

ADAMS COUNTY ORDINANCE #

AN ORDINANCE REGULATING THE PLACEMENT OF SOLAR ENERGY SYSTEMS (SES) ON PROPERTY LOCATED IN THE UNINCORPORATED AREAS OF ADAMS COUNTY, IOWA

BE IT ENACTED BY THE ADAMS COUNTY BOARD OF SUPERVISORS

SECTION 1. PURPOSE

The purpose of this Ordinance shall be to promote public health, safety, comfort and general welfare of Adams County while facilitating economic opportunities and increasing the property tax base for rural residents, and to promote a goal of increased energy production from renewable energy sources, all in furtherance of and coordination with the Adams County Comprehensive Plan.

SECTION 2. NEW SECTION 21.20, SOLAR ENERGY SYSTEMS

There shall hereby exist a new Section 21.20, Solar Energy Systems, in the Adams County Code of Ordinances, as follows:

21.20 SOLAR ENERGY SYSTEMS

A. Purpose and Intent.

This Section 21.20 will establish guidelines for the construction, installation and operation of Solar Energy Systems (“SES”) to generate electricity. If this Section 21.20 conflicts with any other provision of the Adams County Code of Ordinances, this Section 21.20 shall control.

No SES or solar panel shall be constructed, erected, converted, installed, reconstructed, enlarged, located, relocated or otherwise developed including the placement of additional buildings and appurtenances without being in full compliance with the terms of this Section 21.20 and other applicable laws, codes, regulations and policies adopted by any local, state or federal governmental authority.

A repair, repower, modification or alteration of an existing SES shall be allowed with full compliance with this Section 21.20

B. Definitions.

Words used in this Section 21.20 shall be defined as follows:

1. Applicant. The person or entity submitting the application under this Section 21.20, which is normally expected to be the Owner or Operator of a SES. The Applicant need not be the owner of the underlying land, but an Applicant must have some property right or permission to include all land included in an application.
2. Non-Participating Landowner. A landowner not under any contractual agreement with the Owner or Operator of the SES.
3. Operator. The party or entity responsible for the day-to-day operation and maintenance of the SES.

4. Owner. The entity or entities with an equity interest in the SES, including their respective successors and assigns. The Owner does not mean: (i) the property owner from whom a lease, easement or other property right is acquired for locating the SES (unless the property owner has an equity interest in the SES), or (ii) any person holding a security interest in the SES solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the SES at the earliest practical date.
5. Participating Landowner. A landowner under lease, easement or other contractual agreement with the Owner or Operator of the SES.
6. Personal Solar Energy System (“PSES”). A SES that generates electricity from solar energy primarily for use on the same site or the same land use with which the system is physically associated.
7. Professional Engineer. A qualified individual licensed in the State of Iowa as a professional engineer.
8. Residence. A house, apartment or other shelter that is the abode of a person, family or household and regularly occupied.
9. Setback. The minimum required distance from a certain object, structure or point to the nearest edge of the solar panels.
10. Structure. Anything constructed or erected on the ground or attached to the ground, including but not limited to, antenna(s), buildings, sheds, cabins, residences, signs, storage tanks, towers, solar panels and other similar objects.
11. Solar Energy System (“SES”). All necessary devices that together convert solar energy into electricity, including solar panels, electrical components, feeder lines, substations, and other accessory structures, that operate by converting the kinetic energy of sun into electrical energy. The energy may be used on site or distributed into the electrical grid.
12. Solar Energy Systems, Utility Scale (“SESUS”). A SES that generates electricity from solar energy primarily for sale to an electric utility or other third-party commercial or industrial user. A SESUS includes, but is not limited to, the solar panels, inverters, connection and interconnection infrastructure, operation and maintenance building, fencing, roads and driveways, project substation, interconnection substation, related energy storage infrastructure, if any, and any necessary or related accessory or ancillary facilities.
13. Substation. The apparatus that connects the electrical connection system of the SES and increases the voltage for connection with the transmission lines of the utility, transmission owner or SES owner.
14. Third Party. An individual or entity involved in a transaction, other than the SES Owner or Operator and participating or non-participating landowners, thus, having a lesser interest in the transaction.

C. Solar Energy Systems, Utility Scale (“SESUS”).

1. Conditional Use Permit.

SESUS are permitted in the A-1 and I-1 zoning districts only after receiving a Conditional Use Permit from the Board of Adjustment and only in compliance with any conditions the Board of Adjustment may specify as part of such a permit. Concentrated SES are prohibited.

2. Application Fees.

- a. All checks are to be made payable to the “Adams County Engineer” or as the County may otherwise specify.
- b. A fee of \$1,000 shall accompany the application.
- c. For modifications to an existing SESUS where physical structural changes are being made, a fee of \$1,000 shall accompany the application.
- d. No fee or application is required for like replacements, repairs or maintenance.
- e. All fees are non-refundable.

3. Submittal Requirements.

Applicants for a Conditional Use Permit for a proposed SESUS shall make application to the County Engineer. The application shall include, at a minimum, the following:

- a. Applicant’s name and contact information.
- b. Contractor’s information, including name, contact information and certificate of organization or articles of incorporation, as applicable.
- c. Site information, including site address, parcel number, legal description and proposed location of all solar panels and associated equipment.
- d. General description of the SESUS:
 - i. Approximate nameplate generating capacity.
 - ii. Point of Interconnection.
 - iii. Number of proposed solar panels.
 - iv. Projected cost of construction.
 - v. Projected completion date of construction.
 - vi. Projected date of commercial operation.
 - vii. Type of fencing and landscaping proposed and management plan for same.
 - viii. Energy storage infrastructure, including location, megawatts and interconnection and charging description.
- e. Physical characteristics of solar panels:
 - i. Height.
 - ii. Lighting.

- iii. Manufacturer and model.
 - iv. Estimated ground coverage ratio.
- f. Physical characteristics of energy storage infrastructure, if any:
- i. Location.
 - ii. Capacity.
 - iii. Method of charge and discharge.
- g. Engineer’s certification(s) of solar panels from manufacturer.
- h. Documentation of land ownership or legal control of the affected property.
- i. Site Plan reflecting distances and drawn to scale. The Site Plan shall comply with all setback requirements, and shall include, at a minimum, the following:
- i. SESUS boundary.
 - ii. Boundary of energy storage facility, if any.
 - iii. All property lines, existing structures and public right-of ways.
 - iv. All proposed improvements, including solar panels, energy storage, electrical grid, substations, operations and maintenance buildings and accessory structures.
 - v. Interconnection point with the electrical grid.
- j. Evidence the SESUS meets commonly accepted management practices for avian, wildlife and environmental protections.
- k. An emergency action plan and evidence Applicant provided a copy of the site plan and emergency action plan to the Emergency Management Association
- l. Plan for site grading, erosion control and stormwater drainage. A stormwater pollution prevention plan (“SWPPP”) shall be submitted to the County Engineer for review and approval before granting a permit to construct.
- m. Certificate of insurance with a minimum of \$10,000,000 of commercial general liability coverage per occurrence, or such other amount as the Board of Supervisors may determine in its discretion, and all other insurance required by law.

4. Agency Notice.

Prior to submitting a Conditional Use Permit application, the Applicant shall meet with the County Engineer and agree to a list of applicable governmental and community agencies to which Adams County will require notice before it considers the application. Those agencies shall include, but are not limited to, the following:

- a. Federal Aviation Administration.
- b. Federal Communications Commission.
- c. Iowa Department of Transportation.
- d. Army Corps of Engineers.
- e. Iowa Utilities Board.

- f. U.S. Fish and Wildlife Service.
- g. U.S. Department of Agriculture (Local FSA and NRCS).
- h. Environmental Protection Agency.
- i. Iowa Department of Natural Resources.
- j. Office of State Archaeologist.
- k. Bureau of Land Management.
- l. Adams County Engineer's Office.
- m. Adams County Conservation Board.
- n. Adams County Emergency Management Association.
- o. All incorporated municipalities within Adams County.

Applicant shall be responsible for notifying all applicable governmental and community agencies and allowing each agency at least sixty (60) days to conduct a preliminary review of the proposed SESUS. Documentation of notification of these agencies, and any reports from the agencies, are to be provided to the County Engineer when the application is submitted. If any agency does not act within sixty (60) days, the proposed SESUS may be deemed approved by the agency that failed to act upon proof of notice.

5. Permitting Process. The Applicant shall go through the following process for approval of a Conditional Use Permit:
 - a. The Applicant shall provide the completed application with all additional required information to the County Engineer with the appropriate fees.
 - b. Within thirty (30) days following receipt of the application, the County Engineer shall consider the application for recommendation to the Board of Adjustment.
 - c. Within thirty (30) days following recommendation by the County Engineer, the Board of Adjustment shall schedule a public hearing regarding the application.
 - d. Notice shall be given to the public, by publication in the official newspaper(s) of Adams County, no less than ten (10) days and not more than twenty (20) days prior to the public hearing.
 - e. Notice shall also be given to all property owners located within one (1) mile of the SESUS, by ordinary mail, no less than ten (10) days and not more than twenty (20) days prior to the public hearing.
 - f. The Board of Adjustment may prescribe additional appropriate conditions and safeguards in conformity with this Section 21.20 and other ordinances of Adams County. Said additional conditions and safeguards shall be made as an addendum to the Conditional Use Permit.
 - g. Approval of a Conditional Use Permit for a SESUS shall expire if continuous construction or operation does not commence within two (2) years from the date of approval by the Board of Adjustment, unless the Board of Adjustment specifically grants a longer period of time for the validity of the permit, which extension shall not be unreasonably withheld. "Continuous construction or operation" means that once such construction or operation begins, it is not inactive for any period longer than six (6) months.

6. Special Requirements.

As part of the siting, construction and operation of the SESUS, the SESUS Owner and Operator must comply with the following requirements:

- a. Height. A solar panel shall be no less than two (2) feet off the ground. A solar panel shall not exceed twenty (20) feet in height above grade at maximum tilt of the solar panel.
- b. Setbacks. The following setbacks and separation requirements shall apply to all SESUS, as measured from the closest exterior wall of any certain object, structure or point to the nearest edge of the solar panels:
 - i. Inhabited Structures (Non-Participating Landowners). Each SESUS shall be set back from any adjacent non-participating residence, which is able to be occupied, or any school, hospital, church or public library (which such residence, school, hospital, church or public library exists as of the date of the Conditional Use Permit issued by the Board of Adjustment for the SESUS), a distance of one thousand two hundred (1,200) feet; provided, however, battery energy storage components, if any, shall be set back a distance of _____ (X) feet from the same. An affected property owner may waive this setback requirement by executing a written waiver or agreement.
 - ii. Property Lines (Non-Participating Landowners). Each SESUS shall be set back from any adjacent non-participating property lines a distance no less than five hundred (500) feet; provided, however, battery energy storage components, if any, shall be set back a distance of _____ (X) feet from the same. An affected property owner may waive this setback requirement by executing a written waiver or agreement.
 - iii. Property Lines (Participating Landowners). If a SESUS is on multiple participating parcels and the parcels are abutting, a zero (0) foot setback shall be permitted to the property line in common with the abutting participating parcel(s).
 - iv. Public Right-of-Ways. Each SESUS (excluding fencing and visual screening) shall be set back a distance of no less than eighty (80) feet from the right-of-way line of any U.S. or state highway, and no less than sixty (60) feet from the right-of-way line of any county road or highway.
- c. Security Fencing. The SESUS shall be fenced with a minimum eight-foot (8') tall security fence. At the discretion of the County Engineer, critical electrical and communications equipment may be fenced with the chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety.
- d. Agricultural Impact Mitigation Plan. The Applicant shall submit a plan with the Conditional Use Permit application detailing the mitigation strategy to support agricultural use of the land. The plan will be reviewed by the County Engineer and shall include, but is not limited to:

- i. Results of a soil analysis conducted and assessed by a qualified professional to determine topsoil depths as well as identify any limitations for construction and mitigation that may require special consideration.
 - ii. General list of project components and construction timeline.
 - iii. Describe best practices and methods to be used during each stage of construction for protecting and preserving topsoil. Practices and methods should address, at minimum, avoidance of removal of topsoil. However, if removal of topsoil is necessary, the Applicant should plan for segregation, stockpiling, replacement during backfill and respreading, grading minimization, compaction prevention and decompaction of otherwise undisturbed topsoil impact by heavy equipment or storage of materials and wet weather conditions.
 - iv. Describe environmental monitoring that will be used during construction to ensure adherence to the best practices contained in the plan. The monitoring should be done by an environmental professional at the expense of the developer. The monitoring results should be submitted to Adams County every thirty (30) days during construction.
 - v. Describe the general procedures to be used for identification, avoidance and repair of any underground drainage tile lines located within the project site before, during and after construction.
- e. Soil Erosion and Sediment Control. The Applicant shall 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 and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the Applicant must submit the permit to the County Engineer for review and comment along with an erosion and sediment control plan before the “Commencement of Construction” which is determined by disturbance of soil at project site, not considered for a primary farming operation. The plan must include both general “best management practices” for temporary erosion and sediment control (both during and after construction) and permanent drainage and erosion control measures to prevent both damage to local roads/adjacent areas and sediment laden run-off into waterways.
- f. Vegetation Mitigation Plan.
 - i. A Vegetation Mitigation Plan must be provided with the Conditional Use Permit application. The Vegetation Mitigation Plan will be reviewed by the County Engineer.
 - ii. Ground under and around the solar array shall be planted with a perennial vegetated ground cover as identified in the Vegetation Mitigation Plan. The plan shall be developed in accordance with the following standards:

1. Avoid removal of topsoil to maximum extent possible during development and decommissioning unless part of a remediation effort.
 2. The area shall be planted and maintained, per the Vegetation Mitigation Plan, in perennial vegetation for the full operational life of the project to prevent erosion, manage runoff and build soil. The plan must include management methods and schedules for how the vegetation will be managed on an annual basis, with the particular attention given to the establishment period of approximately three (3) years. The plan must include provisions for replacement of any required vegetation cover that fails to establish or dies during the life of the project.
 3. Plant materials for the ground cover area must not have been treated with systemic insecticides, particularly neonicotinoids.
 4. The application and Vegetation Mitigation Plan shall include the proposed seed mix specifications and growth guidelines to follow.
 5. Seeding zones and their selected seed mixes should be clearly mapped on a site plan.
 6. Seed and/or planting mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals, such as those from a state department of natural resources, county soil and water conservation services or natural resource conservation service.
 7. Reporting to Adams County on ground cover management and maintenance activities shall be on an annual basis for a minimum of five years from commercial operations after which point reduced frequency can be requested and approved at the discretion of the County Engineer.
 8. At the discretion of the County Engineer, other practices such as small-scale farming, bee keeping operations or grazing may be allowed in the ground cover area.
- g. Landscaping Buffer. To mitigate potential negative effects and reduce the visual impact of the SESUS, a landscaping buffer may be required to be installed and maintained during the life of the array operation. Determination of landscaping buffer requirements will be made by the County Engineer as part of the review of the Conditional Use Permit and will be based on adjacent or nearby surrounding land uses and topography. Where the County Engineer finds that a landscaping buffer is appropriate, landscaping shall be installed within a planting area around the portions of the site specified by the County Engineer in accordance with the standards as of this subsection. All applications for which a landscaping buffer is required shall submit a plan for review and approval. The landscaping buffer shall use trees, shrubs, grasses and forbs that are native to Iowa or where appropriate may include

naturalized and non-invasive species or a combination thereof to provide a vegetation screen in all required areas.

- h. Lighting. If lighting is provided for the SESUS, lighting shall be shielded and downcast such that the light does not project directly onto the adjacent parcels.
- i. Sound.
 - i. Sound levels caused by the SESUS, and any related battery energy storage components, measured at the nearest exterior wall of any occupied non-participating residence shall not exceed fifty-five (55) A-weighted decibels (dBA) 10-minute Leq (equivalent continuous sound level).
 - ii. In the event the sound levels resulting from the SESUS exceed the criteria listed in this section, a waiver of said limits may be granted by the Board of Adjustment subject to the following:
 - 1. SESUS Owner has obtained written consent from the affected property owner(s) stating: (i) the sound limit imposed by this Section 21.20, and (ii) the modified sound limit the SESUS Owner and the affected property owner have agreed to.
 - 2. Such a consent shall not bind subsequent property owners unless a sound impact easement is recorded in the Adams County Recorder's Office.
- j. Installation and Design. The SESUS shall be designed and located to minimize glare towards any inhabited buildings on adjacent properties.
- k. Utility Connections. Reasonable efforts shall be made to place all project collection lines within the solar installation underground not less than seventy-two (72) inches deep, depending on appropriate soil conditions, shape and topography of the site, distance to the connection or other conditions or requirements. High-voltage lines between the SESUS and substations may be above ground.
- l. Outdoor Storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the SESUS shall be allowed.
- m. Weed Control. Applicant must present an acceptable weed/grass control plan for property outside of the fenced area for the entire project. The Operator must maintain the fence and adhere to a weed control plan. The plan must be approved by the County Engineer and Adams County Weed Commissioner.
- n. Waste. All solid wastes, whether generated from supplies, equipment parts, packaging, operation, grazed animals, farming operation or maintenance of the SESUS shall be removed from the site and disposed of in an appropriate manner. All hazardous waste generated by the operation shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal requirements.

- o. Maintenance, Repair or Replacement of a Facility. Maintenance shall include, but shall 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. Any discarded materials or construction debris will be promptly removed in a timely manner. Said debris shall remain on the property no longer sixty (60) days.
 - p. Cleaning Chemicals and Solvents. During operation of the SESUS, all chemicals or solvents used to clean photovoltaic panels shall be low in volatile organic compounds and the Operator shall use recyclable or biodegradable products to the extent possible. Any on-site storage of chemicals or solvents shall be referenced on the site plan.
 - q. Aviation Protection. Applicant must complete and provide with the application the results of a Solar Glare Hazard Analysis Tool or most recent version adopted by the FAA. Applicant must provide evidence of notice and no response and/or non-objection from FAA and Offutt Air Force Base that the project will not affect commercial or military flights.
 - r. Administration and Enforcement. The County Engineer and any necessary personnel may enter any property for which a Conditional Use Permit or building permit has been issued under the Zoning Ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance and code. Failure to provide access by appointment within 48 hours of request shall be deemed a violation of the Zoning Ordinance.
7. Certification. SESUS shall conform to applicable industry standards, including those from the Underwriters Laboratory (UL) and Federal Aviation Administration (FAA). All applicable county, state and national construction and electrical codes shall be followed.
8. Safety: All SESUS and any related energy storage facility shall provide the following at all locked entrances:
- a. A visible “High Voltage” warning sign.
 - b. Name(s) and phone number(s) for the electric utility provider(s).
 - c. Name(s) and phone number(s) for the Operator(s).
 - d. The facility’s 911 address and GPS coordinates.
 - e. The Operator will coordinate with the local fire department, Adams County Emergency Management Association and 911 service departments to provide training on an annual basis for the first five (5) years the project is complete and in operation. Said training will commence within six (6) months prior to the completion of the project. After that, offered on an annual basis for the life of the project. All emergency responding agencies will sign off that said training was completed or offered.

9. Ownership/Management Changes.

- a. Notification shall be given to the County Engineer upon change of ownership of a SESUS.
- b. Notification shall be given to the County Engineer upon change of management of a SESUS.

10. Repowering: Proposals to replace more than twenty-five percent (25%) of the panels in a facility within a twelve (12) month period shall be required to submit a plan for review and administrative approval with all associated costs assigned to the Applicant and/or the property owner(s).

11. Avoidance and Mitigation of Damages to Public Infrastructure and Decommissioning.

- a. Roads. Prior to construction, the Applicant or the Owner shall enter into a road use and maintenance agreement with the Board of Supervisors. The Applicant must provide a proposed road use and maintenance agreement with the Conditional Use Permit application. The Applicant or Owner, at its sole cost, shall pay for all road improvements necessary for construction and shall promptly repair all damage to public roads arising from the construction, operation or maintenance of the SESUS, subject to the terms and conditions of the approved road use and maintenance agreement. The road use and maintenance agreement shall require financial security for such obligations in the form of a bond, letter of credit, corporate guaranty or other security instrument acceptable to the Board of Supervisors. The County Engineer must preapprove all haul routes for SESUS materials and equipment prior to construction.
- b. Drainage System. The Applicant or the Owner, at its sole cost, shall promptly repair all damage to public drainage systems arising from the construction, operation or maintenance of the SESUS. The County Engineer must preapprove all bridge and culvert crossings prior to construction.
- c. Decommissioning. Prior to construction, the Applicant or the Owner shall enter into a decommissioning agreement with the Board of Supervisors. The Applicant must provide a proposed decommissioning agreement with the Conditional Use Permit application. The decommissioning agreement shall contain, at minimum, the following:
 - i. Decommissioning Plan. The Applicant or the Owner shall provide a decommissioning plan. The decommissioning plan shall specify the steps to decommission the SESUS, including removal of all equipment and restoration activities. Equipment and wiring beneath the soil surface, fencing, roadways and other infrastructure should be removed to a depth of forty-eight (48) inches, unless the underlying landowner otherwise agrees in writing. Hazardous wastes to be removed should be identified, along with the appropriate state and local regulations for their management and proper disposal. In addition, the plan should require the restoration of the site to, as practicable, the same condition(s) that existed immediately prior to the

construction of the SESUS, unless the underlying landowner otherwise agrees in writing.

- ii. Cost Estimate. The decommissioning plan shall include a cost estimate for the net decommissioning cost prepared by a Third-Party Professional Engineer. The net decommissioning cost estimate shall include the resale or salvage value of the SESUS and components. At the expense of the Applicant, the decommissioning cost estimate shall be completed or reviewed by a qualified third party approved by the Board of Supervisors.
- iii. Financial Security. The Applicant will provide financial security for decommissioning in the amount equal to the net decommissioning cost estimate (plus a reasonable percentage for contingencies) in the form of a bond, letter of credit, corporate guaranty or other security instrument acceptable to the Board of Supervisors. The Owner shall provide the financial security described herein to the Board of Supervisors prior to the commencement of construction.
- iv. Periodic Review/Adjustment. The Owner shall provide an updated decommissioning cost estimate, prepared by a Third-Party Professional Engineer, every three (3) years following the commencement of commercial operations, which shall consider changes in local, state or federal regulations, technology, operations and costs. The amount of the financial security shall be adjusted every three (3) years to match each updated decommissioning cost estimate.
- v. Abandonment; Discontinuation. The Owner shall notify the County Engineer immediately upon discontinuation of electricity production. A SESUS which fails to generate electricity for twelve (12) consecutive months shall be deemed abandoned or discontinued; provided, however, if unforeseen circumstances such as a fire, flood or tornado result in the absence of electrical generation for twelve (12) consecutive months, the County Engineer may grant an extension of time if the Owner demonstrates the SESUS will be substantially operational and producing electricity within twelve (12) months following said deadline. Upon discontinuation or abandonment, the Owner shall decommission the SESUS in accordance with the decommissioning plan.
- vi. Schedule. Upon abandonment or discontinuation, the Owner shall have ninety (90) days to start decommissioning and three hundred sixty-five (365) days to complete decommissioning of the SESUS, including all equipment and appurtenances related thereto, unless a longer period of time is agreed to by the Board of Supervisors.
- vii. Obligations of Future Owners. The Owner shall not assign its obligations under the decommissioning agreement unless the assignee agrees in a writing approved by the Board of Supervisors to assume all obligations and commitments to Adams County made by the prior Owner.
- viii. Tax Obligations. The SESUS shall remain taxable until decommissioning is complete and signed off by County Engineer.

- ix. Failure to Complete Decommissioning. If the Owner fails to complete decommissioning in accordance with this Subsection 21.20(C)(11) or the decommissioning agreement referenced herein, the Board of Supervisors may immediately draw on the financial assurance and the County Engineer shall take all necessary measures to complete decommissioning, including the use of third party contractors.

D. Personal Solar Energy System (“PSES”).

1. Accessory Use.

PSES shall be considered an accessory use to a principal permitted use or an approved conditional use in any zoning district.

2. Special Requirements.

- a. Ground Mounted PSES height. Shall not be greater than fifteen (15) feet at maximum tilt of the solar panel(s) in any zoning district.
- b. Structure Mounted PSES height. Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
- c. Setbacks. The ground mounted PSES shall follow all setback requirements for the zoning district in which the PSES is located.
- d. Building Codes. All county, state and national construction codes shall be followed.
- e. Use. The PSES shall provide electricity for on-site use by the Owner. This does not prohibit an Owner from making excess power available for net metering.
- f. Approved Solar Components. PSES components must have an Underwriters Laboratory (UL) listing or approved equivalent.

3. Building Permit.

Before a building permit is issued, the following shall be submitted to the County Engineer for review.

- a. Site Plan Showing:
 - i. Address, email address and phone number of the property owner;
 - ii. Parcel lines;
 - iii. All existing structures with heights clearly marked;
 - iv. Sanitary infrastructure (i.e. septic field);
 - v. Setback measurements;
 - vi. Easements present on the property, including those for utilities;

- vii. Septic field tile location;
- viii. Floodplain location, if applicable;
- ix. Proposed location of all solar panels and associated equipment; and
- x. Proposed location of the electrical disconnect for the PSES.

- b. Evidence that the local electric utility has been informed of the customer’s intent to install a customer-owned solar energy system.
- c. Evidence that the site plan has been submitted to the local fire protection district.
- d. Evidence that all contact information for site has been provided to Adams County Emergency Management Association and 911 service departments.
- e. After a review and acceptance of site plan and required information, a letter authorizing construction shall be issued.

E. Transfer.

Permits and the associated decommissioning and road use agreements granted under this Section 21.20 may be transferred to another party or entity subject to Board of Supervisors approval, which approval shall not be unreasonably withheld. Any assignee of the conditional use permits, building permits and/or associated decommissioning and road use agreements shall be subject to all the requirements of the subject permit, this Section 21.20 and the applicable agreements.

F. Liability.

The Owner and Operator of a SES shall fully release Adams County from and indemnify Adams County against any liability associated with any SES, device or facility built or operated in the unincorporated areas of Adams County.

G. Penalty.

Any person, persons, firms, partnerships or corporations acting alone or in concert with any other who violates this Ordinance shall be guilty of a simple misdemeanor as authorized by Iowa Code Section 331.302. In addition the Board of Adjustment may revoke or modify any Conditional Use Permit for material and on-going or repeated violations thereof.

SECTION 3. REPEALER

Any ordinance(s) in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. SEVERABILITY

Should any section or provisions of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be effective for any application for a SESUS or PSES that is filed with Adams County after the publication of this Ordinance as required by law.

Passed and approved this _____ day of _____, 2024

Scott Akin, Chairperson
Adams County Board of Supervisors

Rebecca Bissell, County Auditor