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CHICKASAW COUNTY ORDINANCE
#VI - 8
UTILITY SCALE SOLAR INSTALLATIONS

TITLE

An Ordinance establishing regulations for Utility Scale Solar Installations in the unincorporated areas of Chickasaw County, Iowa.

Whereas, the Chickasaw County Board of Supervisors desire to establish regulations for the installation of utility scale solar energy systems in the unincorporated areas of Chickasaw County, Iowa.

SECTION 1. PURPOSE

The purpose of this ordinance is to allow for the construction and regulation of utility scale solar energy installations in rural Chickasaw County. It is also the intent of the ordinance to protect existing land uses, protect property values, protect the health, safety, and welfare of the residents.

This ordinance shall not apply to any solar collector/panel/ photovoltaic system which the primary purpose is to provide electricity for personal residential or personal commercial on-site use. This ordinance shall not prohibit a property owner from making excess power available for net metering.

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, while all other terms or words shall be given their normal meaning:

- 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) **Decommissioning.** The process of use termination, removal of all or part of a facility and site restoration.
- d) **Easement.** Interest in land, owned by another, entitling the easement holder permission to use such land in said manner as set forth in a document recorded in the Chickasaw County Recorder's Office.

- e) **Electric Grid.** An integrated system of electricity distribution, typically covering a large area and or owned by a utility.
- f) **FAA.** Federal Aviation Administration.
- g) **FERC.** Federal Energy Regulatory Commission
- h) **Feeder Line.** Any power line that carries electrical power from solar panels to the point of utility interconnection. In the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the facility.
- i) **Ground Mount Solar System.** A solar installation affixed to the ground. These may be an accessory or primary use of a property.
- j) **NEC.** National Electrical Code.
- k) **Operator.** Individuals or parties responsible for day-to-day operation and maintenance of a facility, including third party sub-contractors.
- l) **Photovoltaic System.** An active solar energy system that converts energy directly into electricity.
- m) **Setback.** Predetermined distance from the edges of outermost solar array to a property line, buildings, right-of-way, easements, etc. as established in this ordinance.
- n) **Site.** All parcel(s) of land where a facility is to be located or where signed easements for a facility have been obtained.
- o) **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.
- p) **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.
- q) **Solar Collector/Panel.** A device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.
- r) **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.
- s) **Use Termination.** The point at which a facility is no longer used to produce electricity or gather information, unless due to shut down for repairs or when a facility owner provides notice to the Lan Use Administrator that the facility will cease production.

- t) **Utility Scale Solar Energy System.** A large-scale solar system for the purpose of wholesale sales of generated electricity which feeds energy onto a grid, supplying a utility energy. A utility scale solar energy system may have a power purchase agreement (PPA) with a utility.

SECTION 3. PROCEDURES

The Owner, Developer, Utility Scale Installer, Operator and/or Contractor (now known as “presenter”) shall provide a site and project plan to the Land Use Administrator that shall include

- a) Plat of Survey showing the parcel(s), or that part of a parcel, on which the solar array will be located. The Plat of Survey will also identify the location of any and all easements and floodplain locations.
- b) Name and all contact information of the contractors and installers.
- c) Number, location, and spacing of solar panels/arrays.
- d) Planned location of all underground and/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. APPROVAL PROCESS

- a) The Land Use Administrator shall review the plan and make a recommendation to the Board of Supervisors for final approval.
- b) The review by the Land Use Administrator may include recommended changes to the Presenter for updating prior to making a final recommendation to the Board of Supervisors.
- c) The preliminary review shall be completed by the Land Use Administrator within 30-days of receiving the plan. The Land Use Administrator shall provide his/her recommendation to the Board of Supervisors within the 14-day period following.

- d) The Board of Supervisors shall take action on the proposed plan within 30-days of submission of the Land Use Administrators recommendation. Notice shall be given to the Presenter within 10-days of the Boards Decision.

SECTION 5. SITE AND STRUCTURE REQUIREMENTS

1. **Setback.** All solar arrays of a ground mounted system shall meet the following setbacks:
 - a. 20' from sides and rear property lines.
 - b. 60' from a road right of way
 - c. 80' from a state road right-of-way unless written approval from the Iowa DOT is submitted with an application.
 - d. Fencing may be placed on the property lines.
 - e. Where the non-participating adjacent property is improved with a residential dwelling, a minimum setback of 300' shall be required.
 - f. Where the residential dwelling is located on the participating parcel, a minimum setback of 100' shall be required.
 - g. 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 Supervisors as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography. Where the non-participating adjacent property is improved with a residential dwelling, a landscape buffer shall be required.
2. **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.
3. **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).
4. **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.
5. **Compliance with Local, State, and Federal Regulations.** Utility scale solar installations shall comply with applicable local, state and federal regulations.
6. **Appurtenant Structures.** All appurtenant structures may be subject to bulk and height restrictions as determined by the Board of Supervisors.
7. **Floodplain Considerations.** Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of the floodplain regulations. Utility scale solar installations shall not be installed in an existing floodplain.

8. **Signage.** No signs other than appropriate warning signs, or standard manufacturer's, operator's, or installer's signage shall be displayed. A sign shall be placed on the site in a clearly defined location that identifies the owner/operator and emergency contact information.
9. **Fencing/Security.** A security fence of at least 6' in height 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 6. OPERATION AND MAINTENANCE

The Owner, Developer, Utility Scale Installer, Operator and/or Contractor 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.
 5. The ground cover shall be clear of noxious weeds as directed annually by the Chickasaw County Board of Supervisors defined by the Chickasaw County Weed Commissioner.
- 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) **Noise.** Noise levels as measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residential dwelling.

e) **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 Owner, Developer, Utility Scale Installer, Operator and/or Contractor 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 7. ROAD USE AGREEMENT

A road use agreement shall be filed with the Chickasaw County Engineer that will include:

1. A baseline survey of existing road conditions prior to construction.
2. A road repair plan for the repair of any potential damages as may be required by the Chickasaw County Engineer.

SECTION 8. 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 9. ADMINISTRATIVE FEE

The owner / developer will make an administrative payment of \$1,000.00 to Chickasaw County Land Use for the review and monitoring of the proposed Utility Scale Solar Installation. The payment shall be submitted at the time of filing the site and project plan. Said payment shall be non-refundable.

SECTION 10. ENFORCEMENT

Chickasaw County reserves the right to enforce this Ordinance by those means they believe necessary. This may include, but not be limited to, fines to legal action to have a non-compliant system removed.

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SECTION 11. 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 day of , 2025

Chairperson, Board of Supervisors

Attest:

County Auditor

First Reading: _____

Second Reading: _____

Third Reading: _____

PASSED AND APPROVED: _____, 2025

I, Sheila Shekleton, County Auditor of Chickasaw County, State of Iowa, hereby certifies that the above and foregoing is a true copy of Ordinance No. VI-8 passed and approved by the Board of Supervisors of Chickasaw County at a meeting held _____, 2025, signed by the Chairperson on _____, 2025, and published in the _____ on _____, 2025.

County Auditor, Chickasaw County,
State of Iowa