeline, which indicates how the applicant will inform adjacent property owners and interested stakeholders in the community.
- f) Property Owners within five hundred (500) feet of proposed location.
- g) Interconnection agreement.
- h) Operation and Maintenance plan.
- i) Decommissioning plan.

## SECTION 4. SITE AND STRUCTURE REQUIREMENTS

- a) **Setback.** Setbacks for all structures (including solar arrays) must adhere to the minimum principal use setback standards for the zoning district where the project is located; greater setbacks may be recommended absent a solar access agreement.
- b) **Screening.** A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
- c) **Utility Connections.** Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.
- d) **Grading Plan.** A grading plan shall be submitted and shall include all proposed changes to the landscape of the site (e.g. clearing, grading, topographic changes, tree removal, etc).
- e) **Glare Minimization.** All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic including air traffic, or create a safety hazard.
- f) **Compliance with Local, State, and Federal Regulations.** Utility scale solar installations shall comply with applicable local, state and federal regulations.
- g) **Appurtenant Structures.** All appurtenant structures shall be subject to bulk and height regulations of structures in the underlying zoning district.
- h) **Floodplain Considerations.** Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of the floodplain regulations.
- i) **Signage.** No signs other than appropriate warning signs, or standard manufacturer's, operator's, or installer's signage shall be displayed.
- j) **Fencing/Security.** A security fence must be installed along all exterior sides of the utility scale solar installation and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site.

## SECTION 5. OPERATION AND MAINTENANCE

The applicant shall submit a plan for the operation and maintenance of the solar installation, which shall include measures for maintaining safe access to the installation, storm water and erosion controls, as well as general procedures for operation and maintenance of the installation.

- a) **Soil Erosion and Sediment Control Considerations.** The applicant agrees to conduct all roadwork and other site development work in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as required by the Iowa Department of Natural Resources.
- b) **Ground Cover and Buffer Areas.** Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:
  - 1. Top soils shall not be removed during development, unless part of a remediation effort.
  - 2. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage run off and build soil.
  - 3. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Iowa Department of Natural Resources, County Soil and Water Conservation Service, or Natural Resource Conservation Service.
  - 4. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
- c) **Maintenance, Repair or Replacement of Facility.** Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a

level acceptable to emergency response officials. Any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.

d) **Decommissioning Plan.**

1. The application must include a decommissioning plan that describes the anticipated life of the utility scale solar installation; the anticipated manner in which the project will be decommissioned; 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.
2. 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.
3. Restoration or reclamation activities shall include, but not limited to, the following:
  - a. Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, graveled areas, and access roads.
  - b. For any part of the energy 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.
4. Following a continuous one (1) year period in which no electricity is generated, or if substantial action on 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. Decommissioning shall be completed in accordance with the approved decommissioning plan. The landowner or tenant must notify the county when the project is discontinued.

## SECTION 6. SEVERABILITY CLAUSE

If any section, provision, or part of this Ordinance shall be judged invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

## SECTION 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect after its final passage, approval, and publication as provided for by the Code of Iowa.

PASSED AND APPROVED this 6<sup>th</sup> day of February, 2020.

/s/ Ray Peterson, Chairperson, Board of Supervisors

Attest: /s/ Jennifer Garms, Clayton County Auditor

First Reading: February 4, 2020  
Second Reading: February 6, 2020  
Third Reading: Waived  
Approved: February 6, 2020  
Published: February 19, 2020

