

Dubuque County Zoning Commission

Minutes of the October 17, 2023 meeting.

Chairperson Dave George called the meeting to order at 6 p.m.

1. ROLL CALL: Members present at the Dubuque County West Campus, 1225 Seippel Rd: Dave George, Kevin Soppe, Kathleen Scherrman, Ron Breitbach, Jerry Sigwarth and Lisa Flanagan. Member present via zoom: Sam Boyes and Kathleen Scherrman. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry, Amy Schmerbach and Ed Raber

2. APPROVAL OF MINUTES: A motion was made by Mr. Breitbach, **seconded by Mr. Sigwarth, and passed unanimously to approve the minutes of the September 19, 2023 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

Plat of Survey of Mangold Place Plat 2 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Mangold Place Plat 2 comprised of Lot 3 of Mangold Place, being a subdivision of the SW ¼ of Section 15, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by Mangold LLC and is located 1.79 miles northeast of the City of Rickardsville with a total of 157.29 acres surveyed. The property is zoned A-1, Agricultural. The purpose of the plat to allow for the sale of the buildings and cattle yard to the adjacent neighbor, Russell & Sandra Bahl, who have been leasing it from Mangold LLC.

The survey creates 2 lots. Lot 1 has a total of 145.44 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 11.85 acres with three farm buildings and a cattle yard and will be sold to Russell & Sandra Bahl, who have been leasing it from Mangold LLC.

Lot 1 and Lot 2 will use a 30' wide access and utility easement off of Haberkorn Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 903 1st St. North, Farley. Mr. Schneider said the Bahl's have been farming this property, which is approximately 400 acres, for the last 60 years. He said the Bahl's have built this cattle yard and it needs improvements. The owner's Mangold LLC is not interested in investing in the improvements, so the Bahl's have offered to purchase the cattle yard which sits on the south side of their home. Mr. Schneider said the Bahl's will continue leasing the remaining farm ground from the Mangold LLC.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote: 7-0.**

4. REZONING CASES:

ZC#10-28-23 Roger & Mary Jo Zalaznik R-2 Single Family Residential to B-2 Highway Business

The applicants are requesting to rezone from R-2, Single Family Residential to B-2, Highway Business 0.937 acres to allow an existing Landscaping Business to get into compliance with the Dubuque County Zoning Ordinance. The property is located .19 miles southeast of the City of Asbury along Hales Mill Road and is legally described as Lot 10 West View Estates, Section 18, T89N, R2E, Dubuque Township, Dubuque County, Iowa.

The property is owned by Roger & Mary Jo Zalaznik. Zoning in the area includes A-1, Agricultural to the west. R-2, Single Family Residential to the north, northeast, south, east and northwest. B-1, Business to the west. B-2, Highway Business to the south. The R-2, Single Family Residential to the north and northeast on ZC#06-26-95 was to allow the development of a subdivision. The R-2, Single Family Residential to the south and east on ZC#03-07-06 was to resolve the zoning inconsistency. The B-1, Business to the west on ZC#04-13-00 was to bring the existing business into a conforming district for future expansion. The B-2, Highway Business to the south on ZC#05-16-06 was to allow the continuance of a contractor's offices and sales, service and storage of all types of classic vehicles.

There are two (2) zoning cases attached to this property. ZC#04-19-95 was to allow the development of a single-family residential neighborhood with a light commercial complex and ZC#03-07-06 was to resolve the zoning inconsistency. There are no special use permits attached to this case. Twenty-one (21) letters were sent to property owners and the City of Asbury was notified.

Comprehensive Plan Policy Chapter 7 Economic Development page 105, Objectives 1.5 and Page 106, Objective 9.5 and Chapter 12 Land Use page 179, Objectives 3.3 and 4.3 may apply to this case.

There were many comments in regard to this case, one from Dan & Polly Fleming, 15723 Woodmoor Drive, Dubuque. They are concerned that if the owners sell this property in the future there could be a wide variety of businesses that would be allowed in the B-2, Highway Business district. They said they have no problem with the business that is there now and said they have been very good neighbors, they are just concerned about what could happen in the future.

The City of Asbury said they were ok with the request.

There were other comments made from:

Dan & Polly Fleming, 15723 Woodmoor Dr., Dubuque

Jennifer Griffin, 14186 Sagewood Dr., Dubuque

Nick Zimmerman, 14330 Heatherwood Ct., Dubuque

Jay Schmitt, 17303 Rt 3, Durango

Daniel & Jacob Leytem, 15789 Hales Mill Rd. Dubuque

Thomas & Tonya Vogt, 15713 Hales Mill Rd. Dubuque

Joe Mound, 13946 Derby Grange Rd., Dubuque

Matt Scherr, 15942 Canterbury Ct., Dubuque

Jeff Voss, 14258 Sagewood Dr., Dubuque

Kevin Oberbroeckling, 7869 Commerce Pk., Dubuque

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Dan DuClose, 11103 Lakeview Dr., Dubuque
Kristie Coffman, 13708 Barrington Ct., Dubuque
Joe Wysocki, 14946 Old Hwy Rd., Dubuque
Deb Hooks, 7834 Silver Oaks Dr., Dubuque
Sarah Carpenter with Steve Ace Hardware, 3350 JFK Rd., Dubuque
Lawrence Hutchison Statera Integrated Health & Wellness Solutions, 16719 Cordillera Dr.,
Peosta
Erik Mond, 16191 Woodmoor Dr, Dubuque
Dave Klein, 18257 Five Points Rd., Durango

Speaking to the board was Aaron Zalaznik, 13831 Surrey Lane, Dubuque. Mr. Zalaznik said his parents own the property. He said he has been renting it from them for the past 6-7 years and operates a landscaping business on the property. Mr. George stated the rezoning request is to bring the business into compliance with the county ordinance. Mr. George asked if the business was operating prior to the development of the subdivision. Mr. Zalaznik said yes and prior to his landscaping business it was Apple Parking Lot Service, Mulgrew Paving and Schuster Pump & Plumbing. Ms. Henry said the entire time all these businesses were operating in an R-2, Single Family Residential Zoning district. She said she could not explain how or why this was happening all these years without being noticed. She said no one has ever complained so it went unnoticed. Ms. Henry said the rezoning request is to get the property into compliance for business type use. Ms. Henry read in an email from the City of Asbury.

Tammy,
Why is this being considered for rezoning now? Prior to the Zalaznik this was Apel Paving? It seems this has always been a business use property. Are you doing this to correct the zoning or are they expanding the business?
Since the use has not been residential – I am Ok with the continued use as business.

Elizabeth Bonz
City Administrator – City of Asbury

Ms. Boyes asked why this was now being presented to the board. Ms. Henry said the Zoning Office received a complaint regarding the business. She said she met with the Zalaznik's about the complaint, and she recommended them to get the zoning corrected because they may possibly want to expand the business in the future. Ms. Henry said it was an anonymous complaint and the zoning office must follow up with the complaint, so the Zalaznik's came into the office and worked with her to find a solution to the problem.

Speaking to the board was Jeff Nicks, 16309 Country View Court, Dubuque. Mr. Nicks said he was in favor of the rezoning request. He said Mr. Zalaznik keeps the property clean and he's a hard worker. Mr. Nicks said Mr. Zalaznik has completed multiple jobs for him and he is happy to have the business as a neighbor.

A motion was made by Mr. Sigwarth, **seconded by Ms. Flanagan to approve the rezoning. The motion passed unanimously. Vote: 7-0.**

5. OLD BUSINESS: Update on Previous Zoning Cases

Ms. Henry said ZC#09-21-23 DCW Real Estate LLC/ Dale Winter R-5 Multi Family Residential to R-3 Single Family Residential, ZC#09-22-23 Adam & Meredith Young R-5 Multi Family Residential to R-3 Single Family Residential, ZC#09-23-23 Joseph & Teresa Hosch A-1 Agricultural to A-2 Agricultural Residential, ZC#09-24-23 Joseph & Teresa Hosch A-1 Agricultural to A-2 Agricultural Residential, ZC#09-25-23 Aloysius Clemen/Bernie Clemen A-1 Agricultural to A-2 Agricultural Residential, ZC#09-26-23 James Brown and William & Diane Brown A-1 Agricultural to A-2 Agricultural Residential, ZC#09-27-23 Karst Creek Ranch LLC/Brett Errthum A-1 Agricultural to A-2 Agricultural Residential was approved.

6. NEW BUSINESS: Discussion on Zoning Code Update-Renewable Energy Ordinance & PC-Planned Complex

Mr. Raber provided the board with a draft dated 10/17/2023 of the Chapter 5-Renewable Energy Ordinance. See Attachment.

Mr. Raber said the county currently has a Solar & Wind Ordinance however, the county does not have a Battery Energy ordinance. Mr. Raber said since the last meeting he has been working with Ms. Henry to draft a Renewable Energy Ordinance that would include Solar, Wind and Battery Energy into one ordinance. He said this draft is a combination of the Polk County Ordinance and Webster County Ordinance with additional information that currently exists in the currently in the Dubuque County Solar Ordinance. Mr. Raber said Dubuque is an interesting county because of the topography of the land.

Mr. Raber summarized the different parts of the ordinance. Under the wind, solar and battery ordinance there is a development & decommissioning plan that would be reviewed by the Zoning Board and the Board of Supervisors. Mr. Raber said it is required for the owner/operator to update the decommissioning plan every 5 years and they must provide the updated cost of the decommissioning as well as proof of a surety bond. He said if the renewable energy source is abandoned Dubuque County could call for the decommissioning.

The board discussed the benefits of the surety bond and liability differences between property that is owned and property that is leased. If the property is leased and the tenant decides to abandon the project, the liability should fall back on the property owner. If the property owner abandons the project, then the property would most likely be transferred to a government entity. They agreed surety bond protection must be put in place while adopting this ordinance.

Mr. George asked as far as battery storage if the EPA (Environmental Protection Agency) would provide groundwater monitoring. Mr. Raber said when the system is operational, he believes they are safe. However, he had a conversation with the Iowa Utilities Board regarding at what point do they get involved. He said they get involved with very large projects not something small like business or residential use. Mr. Raber said the State of Iowa has regulatory oversight on how these projects are developed.

Mr. Raber said he recently was asked if the county would require a project to complete an Environmental Impact Statement (EIS) or an Environmental Impact Assessment (EIA). He said these are significant plans and he has found no evidence that our colleges (counties)

require them. However, the Iowa Utility Board would most likely be the entity to require it if it was deemed necessary.

Mr. Breitbach said he has recently heard of incentives/credits to replace wind tower blades much sooner than what was originally scheduled. He said some of these blades are not biodegradable. Mr. Breitbach asked if there was anything in the ordinance preventing them from storing unused blades. Mr. Raber said this was an excellent question. Mr. Raber said this would be part of the decommissioning plan, however, he will go research the section to see if it covers a situation like this and bring it back to the board for further discussion. Ms. Henry said we file agreements with conditions. Ms. Boyes said there should be a Standard Maintenance Plan outside of the decommissioning plan that states they cannot dispose materials on the property.

Mr. Sigwarth said this ordinance is something the board needs to review however he did not think the board should have to reinvent the wheel and create an ordinance from the ground up since these projects are highly regulated by the EPA, DNR and the State of Iowa. He said the DNR will not let a project move forward if there has not been an impact study and the EPA will not approve a Battery Storage System if the batteries leak into the ground. He said as far a junk being stored on the property, the county already has ordinances against this. Mr. Raber said the Zoning Board oversees land use and when a project is presented the board is to provide recommendations if they can use the land and under what conditions. He said these projects still must comply with our county stormwater management plan, health department, city government etc. Mr. Raber said land use is the board's piece of the puzzle. Mr. Raber said adopting this ordinance is to protect the county and the county's infrastructure.

Mr. George questioned a section of the ordinance. He read the cost of decommissioning will be the responsibility of the company who owns the equipment and/or applies for or receives the permit. He asked what if the owner was not the person that applied for or received the permit. Mr. George wants to make sure to clarify who the landowner is and who the equipment operator is. Mr. Raber said at some point this ordinance would be reviewed by the county attorney.

Mr. Raber said this is an ordinance designed to provide a framework for these types of projects to happen in Dubuque County.

Mr. Raber said looking forward there will be discussion regarding setbacks. Mr. Breitbach said they have examples of setbacks, and the board can debate, discuss, and recommend what the setbacks would be.

Mr. Raber said going forward, Ms. Henry and himself will be contacting other organizations for additional information and/or feedback.

Ms. Boyes said she was in favor of Mr. Raber and Ms. Henry moving this ordinance forward with the consideration of the topics that were covered within tonight's meeting.

Mr. George agreed and said he would like to see the definition of the owner and operator within the ordinance. He said they're two different entities and he would like to define their responsibilities. He said for example who must hold the permit/license.

Mr. George asked about the power hook-ups and Mr. Raber said this was not something that the Zoning Board would have to address. He said that would be controlled by the Iowa Utility Board (IUB).

Mr. Raber and Ms. Henry thanked the board for their feedback reviewing the draft that was provided to them. They asked the board to contact them with additional questions or feedback moving forward.

Mr. Raber and Ms. Henry provided a draft of the PC-Planned Complex dated 10-17-2023. See Attachment.

Ms. Henry said there are a few projects that are waiting for this PC-Planned Complex to be codified. Ms. Henry said on December 12, 2022, the PC-Planned Complex was presented to the Dubuque County Board of Supervisors. She said the Zoning Board had approved the ordinance. Ms. Henry said it was election time, so the Supervisors were potentially changing, and one Supervisor had questions, so they decided to table the agenda item. Ms. Henry sent out an email asking what questions they had. She said she only received feedback from Supervisor Harley Pothoff asking why the board did not limit the amount of acreage. Ms. Henry said having conversation with the board and regarding different situations that have occurred over the past year she believes the board was correct not to limit the acreage.

Ms. Henry said there will be one case that has been in business since the 1950's and she said it is a PC-Planned Complex that only is about 5-6 acres of land. She said there is also another request coming through as a PC-Planned Complex that again has been in existence for many years with several different uses. She said anyone that was on the board during the previous PC-Planned Complex request knows how difficult the process was, so the board decided to review the ordinance to modify and/or correct the issues. She said this draft that was presented to the board has the changes and modifications that the board approved.

Ms. Henry said after discussion with Mr. Raber they thought a Pre-Application Conference would be beneficial and should be added to the ordinance. The Owner/Applicant shall schedule a pre-application conference with the Planning & Development Director, Zoning Administrator, Plats Officer, County Engineer, Health Director, Watershed Director, and such other County, City, State, or Utility representative as deemed desirable. She said this meeting would take place before the application is brought to the Zoning Board. She said everything else was already submitted to the Board of Supervisors. The board agreed with the minor change of the Pre-Application Conference. Ms. Henry said her, and Mr. Raber will finalize the ordinance with the minor change and bring it back to the Zoning Board next month.

7. PUBLIC COMMENTS:

8. ADJOURNMENT: A motion was made by Mr. Soppe., **seconded by Mr. Sigwarth to adjourn the meeting. The motion passed unanimously. Vote: 7-0. The meeting ended at 7:31 p.m.**

CHAPTER 5 – Renewable Energy Ordinance

Adopted xxxxxxxxxxxxxx

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PART 1 INTRODUCTION

- 5-1 AUTHORITY** The requirements of this Ordinance shall apply to all Renewable Energy Systems proposed after the effective date of this Ordinance. Energy Systems for which a required Dubuque County permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, that any such pre-existing Renewable Energy System, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing Renewable Energy System shall be allowed without full compliance with this Ordinance.
- 5-2 DEFINITIONS** For use in this Ordinance, the following terms or words shall be interpreted or defined as follows:
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- 5-2.1 “Accessory Solar Energy Conversion System (ASECS)”** A solar energy conversion system which is incidental and subordinate to a principal use on the same parcel and intended to primarily provide electrical power for use on the site in which the system is located.
- 5-2.2 “Accessory Wind Energy Conversion System (AWECS)”** A wind energy conversion system that is incidental and subordinate to a principal use on the same parcel and intended to primarily provide power for use on the site in which the system is located.

- 5-2.3 “Authorized Factory Representative”** An individual with technical training on wind energy conversion systems (WECS) who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
- 5-2.4 “Battery Energy Storage Systems (BESS)”** A bank of batteries or capacitors used to store electricity for later use primarily off-site through the electrical grid or export to the wholesale market – sometimes called a battery storage power station. This definition does not include a battery storage system which is incidental and subordinate to a principal use on the same parcel and intended to primarily provide electrical power for use on the site in which the system is located.
- 5-2.5 “Building-Integrated Solar Energy Conversion Systems”** A solar energy conversion system (SECS) that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
- 5-2.6 “Building Mounted Wind Energy Conversion System”** A WECS which is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower structure which is in turn fastened to the principal building. These systems are prohibited by this section.
- 5-2.7 “Concentrating Solar Power System (CSPS)”** A power generation system that uses mirrors to concentrate the sun's energy to drive traditional steam turbines or engines that create electricity. The thermal energy concentrated in a CSPS plant is sometimes stored and later used to produce electricity.
- 5-2.8 “Free Standing Wind Energy Conversion System”** A WECS which is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guy-wire supported mast, lattice, or other non-monopole style towers shall not meet this definition.
- 5-2.9 “Ground-Mounted Solar Energy Conversion System”** A SECS mounted on a rack or pole that rests or is attached to the ground.
- 5-2.10 “Height, Total Wind Energy Conversion System”** The height above grade of the system, including the generating unit and the highest vertical extension of

any blades or rotors.

- 5-2.11 “Horizontal Axis Wind Energy Conversion System”** A WECS that has blades which rotate through a horizontal plane.
- 5-2.12 “Manual and Automatic Controls for a Wind Energy Conversion System”** Controls that give protection to power grids and limit rotation of the blades to below the designed limits of the WECS.
- 5-2.13 “Maximum Tilt”** The maximum angle of a solar panel or collector (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- 5-2.14 “Minimum Tilt”** The minimal angle of a solar panel or collector (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- 5-2.15 “Non-Participating Lot(s)”** One or more lots for which there is not a signed lease or easement for development of a principal-use SECS associated with the applicant project.
- 5-2.16 “Off Grid”** An electrical system that is not connected to utility distribution and transmission facilities or to any building or structure that is connected.
- 5-2.17 “Participating Lot(s)”** One or more lots under a signed lease or easement for development of a utility scale WECS or utility scale SECS associated with the applicant project.
- 5-2.18 “Professional Engineer”** An engineer licensed to practice in the State of Iowa.
- 5-2.19 “Prototype and/or Experimental WECS”** An original or homemade, first full scale, new type of functional model.
- 5-2.20 “Roof-Mounted Solar Energy Conversion System”** A SECS mounted on a rack that is fastened to or ballasted on a structure roof.
- 5-2.21 “Rotor”** The portion of the WECS, typically consisting of blades, shafts and hubs that rotate in response to wind and convert the motion into electrical energy. Rotors are often horizontal or vertical.
- 5-2.22 “Shadow Flicker”** The changing of light intensity caused by sunlight through the moving blades of a WECS.
- 5-2.23 “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 conversion system.

- 5-2.24 “Solar Carport”** A SECS of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.
- 5-2.25 “Solar Energy Conversion System (SECS)”** A photovoltaic system or solar thermal system for generating electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a building surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s), battery energy storage systems (BESS), or transmission facilities between the SECS and the point of interconnection to the electric grid. This definition does not include any concentrating solar power systems (CSPS).
- 5-2.26 “Solar Mounting Devices”** Racking, frames, or other devices that allow the mounting of a solar panel or solar collector onto a roof surface or the ground
- 5-2.27 “Tower for a Wind Energy Conversion System”** The vertical component of a WECS that elevates the wind turbine generator and attached blades above the ground.
- 5-2.28 “Utility Scale Wind Energy Conversion System (USWECS)”** One or more wind energy conversion systems located together and used for production of electric power to be interconnected into the local utility electrical grid and primarily for consumption by on-grid utility customers located off the property. USWECS are typically the principal use of the parcel on which located but may include a dual use such as vegetable farming. Commonly referred to as a “wind farm.”
- 5-2.29 “Utility Scale Solar Energy Conversion System (USSECS)”** A solar energy conversion system that is used to produce electrical power for the primary purpose of off-site use through the electrical grid or export to the wholesale market. USSECS do not include concentrating solar power systems (CSPS).
- 5-2.30 “Vertical Axis Wind Energy Conversion System”** A WECS that has blades which rotate through a vertical plane.
- 5-2.30 “Wind Energy Conversion System (WECS)”** Any device, such as a wind charger or wind turbine, which converts wind to a form of usable electric energy.
- 5-3 PURPOSE** To promote the effective and efficient use of wind energy conversion systems (WECS) and solar energy conversion systems (SECS) by regulating and requiring a permit for the siting, design, and installation of conversion systems to protect the public health, safety, and welfare of present

and future residents of Dubuque County. In addition, this ordinance provides a permitting process for these energy systems to ensure compliance with the provisions of the requirements and standards established or referenced herein. The provisions of this ordinance shall not guarantee wind or solar rights or establish access to the wind or sunlight.

- 5-4 APPLICABILITY** It shall be unlawful to construct, erect, install, alter, or locate any Wind Energy Conversion System (WECS) (~~accessory or~~ utility scale), any Solar Energy Conversion System (SECS) (~~accessory or~~ utility scale), and any Battery Energy Storage System (BESS) within unincorporated Dubuque County, without first obtaining approval and a permit from Dubuque County as outlined in this ordinance and in compliance with the provisions of this chapter and the Dubuque County Zoning Ordinance. No permit application for a WECS, SECS, or BESS permit shall be granted without first submitting all required information and obtaining necessary permits, certifications, and documentation.

PART 2 ZONING AND PERMITS

5-5 ZONING REQUIRED

5-5.1 Wind Energy Conversion Systems (WECS)

- A. Zoning Required for Utility Scale Wind Energy Conversion Systems. A Utility Scale Wind Energy Conversion System (USWECS) may be allowed within the AG - Agricultural Zoning District, subject to approval of a Permitted Conditional Use Permit from the Dubuque County Board of Adjustment.

5-5.2 Solar Energy Conversion Systems (SECS)

- A. Zoning Required for Utility Scale Solar Energy Conversion Systems. A Utility Scale Solar Energy Conversion System (USSECS) may be allowed within the A-1 Agricultural and M-1 Industrial Districts as well as the M-2 Heavy Industrial Zoning Districts, subject to approval of a Permitted Conditional Use Permit from the Dubuque County Board of Adjustment.

5-5.3 Battery Energy Storage Systems (BESS)

- A. Zoning Required for Battery Energy Storage Systems. A BESS may be allowed within the A-1 Agricultural and M-1 Industrial Districts as well as the M-2 Heavy Industrial Zoning Districts, subject to approval of a Permitted Conditional Use Permit from the Dubuque County Board of Adjustment.

- B. The provisions of this chapter do not apply to a battery energy storage system that is incidental and subordinate to a principal use on the same parcel and intended to primarily provide electrical power for use on the site in which the system is located.

- 5-5.4 Community Open House** Prior to the submission of an application for a Special Use permit for a Utility Scale Wind Energy Conversion System (USWECS), a Utility Scale Solar Energy Conversion System (USSECS), or a Battery Energy Storage System (BESS), a public community information open house shall be organized and hosted by the project developer and/or applicant. The purpose of the meeting is outreach to provide complete information to the community, area residents and property owners, and area officials about the proposed project in an informal setting. The Community Open House shall not be construed to be a local government meeting or a public hearing. The Community Open House shall be conducted in accordance with the following protocols:
- A. **Notification** The project developer and/or applicant shall notify the County Board of Supervisors, the County Zoning Administrator and all property owners within 1 mile of the proposed Commercial Solar Energy System a minimum of ten (10) days prior to the Community Open House by regular US mail.
 - B. **Date And Time Location** The Community Open House shall be held on a weeknight (Monday through Thursday) at an accessible location within 5 miles of where the proposed project is to be located. Suitable locations include a community center or city hall, meeting room or a Dubuque County government facility.
 - C. **Content** The Community Open House shall be arranged and hosted by the project developer and/or applicant, or qualified representative and shall at a minimum include a detailed explanation of the proposed project, the site plan, the anticipated construction schedule, landscape and buffer plan, and the decommissioning and site reclamation plan. The project developer and/or applicant shall attend the Community Open House.
 - D. **Response To Concerns** The project developer and/or applicant shall solicit and accept all comments, questions, and concerns of attendees at the Community Open House.
 - E. **Report** The project developer and/or applicant shall submit a summary report of the Community Open House to the Zoning Administrator no less than 20 days prior to a Board of Adjustment meeting where the proposed project application is considered. The report shall include a list of property owners who were invited, a record of the attendees that provided their name at the Open House, and copies of all written comments received at the Open House or submitted in response to the Open House. The report shall identify all concerns submitted by attendees and shall include a statement of reasonable, practical mitigation the project developer and/or applicant will undertake to address those concerns and minimize impacts

to the area surrounding the proposed project. This report may be used by the Zoning Administrator to establish conditions of approval for the Special Use permit.

The Zoning Administrator shall have the authority to require an additional Community Open House based on the findings, comments, and responses obtained at the initial Open House.

5-5.5 Application and Procedures

A. Accessory Wind Energy Conversion Systems and Accessory Solar Energy Conversion Systems.

1. Permit Application Requirements. Application for approval of a permit to construct an AWECS or ASECS shall be submitted to the Zoning Administrator on a permit application form provided by the Zoning Administrator and must include any additional information determined by the Zoning Administrator as necessary to demonstrate compliance with all applicable codes and requirements, along with the ASECS permit application fee, as established by resolution of the Board of Supervisors.

2. Permit Procedures.

a. AWECS PERMIT. All AWECS permit applications shall require review and approval by the Dubuque County Board of Adjustment following the standards and procedures for Conditional Uses as outlined in Article 4. Division 8 of the Dubuque County Zoning Ordinance and shall follow the same schedule for submitting applications. No AWECS permit may be issued until after receiving approval of a Conditional Use Permit from the Board of Adjustment and the securing of all other permits as may be required by this chapter and elsewhere in the Dubuque County Zoning Ordinance

b. ASECS PERMIT. Any ASECS permit application may be administratively reviewed and approved by the Zoning Administrator if determined the proposed construction meets the requirements of this chapter, the Dubuque County Zoning Ordinance. The Zoning Administrator may defer any ASECS permit application to the Board of Adjustment for their review and consideration of approval.

B. Utility Scale Wind Energy Conversion Systems, Utility Scale Solar Energy Conversion System, and Battery Energy Storage Systems.

1. Permit Application Requirements. Application for approval of a permit to construct an USWECS, USSECS, or BESS shall be submitted to the Zoning Administrator on a permit application

form provided by the Zoning Administrator and must include any additional information determined by the Zoning Administrator as necessary to demonstrate compliance with all applicable codes and requirements, along with the ASECS permit application fee, as established by resolution of the Board of Supervisors.

2. Permit Procedures. All USWECS, USSECS, or BESS permit applications shall require review and approval by the Dubuque County Board of Adjustment following the standards and procedures for Conditional Uses as outlined in Article 4. Division 8 of the Dubuque County Zoning Ordinance and shall follow the same schedule for submitting applications. No USWECS, USSECS, or BESS permit may be issued until after receiving approval of a Conditional Use Permit from the Board of Adjustment and the securing of all other permits as may be required by this chapter and elsewhere in the Dubuque County Zoning Ordinance.
3. Permit Expiration. Permit approvals for all USWECS, USSECS, or BESS permit applications shall expire 25-years from the date the Conditional Use Permit was approved by the Board of Adjustment. The Board of Adjustment may establish a shorter expiration date as part of its review and approval of any Conditional Use Permit. The owner/operator of any facility approved under this chapter may request an extension prior to the permit expiration date by applying for a new permit following the permit application procedures contained in this chapter.
- C. Construction Permits. Upon approval of any WECS, SECS, or BESS Permit the following additional permits must be obtained from the Dubuque County Zoning Office:
 1. Building permit(s)
 2. Entrance permit(s)
 3. The following permits are required, if applicable
 - a. Site Plan
 - b. Permit for work within Dubuque County right-of-way
 - c. Oversize/Overweight permit (including a plan and agreement to maintain and repair roads impacted by construction activities and traffic)
 - d. Floodplain Development permit
 - e. Grading permit

5-6 through 5-9 Reserved

**PART 3
DESIGN STANDARDS**

5-10 GENERAL REQUIREMENTS

5-10.1 Wind Energy Conversion Systems (WECS) Design Standards.

- A. Minimum parcel size. The minimum parcel size for a WECS within a industrial zoning district shall be 1-acre. The minimum parcel size for a WECS within any agricultural or residential zoning district shall be three acres.
- B. Number of systems per parcel. No more than one Accessory WECS may be placed on any parcel or lot. Utility Scale WECS, where permitted, may be allowed more than one per parcel.
- C. Setbacks.
 - 1. Accessory WECS (AWECS).
 - a. AWECS shall be setback a minimum distance from the base of the structure to all property lines equal to 1.5 times the height of the tower and rotor as measured from the base to the highest reach of its blade.
 - b. AWECS including anchors shall not be located within a required principal structure setback in any zoning district.
 - c. An AWECS shall not be located in front of any residential building located on the same parcel.
 - 2. Utility Scale WECS (USWECS)
 - a. USWECS shall be located only in the A-1, Zoning District and shall be a minimum 1,320-feet from any property lines or residential dwellings, not included in the WECS application, or any public park and/or recreation property line with the following exceptions:
 - b. Any public park or recreational land when approved by the appropriate County, State, or Federal administrative staff, boards, and/or commissions for a demonstrated public purpose.
- D. Rotor Size.
 - 1. AWECS on a parcel with residential as its principal use shall not have a blade diameter in excess of 25-feet.
 - 2. AWECS on a parcel with a nonresidential principal use shall not exceed a 50- foot blade diameter.
 - 3. USWECS located in the Agricultural Zoning District and WECS used for federal, state, and local government entities and public schools may exceed the 50-foot maximum blade diameter subject

to the setback requirements identified in this ordinance and as may be established by Board of Adjustment approval of the WECS Permit.

E. Tower Height

1. AWECS shall meet the following requirements:

- a. AWECS on an individual parcel up to 3-acres shall not exceed a combined tower/pole and rotor height of 65-feet.
- b. AWECS on a parcel greater than 3-acres and up to 7-acres shall not exceed a combined tower/pole and rotor height of 80-feet.
- c. AWECS on a parcel greater than 7-acres shall not exceed a combined tower/pole and rotor height of 100-feet.

2. Utility Scale WECS towers, poles and rotors may exceed the height limitations of the Agricultural Zoning District in which located.

- F. Blade clearance. No portion of a horizontal axis WECS blade shall extend within 30- feet off the ground. No portion of a vertical axis WECS shall extend within 10-feet of the ground. No blades may extend over parking areas, driveways, or sidewalks. No blade may extend within 20-feet of the nearest tree, structure, or above ground utility facilities.
- G. Building mounted WECS prohibited. WECS mounted on a roof or wall or otherwise attached to a building are prohibited.
- H. Tower. Only monopole towers shall be permitted for freestanding WECS. Guy-wire supported mast, lattice, and towers of any other type shall not be considered in compliance with this chapter.
- I. Signage. All signs, both temporary and permanent, are prohibited on WECS, except as follows:
1. Manufacturer's identification on the wind turbine cowling.
 2. Appropriate warning signs and placards including visible warning sign of "High Voltage" placed at the base of all conversion systems. The sign shall have at a minimum 6-inch letters with 3/4-inch stroke.
- J. Color. The color of WECS shall be non-reflective and non-obtrusive.
- K. Shadow flicker. No WECS shall be installed and operated so to cause a shadow flicker to fall on or in any existing residential dwelling that is not included as part of the WECS application.
- L. Rotor design and overspeed controls. All WECS shall be equipped with manual and automatic overspeed controls to limit the rotation of blades to a speed below the designed limits. A professional engineer shall certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or alterations from the certified design shall be permitted unless accompanied by a professional engineer's statement of certification.
- M. Electrical compliance. All electrical compartments, storage facilities, wire conduit and interconnections with utility companies shall conform to

national and Dubuque County electrical codes.

- N. Experimental or prototype WECS. Written evidence identifying the proposed use of an experimental or prototype WECS shall be submitted to the County by a professional engineer and/or factory representative. Experimental or prototype WECS are not permitted closer than 300-feet from all property lines.
- O. Tower, Poles, and Anchor points. All towers, poles, and anchor points must be unclimbable by design or protected by anti-climbing devices such as:
 - 1. Fences with locking portals at least 6-feet high.
 - 2. Anti-climbing devices 12-feet from base of pole
 - 3. Anchor points for guy-wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard which is completely fenced.
- P. Noise Levels. The noise level measured at the property line of the property on which the WECS has been installed shall not exceed 55 decibels or cause a noise disturbance. In no event shall the WECS create a nuisance.
- Q. Lighting. Lighting of towers is only allowed when required by the FAA. The lighting method allowed shall be an FAA approved dual lighting system
- R. Stormwater Management. Depending on the scale and footprint of a proposed USWECS project, a stormwater management prevention plan may be required in accordance with the site plan regulations of Dubuque County. All site work shall further comply with the National Pollution Discharge Elimination System (NPDES) permit as required by the Iowa Department of Natural Resources (IDNR), including Section 404 of the Clean Water Act (CWA) related to impacts on wetlands and Waters of the United States (WUS).
- S. Emergency Access. Hard surface access for emergency service equipment shall be provided and maintained to all USWECS towers and buildings.

5-10.2 Solar Energy Conversion Systems (SECS) Design Standards.

- A. Accessory Solar Energy Conversion Systems Design Standards. All ASECS shall meet the following standards and conditions:
 - 1. Setback. Solar energy conversion systems must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located, except as allowed below.
 - a. Roof-mounted solar energy conversion systems. The collector surface and mounting devices for roof-mounted solar energy conversion systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping

for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered building-integrated systems and are regulated as awnings.

- b. Ground-mounted solar energy conversion systems. Ground-mounted solar energy conversion systems shall comply with the setback and placement standards in place for accessory structures for the zoning district in which they are located.

2. Height. ASECS must meet the following height requirements:

- a. Building-mounted or roof-mounted solar energy conversion systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy conversion systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
- b. Ground-mounted or pole-mounted solar energy conversion systems shall not exceed 15-feet in height when oriented at maximum tilt.
- c. Solar carports in non-residential districts shall not exceed 20-feet in height.

3. Visibility. Solar energy conversion systems shall be designed to minimize visual impacts from the public street right-of-way.

- a. Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy conversion systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
- b. Aesthetic restrictions. Roof-mounted, building integrated, or ground-mounted solar energy conversion systems should not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.
 - i. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
 - ii. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than 5 feet above the finished roof and are exempt from any rooftop equipment or

mechanical system screening.

- c. Glare Minimization. All solar energy conversion systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. All solar energy conversion systems must not interfere with traffic, including air traffic, or create a safety hazard.
 4. Lot Coverage. Ground-mounted systems total collector area shall not exceed the lot coverage standards for the zoning district in which located. For the purposes of this section, lot coverage shall include all paved and gravel surfaced areas, building footprints, and an area equal to 30% of the total surface area of the top side of all solar panels.
 5. Noise Levels. The noise level measured at the property line of the property on which the WECS has been installed shall not exceed 55 decibels or cause a noise disturbance. In no event shall the WECS create a nuisance.
- B. Utility Scale Solar Energy Conversion Systems (USSECS) Design Standards.
1. Height. USSECS panels or collectors and related solar mounting devices shall not exceed 20-feet in height when panel or collector is oriented at maximum tilt.
 2. Setbacks. USSECS, including all accessory structures and equipment, shall be setback a minimum of 50-feet from all property lines and road right-of-way lines and 300-feet from any residential dwelling that is not on a participating lot. No setback is required between participating lots.
 3. Visibility. Solar energy conversion systems (SECS) shall be designed to minimize visual impacts from the public street right-of-way and adjoining property. All solar energy conversion systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties, except for those that are participating lots.
 4. Roof-Mounted USSECS. Roof-mounted USSECS shall meet the design standards as described for ASECS in section 22.6, subsection 2, paragraphs i through iii of this chapter.
 5. Landscape Buffering. All systems shall comply with the zoning buffers for the zoning district in which located. At the discretion of the Board of Adjustment, additional landscaped buffers may be required along any of the project boundaries of the USSECS to buffer adjoining residential land use and public views.
 6. Ground Cover and Landscaping. All area not hard surfaced shall be planted and maintained with a perennial ground cover. 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:

- a. Top soil shall not be permanently removed during development, unless part of the remediation effort.
 - b. Soils shall be planted and maintained in short stature perennial vegetation capable of enhancing soil health and supporting pollinators. Blooming shrubs may be used in buffer areas as appropriate for visual screening.
 - c. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Department of Natural Resources, County Soil and Water Conservation Service or Natural Resource Conservation Service.
 - d. Landowner, farmer, tenant and adjoining landowner notification must be conducted per the terms of an easement or land use agreement, or as otherwise required by the specific Candidate Conservation Agreement or Habitat Conservation Plan under the Endangered Species Act.
7. Stormwater Management. For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant must meet and be in compliance with the Dubuque County Erosion and Sediment Control and Stormwater Ordinance. This requirement may be met by providing a copy of the applicant's Stormwater Pollution Prevention Plan prior to the start of construction.
 8. Lot Coverage. The total amount of impervious surfacing shall not exceed 20% of the site area. For the purpose of this chapter, impervious surfacing includes paved or gravel roads, parking areas, equipment pads, building footprints, and other similar non-vegetated areas. Ground-mounted panel or collector systems shall not be included in this impervious surface calculation if the soil under the panel or collector is maintained in vegetation and not compacted.
 9. Emergency Access. Paved access for emergency service equipment shall be provided and maintained to all structures and buildings.
 10. All solar energy conversion system components shall be located as to be accessible for required routine maintenance without trespassing on adjoining property or disassembling any major portion of the structure or building.
 11. All solar energy conversion system components must be obtained from manufacturers who regularly engage in production of solar energy apparatus. The design and drawings of any system or apparatus shall be completed and sealed by a licensed design professional.

5-10.3**Battery Energy Storage Systems (BESS) Design Standards**

- A. Height. BESS equipment, buildings, and related structures shall not exceed 50-feet in height.
- B. Setbacks. BESS equipment, including all accessory structures, shall be setback a minimum of 100-feet from all property lines and road right-of-way lines. No setback is required between participating lots.
- C. Landscape Buffering. All BESS equipment shall comply with the zoning buffers for the zoning district in which located. At the discretion of the Board of Adjustment, a landscaped buffer may be required along any of the project boundaries of the BESS to buffer adjoining residential land use and public views.
- D. Ground Cover and Landscaping. All area not hard surfaced shall be planted and maintained with a perennial ground cover.
- E. Stormwater Management. A stormwater management pollution prevention plan shall be provided in accordance with the site plan regulations of Dubuque County. All site work shall further comply with the National Pollution Discharge Elimination System (NPDES) permit as required by the Iowa Department of Natural Resources (IDNR), including Section 404 of the Clean Water Act (CWA) related to impacts on wetlands and Waters of the United States (WUS).
- F. Lot Coverage. The total amount of impervious surfacing shall not exceed 25% of the site area. For the purpose of this chapter, impervious surfacing includes paved or gravel roads, parking areas, equipment pads, building footprints, and other similar non-vegetated areas.
- G. Emergency Access. Paved access for emergency service equipment shall be provided and maintained to all BESS equipment and related structures.
- H. Emergency Response Plan. A plan for local emergency services on the procedures to respond to a fire or other event on site, the process of clean-up and recovery, and the development of regular training to be provided by the owner/operator of the facility.
- I. Noise Levels. The noise level measured at the property line of the property on which the WECS has been installed shall not exceed 55 decibels or cause a noise disturbance. In no event shall the WECS create a nuisance.

PART 3**DECOMMISSIONING AND RECLAMATION PLAN**

- 5-20.1 Plan Required** All USWECS, USSECS, and BESS permit applications shall include a decommissioning and reclamation plan that includes the following:
- A. The anticipated start and completion dates and manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property.
 - B. The projected decommissioning costs for removal and disposal of the USWECS, USSECS, or BESS (net of salvage value in current dollars) and restoration of the site and soil for agricultural use, certified by an Iowa licensed engineer.
 - C. The method of ensuring that funds will be available for site decommissioning and restoration of the site (e.g., surety bond, cash deposit).
- 5-20.2 Plan Review and approval** Plan Review and Approval. The decommissioning and reclamation plan shall be reviewed by the Board of Adjustment as part of the Conditional Use Permit application and included as a condition of approval of any permit.
- 5-20.3 Agreement** The decommissioning and reclamation plan will be provided in the form of an executed agreement, recorded against the property, and binding upon the owner/operator and any of their successors, assigns, or heirs.
- 5-20.4 Regular Review Required**
- A. Every 5-years from the date of approval of the permit until its expiration, the owner/operator of a USWECS, USSECS, and BESS approved under this chapter shall cause a review be completed of the decommissioning and reclamation plan and the amount of the performance guarantee required based on inflation, salvage value, and current removal costs. A written report of this review, certified by an Iowa licensed engineer, shall be provided to the Zoning Administrator within the above timeline.
 - B. Based on the findings of the report, the Zoning Administrator may require additional surety be provided or may allow a reduction in the required amount of surety. Failure to provide, within a reasonable time, the additional surety as may be required by the Zoning Administrator shall be considered a violation of the permit approval and said permit may be revoked by Dubuque County in accordance with Section 22.10 of this chapter.
 - C. Failure to provide this report within the above timeline shall be considered a violation of the permit approval and said permit may be revoked by Dubuque County in accordance with Section 22.10 of this chapter.
 - D. At the request of the owner/operator, an amendment to the decommissioning and reclamation plan agreement may be presented to the Board of Adjustment for their review and consideration.

PART 4
INSTALLATION AND CONSTRUCTION CERTIFICATION

5-25 Installation and Construction Certification

- 5-25.1** All approved WECS, SECS, and BESS projects shall commence installation as specified in the WECS, SECS, and BESS Permit, and in accordance with this ordinance, within one year of approval or the permit expires. Expired permits require a new permit. A new application and fee must be resubmitted.
- 5-25.2** A professional engineer shall certify that the construction and installation of the USWECS, USSECS, or BESS meets or exceeds the manufacturer's construction and installation standards, prior to the property owner and/or applicant receiving a Certificate of Use for the USWECS, USSECS, or BESS.

PART 5
MAINTENANCE AND OPERATION

5-30 Maintenance and Operation

- 5-30.1** The property owner and/or tower owner is responsible for maintaining, repairing, and keeping WECS, SECS, or BESS in good working order.
- A. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.
 - B. Waste disposal of solid and/or hazardous materials shall occur in accordance to County, State and Federal requirements. No worn parts, used oils or lubricants, crates or other items shall be located on the WECS, SECS, or BESS property or project area. Construction and other bulk materials and replacement parts and components shall not be stored outside on the WECS, SECS, or BESS property or project area.
 - C. The WECS, SECS, or BESS shall not cause interference with microwave transmissions, residential television interference, radio reception or other communication equipment.
 - D. Access for emergency service equipment shall be maintained.
 - E. The Zoning/Building Official and any other necessary personnel may enter the property with guided access from the project owner or their representative for which a Special Use Permit or Building Permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance, or code. Failure to provide access shall be deemed a

violation of this ordinance.

PART 6

REMOVAL, REVOCATION, AND ABANDONMENT

5-35 Removal, Revocation, and Abandonment

5-35.1 The WECS, SECS, or BESS shall be removed if not operated for a period of time greater than 12-months or fails to be operable for 12-consecutive months or if it is determined by Dubuque County that a WECS, SECS, or BESS is not in compliance with provisions of this ordinance and the WECS, SECS, or BESS Permit.

- A. As a condition of approval for all WECS, SECS, or BESS the owner and/or operator shall sign a "Consent to Removal" form. The "Consent to Removal" will state that the owner shall remove the WECS, SECS, or BESS or allow Dubuque County to remove and assess the property for the cost to remove the WECS, SECS, or BESS. Upon noncompliance the County shall send a notice to the property owner and/or WECS, SECS, or BESS owner by certified mail identifying the options to correct the violations. If the corrective actions are not taken within 30- days of certified mailing date a final notice will be sent to the owner in the same manner and be given 15-additional days to properly correct the violations. If the violations are not corrected, the WECS, SECS, or BESS will be removed by Dubuque County and the property will be assessed for the cost of removal and disposal.
- B. As a condition of approval of any USWECS, USSECS, and BESS permit, the owner/operator shall provide sufficient surety to cover the cost of the removal and disposal of said USWECS, USSECS, and BESS facility. The final amount and form of the surety shall be determined by the Zoning Administrator.

5-35.2 A WECS, SECS, or BESS Permit may be revoked any time the WECS, SECS, or BESS does not comply with the rules and regulations set forth in this ordinance or WECS, SECS, or BESS Permit. The revocation of the WECS, SECS, or BESS Permit requires the WECS, SECS, or BESS to be physically removed within ninety (90) days.

5-35.3 At such time that a WECS, SECS, or BESS is abandoned or discontinued, the property owner and/or WECS, SECS, or BESS owner will notify Dubuque County Public Works by certified U.S. mail of the proposed date of abandonment or discontinuation of operations and remove the tower within 90-days.

5-35.4 Upon revocation, abandonment or discontinuation of WECS, SECS, or BESS

or failure to operate, maintain and keep in good working order, the tower owner and/or property owner shall physically remove the WECS, SECS, or BESS according to the provisions of this ordinance, conditions added to the WECS, SECS, or BESS Permit and/or the "Consent to Removal". "Physically remove" shall include, but not be limited to:

- A. Removal of the WECS, SECS, or BESS including any turbines, towers, poles, panels, collectors, mounting devices, electrical equipment, access roads and drives, parking areas, equipment pads, buildings, structures, above ground foundations, and overhead utility lines related to the operation of the WECS, SECS, or BESS.
- B. Restoration of the location of the WECS, SECS, or BESS to its natural condition, except that any landscaping, grading or below-grade foundation may remain.

PART 7 RELEASE OF LIABILITY

5-40 Release of Liability

- 5-40.1** Dubuque County shall be fully released of any liability associated with any WECS built in unincorporated Dubuque County.

PART 8 WIND AND SOLAR ACCESS EASEMENTS

5-45 Wind and Solar Access Easements

- 5-45.1** The grant of any permit under this chapter does not constitute the granting of an easement by Dubuque County. The WECS owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the WECS. Similarly, the owner/operator of any SECS shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient sunlight as may or may not be necessary to operate the system.

PART 9 SEVERABILITY

- 5-50 SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the regulations as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**PART 10
EFFECTIVE DATE**

- 5-55 EFFECTIVE DATE.** This ordinance shall take effect upon its publication as required by law.

**PART 11
CONFLICT WITH PROVISIONS**

- 5-60 CONFLICT WITH PROVISIONS.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

CHAPTER 1 - ZONING ORDINANCE OF DUBUQUE COUNTY, IOWA

Color Key

Blue-New Additions to the Ordinance Amendments

Green-Moved from one section of the ordinance to a new location

Red-Deleted removed from the ordinance strike or replace

1-15.13 "PC" PLANNED COMPLEX DISTRICT

The PC Planned Complex District is intended to encourage flexible and innovative design in the development of appropriate 10-acre or larger sites as one integrated project. It would allow residential, commercial and industrial developments or combinations of those uses that are complementary and integrated, all in the same area. This district requires a site plan drawn to scale showing the location of all streets, lots, buildings with exterior dimensions and designated parking areas, sewer and water facilities and uses labeled. A written statement must accompany the site plan explaining how the development meets the purpose and intent of the ordinance, is in accord with the future land use map, benefits the general public and meets the generally accepted principals of good planning. A detailed written statement answering number 7 (a) thru 7 (e) of this ordinance with a site plan explaining how the development will not cause harm to the general public. Any amendments to the plan will be required to follow all regulations and procedures of the original plan. Any amendments to the plan will be required to ask for an amendment to their original plan.

- a APPLICATION: The owner or owners of contiguous property comprising ten (10) acres or more may submit an application to have their land classified "PC" Planned Complex on the Zoning Map. The application shall be made to the Zoning Administrator and shall include the following:
- (1) Legal description of the property as it is presently recorded.
 - (2) Six (6) copies One original copy of the plan of the property showing the existing topography, all buildings and other manmade structures, present uses and recorded lot lines. The plan shall also include an approval from the Soil and Water Department. This plan shall be drawn to a scale of one (1) inch equals two hundred (200) feet with contour intervals of two (2) feet.
 - (3) Plot plan of proposed development must meet county site plan rules and show all buildings with exterior dimensions, parking areas with parking stalls delineated and direction of traffic indicated, streets showing direction of traffic indicated, streets showing direction of traffic flow, points of ingress and egress from public right-of-ways, sanitary sewer and water facilities to be provided (if these involve connection to public facilities the connection will be indicated).
 - (4) A preliminary plan for any privately operated sanitary sewer facilities or water facilities.
 - (5) Proposed plat of the area to be included in the planned complex and any public right of way included as a part of the development. The plat will be administered according to the provisions of the county subdivision regulations. The final plat shall be approved in conjunction with the planned complex. Existing lots and blocks that are deemed to be unsuitable for the best development of the proposed complex shall be vacated.
 - (6) The proposed development needs to be reviewed at a preliminary meeting.
 - (7) A detailed written statement describing the concept of the proposed development substantiating the following:
 - (a) That the proposed development is in accord with Section 1-3 Purpose and Intent of this Ordinance.

Draft 10/17/2023

3

Pre- Application Conference

The Owner/ Applicant shall schedule a pre-application conference with the Planning & Development Director, Zoning Administrator, Plats Officer, County Engineer, Health Director, Watershed Director, and such other County, City, State, or Utility representative as is deemed desirable.

(~~Also~~ Needs to be Added Into Application process)

- (b) That the proposed uses are in accord with the future land use plan.
 - (c) That in consideration of the best interests of the general public the proposed development is more beneficial than the development that could be accomplished under the provisions of any other district.
 - (d) That the general public will actually benefit by the proposal because of increased accommodations and aesthetic qualities.
 - (d) That the general public will not be harmed by the proposal because of increased accommodations and aesthetic qualities
 - (e) That the development will not impose an undue burden on public services and facilities, such as utilities, fire and police protection.
 - (e) That the design for the area is in accord with sound and generally accepted principles of architecture, landscape architecture, engineering and related fields.
- b REVIEW: Upon receipt of such application the Zoning Administrator shall notify the chairman of the Dubuque County Zoning Commission. Within thirty (30) days of the date of such application, the Commission shall prepare a specific listing of additional information that they deem necessary in preparing an analysis of the proposal. Within 30 days of receipt of such information the Commission will prepare in writing an analysis of the proposal and forward the analysis and application to the Board of Supervisors. The Board of Supervisors shall hold a public hearing prior to taking action on the proposal.
- c PERMITS: The Zoning Enforcement Officer Office shall issue permits only for buildings, structures or uses shown on the plan.
- d AMENDMENTS: A proposed amendment to the plan will be subject to all regulations and procedures of an original proposal.
A proposed amendment to the plan will require the owner to ask the Zoning Commission for that change to be made to the existing PC, Planned Complex.

October 17, 2023



DUBUQUE COUNTY ZONING
1225 SEIPPEL ROAD, DUBUQUE IA 52002
PHONE: (563) 589-7827 FAX: (563) 589-7868

OFFICE USE ONLY: CASE# ZC _____

APPLICATION FOR PLANNED COMPLEX DISTRICT ZONING OR AMENDMENT

DUBUQUE COUNTY ZONING ORDINANCE

APPLICATION DATE: _____

PROPERTY OWNER(S): _____ PHONE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

APPLICANT: _____ PHONE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

SITE ADDRESS: _____ PARCEL #: _____

TOTAL # OF ACRES TO BE REZONED: _____ SQUARE FEET: _____

CURRENT ZONING OF THE PROPERTY: _____

The PC Planned Complex District is intended to encourage flexible and innovative design in the development of appropriate sites as one integrated project. It would allow residential, commercial, and industrial developments or a combination of those uses that are complementary and integrated, all in the same location.

The following documents are necessary for the PC Planned Complex District application. Each item should be attached to this application form on a separate sheet. Incomplete applications will be returned to the applicant for additional information.

1. Legal Description of the property as it is presently recorded.
2. One original copy of the Site Plan drawn to a scale of one (1) inch equals two hundred (200) feet with contour intervals of two (2) feet. The plan should show the following:
 - a. The location of all streets
 - b. Existing Topography
 - c. All buildings and other manmade structures
 - d. Present uses
 - e. Recorded lot lines
3. Provide a plot plan of the proposed development that meets the county site plan rules showing the following:
 - a. All buildings with exterior dimensions
 - b. Parking areas with parking stalls delineated
 - c. Streets showing direction of traffic flow
 - d. Points of ingress and egress from public rights-of-ways
 - e. A Preliminary Plan showing private or public water and sewer facilities shall be provided. (If these involve connection to public facilities, the connection will be indicated.)

4. A proposed plat of the area to be included in the planned complex. Any public right-of-way included as a part of the development should be indicated. The plat will be administered according to the provisions of the county subdivision regulations. The final plan shall be approved in conjunction with the planned complex.
5. A detailed written statement describing the concept of the proposed development substantiating the following:
 - a. That the proposed development is in accordance with Section 1-3 Purpose and Intent of this Ordinance.
 - b. That the proposed uses are in accord with the future land use plan.
 - c. That, in consideration of the best interests of the general public, the proposed development is more beneficial than the development that could be accomplished under the provisions of any other district.
 - d. That the general public will not be harmed by the proposal because of increased accommodations and aesthetic qualities.
 - e. That the development will not impose undue burden on public services and facilities, such as utilities, fire and police protection.
 - f. That the design for the area is in accord with sound and general accepted principles of architecture, landscape architecture, engineering, and related fields.

CERTIFICATION: I/we, the undersigned, do hereby certify that:

1. The information submitted herein is true and correct to the best of my/our knowledge and upon submittal becomes public record.
2. Fees are not refundable and payment does not guarantee approval.
3. All additional required written and graphic materials are attached.

Property Owner: _____ Date: _____

Property Owner: _____ Date: _____

Applicant: _____ Date: _____

RETURN APPLICATION TO: DUBUQUE COUNTY ZONING, 1225 SEIPPEL RD, DUBUQUE IOWA 52002
 HOURS: 8:00 A.M. TO 4:30 P.M.
 INCLUDE \$250 APPLICATION FEE, MADE PAYABLE TO: DUBUQUE COUNTY TREASURER

****OFFICE USE ONLY****

FEE: _____ DATE PAID: _____

DATE OF PREVIOUS APPLICATION (IF ANY): _____

PUBLICATION DATE: _____

ZONING BOARD MEETING DATE: _____ DECISION: _____

SUPERVISORS MEETING DATE: _____ DECISION: _____

INITIAL HEALTH DEPARTMENT REVIEW: _____ DATE: _____

ENTRANCE APPLICATION: _____

①

Completed Presented
to Supervisor on
Monday
December, 12, 2022

1-15.13 "PC" PLANNED COMPLEX DISTRICT

The PC Planned Complex District is intended to encourage flexible and innovative design in the development of appropriate sites as one integrated project. It would allow residential, commercial and industrial developments or combinations of those uses that are complementary and integrated, all in the same area. This district requires a site plan drawn to scale showing the location of all streets, lots, buildings with exterior dimensions and designated parking areas, sewer and water facilities and uses labeled. A detailed written statement answering number 7 (a) thru 7 (f) of this ordinance with a site plan explaining how the development will not cause harm to the general public. Any amendments to the plan will be required to ask for an amendment to their original plan.

- a APPLICATION: The owner or owners of property may submit an application to have their land classified "PC" Planned Complex on the Zoning Map. The application shall be made to the Zoning Administrator and shall include the following:
- (1) Legal description of the property as it is presently recorded.
 - (2) One original copy of the plan of the property showing the existing topography, all buildings and other manmade structures, present uses and recorded lot lines. The plan shall also include an approval from the Soil and Water Department. This plan shall be drawn to a scale of one (1) inch equals two hundred (200) feet with contour intervals of two (2) feet.
 - (3) Plot plan of proposed development must meet county site plan rules and show all buildings with exterior dimensions, parking areas with parking stalls delineated and direction of traffic indicated, streets showing direction of traffic flow, points of ingress and egress from public right-of-ways, sanitary sewer and water facilities to be provided (if these involve connection to public facilities the connection will be indicated).
 - (5) Proposed plat of the area to be included in the planned complex and any public right of way included as a part of the development. The plat will be administered according to the provisions of the county subdivision regulations. The final plat shall be approved in conjunction with the planned complex.
 - (6) The proposed development needs to be reviewed at a preliminary meeting.
 - (7) A detailed written statement describing the concept of the proposed development substantiating the following:
 - (a) That the proposed development is in accord with Section 1-3 Purpose and Intent of this Ordinance.
 - (b) That the proposed uses are in accord with the future land use plan.
 - (c) That in consideration of the best interests of the general public the proposed development is more beneficial than the development that could be accomplished under the provisions of any other district.
 - (d) That the general public will not be harmed by the proposal because of increased accommodations and aesthetic qualities
 - (e) That the development will not impose an undue burden on public services and facilities, such as utilities, fire and police protection.

- (f) That the design for the area is in accord with sound and generally accepted principles of architecture, landscape architecture, engineering and related fields.
- b. PERMITS: The Zoning Office shall issue permits only for buildings, structures or uses shown on the plan.
- c. AMENDMENTS: A proposed amendment to the plan will require the owner to ask the Zoning Commission for that change to be made to the existing PC, Planned Complex.