

Johnson County, Iowa
Summary Only - Wind

For full ordinance text, please find pdf below or visit county website.

Date Passed/Amended: January 15, 2020
Summary Written: December 26, 2022

Agricultural Use Table:

Eligible Zoning: Agricultural District

Prohibition Language:

Required Information/Permits Required:

1. Application Requirements:
 - a. A narrative describing the proposed Wind Energy Facility (WEF), including an overview of the project; the project location; the approximate generating capacity of the WEF; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - b. An affidavit or similar evidence of agreement between the Participating Landowner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the Participating Landowner to apply for necessary permits for construction and operation of the WEF.
 - c. Identification of the properties on which the proposed WEF will be located, and the properties within one thousand feet (1,000') of where the Wind Energy Facility will be located.
 - d. A Site Plan showing the following:
 - a) Planned location of each Wind Turbine
 - b) Property lines, occupied buildings within the WEF and within one thousand feet (1,000') of the WEF, public and private roads and trails, and setback distances for each Wind Turbine and associated equipment from property lines, occupied buildings, public and private roads, and trails.
 - c) All associated equipment and infrastructure to include access roads, turnout locations, substation(s), electrical cabling from the WEF to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers and associated transmission lines.
 - d) Any relevant studies, reports, certifications, and approvals as may be reasonably requested, to include any reports necessary for storm water management, soil erosion control, or preservation of sensitive areas.

Request for Variance:

- a) A Conditional Use Permit must be granted by the Board of Adjustment

Site and Structure Requirements:

- a) Compliance with all local, state, and federal regulations:
 - a. The design of the WEF shall conform to applicable industry standards, including those of the American National Standards Institute.
 - b. The WEF will comply with all currently adopted Johnson County building codes and regulations.
 - c. The design and installation of all braking systems must conform to current and applicable industry standards.
 - d. The design and installation of all electrical systems and components must conform to current and applicable industry standards as well as all applicable local and state building and electrical codes.
- b) Concentrating Solar Power Facilities:
- c) Fencing/Security:
 - a. Wind Turbines shall not be climbable up to fifteen feet (15') above ground surface.
 - b. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized person.
- d) Glare minimization/Shadow Flicker:
 - a. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
 - b. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-Participating Landowner's property, both through the initial design of the Facility and as the result of any shadow flicker complaints occurring after the facility is operational.
- e) Height:
- f) Lighting:
 - a. WEF shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- g) Minimum Lot Size:
- h) Noise:
 - a. WEF shall not exceed forty-five (45) dBA, as measured at the exterior of any Occupied Building on a Non-Participating Landowner's property.

- i) Outside storage:
- j) Setbacks and Lot Coverage:
 - a. Wind Turbines shall be set back from the nearest Occupied Building of a Participating Landowner one hundred and ten percent (110%) of the Turbine Height.
 - b. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-Participating Landowner's property one thousand feet (1,000') or one hundred and ten percent (110%) of the Turbine Height, whichever is greater.
 - c. All Wind Turbines shall be set back from the right-of-way of all public and private roads a distance of one point one (1.1) times the Turbine Height.
 - d. Wind Turbines shall be set back from all property lines of Participating Landowners a distance of one point one (1.1) times the Turbine Height.
 - e. Wind Turbines shall be set back from all property lines of Non-Participating Landowners a distance of five hundred feet (500') or one hundred and ten percent (110%) of the Turbine Height, whichever is greater.
- k) Screening:
- l) Signage:
 - a. All signage on Wind Turbines shall comply with the county sign regulations.
 - b. A warning sign concerning voltage must be placed at the base of all pad-mounted transformers, substations, and Wind Turbines.
 - c. All warning signs as required by state, local, and federal regulations shall be present at each WEF.
- m) Site Access/Emergency Response:
 - a. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).
 - b. The Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for the WEF.
- n) Utility Connections:
 - a. On-site transmission and power lines between Wind Turbines shall to the maximum extent feasible be placed underground.
- o) Waste:

Operation and Maintenance Plan:

- a) Monitoring and Maintenance:
- b) Soil and Erosion and Sediment Control:

Decommissioning and Site Reclamation:

- a) A decommissioning plan shall be submitted with the application. The plan shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of sixty (60) inches, and any other associated facilities as determined by the Zoning Administrator.
- b) The Facility Owner and Operator shall, at its expense, complete decommissioning of the WEF, or individual Wind Turbines, within twelve (12) months after the end of the useful life of the Facility or individual Wind Turbines.
- c) Disturbed earth resulting from the decommissioning of any WEF or Wind Turbine shall be returned to its preconstruction state, unless the Participating Landowner requests otherwise.
- d) An Independent Licensed Engineer shall be retained to estimate the total cost of decommissioning the WEF. Said estimates shall be submitted to the Zoning Administrator with the initial application and every fifth year thereafter.
 - a. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to total estimated Decommissioning Costs.
 - b. Decommissioning Funds shall be maintained in the form of cash, certificate of deposit, performance bond, escrow account, surety bond, letter of credit, corporate guarantee or other form of financial assurance as agreed to by the Zoning Administrator.