WAPELLO COUNTY RENEWABLE ENERGY ORDINANCE

AN ORDINANCE REGULATING THE PLACEMENT OF WIND, SOLAR, AND BATTERY ENERGY CONVERSION SYSTEMS ON PROPERTY LOCATED IN THE UNINCORPORATED AREAS OF WAPELLO COUNTY, IOWA

BE IT ENACTED BY THE WAPELLO COUNTY BOARD OF SUPERVISORS

SECTION 1. PURPOSE AND AUTHORITY.

PURPOSE. The purpose of this Ordinance is to promote the public health, safety, comfort, and general welfare of Wapello 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 Wapello County Comprehensive Plan.

This Ordinance will establish guidelines for the siting, construction, operation, and decommissioning of renewable energy infrastructure, specifically wind and solar energy conversion systems and battery energy storage systems in order to support the safe, effective generation, storage, and delivery of renewable electricity. If the provisions of this Ordinance conflict with any other provisions of the Wapello County Code of Ordinances, this Ordinance shall control.

AUTHORITY. The requirements of this Ordinance shall apply to all wind and solar energy conversion systems and battery energy storage systems proposed after the effective date of this Ordinance. No wind energy conversion system, solar energy conversion system, or battery energy storage system 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 Ordinance and other applicable laws, codes, regulations, and policies adopted by any local, state, or federal governmental authority.

Wind and solar energy conversion systems and battery energy storage systems for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance, except Section 8. Removal, Revocation, and Abandonment and 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. Any repair, repower, modification or alteration to an existing renewable energy system shall only be allowed with an approved amendment from the Board of Adjustment.

SECTION 2. EXCEPTIONS. This Ordinance shall not apply to a wind or solar energy conversion facility with a nameplate capacity of 25 or more megawatts and that has applied for certification

under *Iowa Code Chapter 476A,* as amended, a facility that is currently operating or has applied for certification before the enactment of the bill, or the repowering of a facility existing on or before the effective date of this Ordinance, subject to certain conditions.

SECTION 3. DEFINITIONS. For use in this Ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Abutting Dwelling" means an occupied building or structure used primarily for human habitation that is located on nonparticipating property.
2. "Accessory Battery Energy Storage System (A-BESS)" means a Battery Storage System that is incidental and subordinate to a Wind Energy Conversion System (WECS) or Solar Energy Conversion System (SECS) as a principal use on the same parcel and intended to primarily to store and supply electrical power generated by the associated WECS or SECS for use on-site. For the purposes of this Ordinance, an A-BESS shall not be construed to serve or accompany any other use type unrelated to wind or solar energy generation.
3. "Aggregated Project" means a project that is developed and operated in a coordinated fashion, but which has multiple entities separately owning one or more of the individual Wind Energy Conversion System within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
4. "Applicant" means the person or entity submitting the application under this Ordinance is usually expected to be the Owner or Operator of a Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System. 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 in an application.
5. "Authorized Factory Representative" means an individual with technical training in Commercial Wind Energy Conversion Systems (C-WECS), Commercial Solar Energy Conversion Systems (C-SECS), or Commercial Battery Energy Storage Systems (C-BESS) who has received factory installation instructions and is certified in writing by the manufacturer of the system.
6. "Battery Energy Storage System" means an electrochemical device that charges, or collects, energy from the grid or a generation facility, stores that energy, and then discharges that energy at a later time to provide electricity or other grid services. This includes all accessory equipment necessary for energy storage, including but not limited to, inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, other power interconnection facilities, and/or a project substation.
7. "Blade" means an element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
8. "Commercial Battery Energy Storage System (C-BESS)" means 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.
9. "Commercial Wind Energy Conversion System (C-WECS)" means a Wind Energy Conversion System with a generating capacity of one hundred (100) kilowatts (kW) or greater that is intended to produce electricity primarily for sale to an electric utility, other third-party commercial or industrial users, or for distribution into the electric grid. A C-WECS includes, but is not limited to, the wind turbines, 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 including meteorological towers.
10. "Commercial Solar Energy Conversion System (C-SECS)" means a Solar Energy Conversion System that generates electricity from solar energy primarily for sale to an electric utility or other third-party commercial or industrial user. C-SECS shall include, but are not limited to, solar panels, support structures, inverters/transformers, operations and maintenance buildings, electrical collector systems, energy storage technologies, wiring, communications, roads, substations, and other equipment necessary for the generation, storage, and delivery of electricity.

11. “Community Building” means any one or more of the following buildings including but not limited to, a school, a place of worship, a day care facility, a public library, or a community center, that is existing and occupied on the date that the application for approval or an Interim Use Permit is filed with the County.
12. “Easement” means a legal interest in land, as defined in a document recorded in the office of the Wapello County Recorder, granted by the owner to another person or entity, which allows that person(s) or entity(ies) the use of all or a portion of the owner's land, generally for a stated purpose, including, but not limited, to access or placement of utilities.
13. “Feeder Line” means any power line that carries electrical power from one or more Wind Turbines or individual transformers associated with individual Wind Turbines to the point of interconnection with the electrical power grid.
14. “Interim Use Permit” means a permit issued for a temporary use of property until a specific date, the occurrence of a particular event, or until the use is no longer allowed by this Ordinance. The permit identifies specific conditions, limitations, or restrictions and is subject to review for approval or denial by the Wapello County Board of Adjustment as outlined in this Ordinance.
15. “Maximum Tilt” means the maximum angle of a solar panel or collector (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
16. “Meteorological Tower” means any meteorological, measuring, or surveying equipment or devices erected on or attached to any tower, monopole, or guyed structure to verify the wind and weather resources within a certain area.
17. “Minimum Tilt” means the minimal angle of a solar panel or collector (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
18. “Non-Participating Landowner” means a landowner not under any contractual agreement with the Owner or Operator of a Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System.
19. “Non-Participating Property” means any real property owned by a person who has not granted written permission, consent, an easement, or other similar agreement pertaining to a wind or solar energy conversion facility or battery energy storage facility on such property.
20. "Occupied Structure" means any building, structure, or appurtenances to buildings and structures, adapted for overnight accommodation of persons, or occupied by persons for the purpose of conducting business or other activity, or for the protection of valuable items.
21. “Operator” means the entity or individual responsible for the day-to-day operation and maintenance of the Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System.
22. “Owner (Developer)” means the individual or entity/entities with an equity interest in the Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System including their respective successors and assigns. The Owner does not mean
    a. The property owner from whom a lease, easement, or other property right is acquired for locating the Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System (unless the property owner has an equity interest in the Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System), or
    b. Any person holding a security interest in the Wind Energy Conversion System or Solar Energy Conversion System, or Battery Energy Storage System 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 Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System at the earliest practical date.
23. “Participating Landowner” means a landowner under lease, easement, or other contractual agreement(s) with the Owner or Operator of a Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System.
24. “Personal Solar Energy Conversion System (P-SECS)” means a Solar Energy Conversion System that produces electricity from solar energy primarily for use on-site.
25. “Personal Wind Energy Conversion System (P-WECS)” means a Wind Energy Conversion System that has a rated capacity of up to one hundred (100) kilowatts intended to produce electricity primarily for use on-site.

26. “Professional Engineer” means a qualified individual licensed in the State of Iowa as a professional engineer.
27. “Rotor Diameter” means the diameter of the circle described by the moving rotor blades of a Wind Turbine.
28. “Setback” means the minimum required distance between a renewable energy facility or component and a certain object, structure, property line, easement, right-of-way, or point, measured at natural grade. Setback standards vary by renewable energy system type and are defined in subsequent sections.
29. “Structure” means that which is built or constructed, or a piece of work artificially built up or composed of parts joined together in some definite manner.
30. “Substation” means the apparatus that connects the electrical connection system of the WECS, and increases the voltage for connection with the transmission lines of the utility, transmission owner or WECS owner.
31. “Third Party” means an individual or entity involved in a transaction, other than the Owner or Operator of the Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System and participating or non-participating landowners, thus, having a lesser interest in the transaction.
32. “Total Height” means the total height of the Wind Turbine, including rotor blades, is measured from the ground to the tip of the blade when fully extended at twelve o’clock.
33. “Tower” means the vertical structure that supports the electrical generator, nacelle, rotor blades, or meteorological equipment.
34. “Transmission Line” means electrical power lines that carry at least sixty-nine thousand (69,000) volts (69 kV) are primarily used to carry electrical energy over medium to long distances rather than directly interconnecting and supplying electrical energy to customers.
35. “Wind Energy Conversion System (WECS)” means all necessary devices that together convert wind energy into electricity, including Wind Turbines, electrical components, transformers, feeder lines, substations, meteorological towers, and other accessory structures, operate by converting wind kinetic energy into electrical energy. The energy may be used on-site or distributed into the electrical grid.
36. “Wind Turbine” means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy primarily made up of a foundation, tower, nacelle, and rotors. This equipment includes any base, blade, foundation, generator, nacelle, rotor, or tower integrated as part of a single device. This definition shall not include buried wires, subsurface electrical transmission equipment, or ancillary above-ground electrical structures such as junction boxes and step-up transformers.

SECTION 4. ZONING AND PERMITS.

WIND ENERGY.

COMMERCIAL WIND ENERGY CONVERSION SYSTEM (C-WECS).

C-WECS is permitted in the A-1 Agricultural District/Prime Farmland and I-2 Heavy Industrial zoning districts by Interim Use Permit subject to supplemental standards as set forth below. The permit may be revoked by the Zoning Administrator any time the approved system does not comply with the regulations of this Ordinance and the conditions imposed at the time the permit was granted. The owner/operator of the C-WECS must also obtain any other permits required by other federal, state and local agencies or departments prior to issuing an Interim Use Permit.

PERSONAL WIND ENERGY CONVERSION SYSTEM (P-WECS).

P-WECS is permitted as an accessory use to a principal permitted use in any zoning district subject to the supplemental standards as set forth below. Construction of a P-WECS shall require a building permit. The permit may be revoked by the Planning & Zoning Administrator any time the approved system does not comply with the regulations of this Ordinance and the conditions imposed at the time the permit was

granted. The owner/operator of the P-WECS must also obtain any other permits required by other federal, state and local agencies or departments prior to issuing a building permit.

Such system may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. Excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with the Iowa Administrative Code, Section 199, Chapter 15.11(5) on net metering.

SOLAR ENERGY.

COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM (C-SECS).

C-SECS shall be ground-mounted and is permitted in the A-1 Agricultural District/Prime Farmland and I-2 Heavy Industrial zoning districts by Interim Use Permit subject to supplemental standards as set forth below. The permit may be revoked by the Planning & Zoning Administrator any time the approved system does not comply with the regulations of this Ordinance and the conditions imposed at the time the permit was granted. The owner/operator of the C-SECS must also obtain any other permits required by other federal, state and local agencies or departments prior to issuing an Interim Use Permit.

PERSONAL SOLAR ENERGY CONVERSION SYSTEM (P-SECS).

P-SECS is permitted as an accessory use to a principal permitted use in any zoning district subject to the supplemental standards as set forth below. Construction of a P-SECS shall require a building permit. The permit may be revoked by the Planning & Zoning Administrator any time the approved system does not comply with the regulations of this Ordinance and the conditions imposed at the time the permit was granted. The owner/operator of the P-SECS must also obtain any other permits required by other federal, state and local agencies or departments prior to issuing a building permit.

Such system may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. Excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with the Iowa Administrative Code, Section 199, Chapter 15.11(5) on net metering.

BATTERY ENERGY.

COMMERCIAL BATTERY ENERGY STORAGE SYSTEM (C-BESS).

C-BESS is permitted as a standalone, principal use in the A-1 Agricultural and I-2 Heavy Industrial zoning districts by Interim Use Permit, subject to the supplemental standards as set forth below. Applications must follow the same procedures and fee structure as set forth for C-WECS and C-SECS. The permit may be revoked by the Planning & Zoning Administrator any time the approved system does not comply with the regulations of this Ordinance and the conditions imposed at the time the permit was granted. The owner/operator of the C-BESS must also obtain any other permits required by other federal, state and local agencies or departments prior to issuing an Interim Use Permit.

ACCESSORY BATTERY ENERGY STORAGE SYSTEM (A-BESS).

A-BESS is permitted as an accessory use to a principal permitted Wind Energy Conversion System (WECS) or Solar Energy Conversion System (SECS) use in any zoning district subject to the supplemental standards as set forth below. Construction of an A-BESS shall require a building permit. The permit may be revoked by the Planning & Zoning Administrator any time the approved system does not comply with the regulations of this Ordinance and the conditions imposed at the time the permit was granted. The owner/operator of the A-BESS must also obtain any other permits required by other federal, state and local agencies or departments prior to issuing a building permit.

INTERIM USE PERMIT APPLICATION.

No Commercial Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System, or addition of a system to an existing Commercial Wind Energy Conversion System, Solar Energy Conversion System, or Battery Energy Storage System, shall be constructed unless an Interim Use Permit has been issued to the Facility Owner or Facility Operator approving construction of the facility under this Ordinance. Permit application of the expansion shall be based on the total rated capacity, including existing facility but excluding like-kind replacements.

Any physical modification to an existing and permitted Commercial Wind Energy Conversion System/Facility, or Solar Energy Conversion System/Facility, or Battery Energy Storage System/Facility that materially alters the size and/or type of system or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

The applicant shall submit the Wapello County Interim Use Permit for Renewable Energy Systems to the Wapello County Planning and Zoning Department with all required information including but not limited to a site plan, parcel reports for participating properties, GPS locations for all proposed structures, a detailed decommissioning plan including assurance of financial responsibility, and any and all supplemental information. Incomplete applications will not be accepted and may be subject to resubmission including all non-refundable fees. Interim Use Permits shall be reviewed in accordance with the Interim Use Permit standards and processes outlined in Section 40.29 of the Wapello County Zoning Ordinance, as amended.

APPLICATION FEES. All checks must be made payable to the "Wapello County Treasurer."
The applicant shall pay a non-refundable application fee of $2,500 plus an additional $750 per megawatt (MW) of total nameplate capacity. Meteorological towers shall include an additional application fee of $150 per structure.

For modifications to an existing C-WECS, C-SECS, or C-BESS where physical structural changes are being made, a fee of $1,500 shall accompany the application.

No fee or application is required for like replacements, repairs, or maintenance.

All fees are non-refundable.

SECTION 5. GENERAL STANDARDS.

WIND ENERGY CONVERSION SYSTEMS (WECS) GENERAL STANDARDS.

COMMERCIAL WIND ENERGY CONVERSION SYSTEM (C-WECS).

1. *Setbacks.* The following setback requirements shall apply to all Commercial Wind Energy Conversion Systems (C-WECS), including meteorological towers associated with the project, provided that the site distance shall be measured from the center of the WECS foundation to the nearest point of the abutting dwelling, occupied structure, community building, non-participating property, overhead utility line, electric substation, public road right-of-way, railroad right-of-way, or unoccupied structure. All other structures shall comply with the applicable setbacks as defined by the base zoning district. Each C-WECS and components shall be sited as follows:
    a. Two and two-tenths (2.2) times the total height of the system from any existing abutting dwelling, occupied structure, or community building.
    b. One and five-tenths (1.5) times the total height of the system from any existing non-participating property.
    c. One and five-tenths (1.5) times the total height of the system from any existing overhead utility line, electric substation, railroad right-of-way, or unoccupied structure.
    d. One and one-tenth (1.1) times the height of the system from any public road right-of-way
2. *Height*. The maximum height of a C-WECS shall be seven hundred (700) feet. The total height of a WECS shall be measured as the distance from ground level to the tip of the WECS' blade at its highest vertical point. Each WECS shall not exceed the height allowed under the determination of no hazard for that system from the Federal Aviation Administration obstruction evaluation under 14 C.F.R. pt. 77.
3. *Color and Finish*. C-WECS shall be painted a non-reflective color, such as gray, white, or off-white. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the C-WECS into the natural setting and existing environment. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
4. *Tower Configuration.* All wind turbines that are part of a C-WECS shall be installed with a tubular, monopole-type tower. Meteorological towers may be guyed.
5. *Lighting.* C-WECS sites shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by FAA permits and regulations. Lighting shall use the Aircraft Detection Lighting System (ADLS) to minimize flashing lights. Techniques shall be implemented to prevent casting glare from the site. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
6. *Safety Signage*. C-WECS shall be signed at the access easement with "Warning/No Trespassing" signs, as well as contact information of electric utility provider(s) and site operator(s) for emergency purposes. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires.
7. *Emergency Response*. The site operator will coordinate with the local fire department and Emergency Management to provide training on an annual basis for the first five (5) years the C-WECS is complete and in operation. Said training will commence within six (6) months prior to

the completion of the C-WECS. After that, offered on an annual basis for the life of the project. The applicant or developer shall be responsible for all costs associated with these trainings. All emergency responding agencies will sign off that said training was completed or offered.

8. *Waste*. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the C-WECS, 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.
9. *Speed Control.* Every C-WECS shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed within the design limits of the specific system.
10. *Shadow Flicker.* Shadow flicker shall be limited to a total of thirty (30) hours in any consecutive twelve (12) month period under planned operating conditions as indicated by industry-standard computer modeling measured from an abutting dwelling or community building.
11. *Noise*. Audible noise due to C-WECS site operations shall not exceed forty-seven (47) dBA for any period of time, from the Wind Energy Conversion System when measured at an existing abutting dwelling or community building.
12. *Utility Connections.* Reasonable efforts shall be made to place all utility connections from the wind installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.
13. *Endangered Species and Wetlands.* Applicant shall seek natural resource consultation with the Iowa Department of Natural Resources.
14. *Road Use Agreements*. All routes on county roads that will be used for construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress shall be shown. The C-WECS developer must complete and provide a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development-related traffic. The developer shall provide a road repair plan to ameliorate any and all damage, including installation or replacement of roads that might be required of the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by the appropriate highway authority official(s) when warranted. The provision of this subsection shall be subject to the approval of the Wapello County Engineer.
15. *Soil Erosion and Sediment Control.* 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 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 for review and comment, and an erosion and sediment control plan before beginning construction. 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 runoff into waterways.
16. *Stormwater Management Plan.* For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed storm water management plan with analysis of pre- and post-development stormwater runoff rates for review by local jurisdictional authorities.
17. *Administration and Enforcement*. In order to conduct an inspection to validate compliance with the building permit or Interim Use Permit, the Planning & Zoning Administrator shall make an appointment with the applicant to enter the property in question. The applicant may escort the Planning & Zoning Administrator and any other necessary personnel. Failure to provide access shall be deemed a violation of this Ordinance.

PERSONAL WIND ENERGY CONVERSION SYSTEM (P-WECS).

1. *Setbacks.* The following setback requirements shall apply to all Personal Wind Energy Conversion Systems (P-WECS) provided that the site distance shall be measured from the center of the WECS foundation to the nearest point of the abutting dwelling,

occupied structure, community building, non-participating property, overhead utility line, electric substation, public road right-of-way, railroad right-of-way, or unoccupied structure. All other structures shall comply with the applicable setbacks as defined by the base zoning district. Each P-WECS and components shall be sited as follows:

a. Setback a minimum required distance of the total height of the system from any abutting dwelling, occupied structure, community building, non-participating property, overhead utility line, electric substation, public road right-of-way, railroad right-of-way, or unoccupied structure, unless a variance waiving property line setback is obtained from the Board of Adjustment.
b. No setback shall be required between a P-WECS and any existing abutting dwelling, occupied structure, or unoccupied structure located on the applicant's property.

2. *Height.* The maximum height of a P-WECS shall be eighty (80) feet. The total height of a WECS shall be measured as the distance from ground level to the tip of the WECS' blade at its highest vertical point. Each WECS shall not exceed the height allowed under the determination of no hazard for that system from the Federal Aviation Administration obstruction evaluation under 14 C.F.R. pt. 77.
3. *Color and Finish.* P-WECS shall be painted a non-reflective color, such as gray, white, or off-white. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the P-WECS into the natural setting and existing environment. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
4. *Tower Configuration.* All wind turbines that are part of a P-WECS shall be installed with a tubular, monopole-type tower. Meteorological towers may be guyed.
5. *Lighting.* P-WECS sites shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by FAA permits and regulations. Lighting shall use the Aircraft Detection Lighting System (ADLS) to minimize flashing lights. Techniques shall be implemented to prevent casting glare from the site. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
6. *Utility Connections.* All utility connections from the P-WECS must be underground unless the landowner can demonstrate the need for an overhead line. An overhead line may be approved by variance by the Board of Adjustment.
7. *Safety*.
    a. Control equipment must be enclosed and secured from unintentional access.
    b. All P-WECS shall provide a visible sign including a notice of no trespassing, a warning of high voltage, and the phone number of the owner/operator to call in case of emergency at all locked entrances.
8. *Speed Control.* Every P-WECS shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed within the design limits of the specific system.
9. *Shadow Flicker.* Shadow flicker shall be limited to a total of thirty (30) hours in any consecutive twelve (12) month period under planned operating conditions as indicated by industry-standard computer modeling measured from an abutting dwelling or community building.
10. *Noise*. Audible noise due to P-WECS site operations shall not exceed forty-seven (47) dBA for any period of time, from the WECS when measured at an abutting dwelling or community building.
11. *Additional Standards.*

a. P-WECS in residential zoning districts shall be designed to minimize visual impacts from the public right-of-way to the extent that doing so does not affect the cost or efficacy of the system.
b. On-site battery storage shall be reported to the Wapello County Emergency Management Coordinator.
c. A building permit application for any P-WECS shall include a site plan clearly showing the location of the wind turbine. The application shall be routed to the local fire protection district and Wapello County Emergency Management for review and approval prior to issuance of a permit.

SOLAR ENERGY CONVERSION SYSTEMS (SECS) GENERAL STANDARDS.

COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM (C-SECS).

1. *Setbacks.* The following setbacks and separation requirements shall apply to all Commercial Solar Energy Conversion Systems (C-SECS) provided that the site distance shall be measured from the nearest aboveground point of a Solar Energy Conversion System, not including any fencing, to the nearest point of the abutting dwelling, occupied structure, community building, overhead utility line, electric substation, non-participating property line, public road right-of-way, railroad right-of-way, or unoccupied structure. Each C-SECS and components shall be sited as follows:
    a. One hundred twenty (120) feet from any abutting dwelling, occupied structure, or community building.
    b. One hundred twenty (120) feet from any existing non-participating properties.
    c. Fifty (50) feet from any existing overhead utility line, electric substation, public road right-of-way, railroad right-of-way, or unoccupied structure.
2. *Height.* Solar panel(s) shall be at least two (2) feet off the ground and shall not exceed twenty (20) feet in height at maximum tilt of the solar panel(s).
3. *Fencing*. C-SECS shall be fenced with a minimum eight (8) foot tall security fence, "Warning/No Trespassing" signs, as well as contract information of electric utility provider(s) and site operator(s) for emergency purposes, shall be posted within sight of all points of fence line or no greater than one hundred fifty (150) feet apart. The security fence must be equipped with a minimum of one (1) gate and locking mechanism on the primary access side. At the discretion of the approving authority, critical electrical and communications equipment may be fenced with a chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety.
4. *Emergency Response*. The site operator will coordinate with the local fire department and Emergency Management to provide training on an annual basis for the first five (5) years the C-SECS is complete and in operation. Said training will commence within six (6) months prior to the completion of the C-SECS. After that, offered on an annual basis for the life of the project. The applicant or developer shall be responsible for all costs associated with these trainings. All emergency responding agencies will sign off that said training was completed or offered.
5. *Screening*. A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
6. *Lighting*. If lighting is provided for the C-SECS, lighting shall be shielded and downcast such that the light does not project directly onto the adjacent parcels nor into the night sky.
7. *Outdoor Storage.* Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the C-SECS shall be allowed.
8. *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.

9. *Endangered Species and Wetlands.* Applicant shall seek natural resource consultation with the Iowa Department of Natural Resources.
10. *Ground Cover, Buffer Areas, and Weed Control.* Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated cover and meet the following standards:
    a. Top soils shall not be removed during development, unless part of a remediation effort.
    b. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage runoff, and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in the buffer areas as appropriate for visual screening.
    c. Seed mixes and maintenance practices should be consistent with the recommendations made by qualified natural resource professionals such as those from the Iowa Department of Natural Resources, County Soil and Water Conservation District, or USDA Natural Resources Conservation Service.
    d. Applicant must present an acceptable weed control plan for property inside and outside fenced area for the entire property to be in compliance with Iowa's Noxious Weed Law, Chapter 317 of the Iowa Code. The operating company during the operation of the project must maintain the fence and adhere to the weed control plan.
11. *Waste*. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the C-SECS, 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.
12. *Road Use Agreements*. All routes on county roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress shall be shown. The C-SECS developer must complete and provide a pre- construction baseline survey to determine existing road conditions for assessing potential future damage due to development-related traffic. The developer shall provide a road repair plan to ameliorate any and all damage, including installation or replacement of roads that might be required of the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by the appropriate highway authority official(s) when warranted. The provision of this subsection shall be subject to the approval of the Wapello County Engineer.
13. *Soil Erosion and Sediment Control.* 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 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 for review and comment, and an erosion and sediment control plan before beginning construction. 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 runoff into waterways.
14. *Stormwater Management Plan.* For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed storm water management plan with analysis of pre- and post-development stormwater runoff rates for review by local jurisdictional authorities.
15. *Administration and Enforcement*. In order to conduct an inspection to validate compliance with the building permit or Interim Use Permit, the Planning & Zoning Administrator shall make an appointment with the applicant to enter the property in question. The applicant may escort the Planning & Zoning Administrator and any other necessary personnel. Failure to provide access shall be deemed a violation of this Ordinance.

PERSONAL SOLAR ENERGY CONVERSION SYSTEM (P-SECS).

1. *Placement and Setbacks*.
    a. Structure-Mounted P-SECS.

i. Structure-mounted P-SECS and its components shall be installed no closer than three (3) feet from any roof edge, ridge, or valley, unless otherwise permitted by County, state, and national building and fire codes.
ii. Structure-mounted P-SECS on pitched roofs must run parallel to the roof.
iii. The maximum allowable system size of a structure-mounted P-SECS shall be limited to the available roof area, excluding any portions required for setbacks, access pathways, or other spacing standards required by building or fire codes. The system size shall be calculated based on the total surface area of all collector panels in the system, regardless of mounting orientation.

b. Ground-Mounted P-SECS. Ground-mounted P-SECS and its components shall be permitted only in the rear yard of a lot and meet the setback requirements for accessory structures in the zoning district where the P-SECS is located.

2. *Height.*
   a. *Structure-Mounted Height.* The surface and mounting system of a structure-mounted P-SECS may exceed the maximum allowable height of any structure within the zoning district in which the P-SECS is to be installed by up to four (4) feet, measured at the system's maximum tilt.
   b. *Ground-Mounted Height.* Ground-mounted P-SECS shall be at least two (2) feet off the ground and shall not exceed twenty (20) feet in height at maximum tilt of the solar panel(s) in any zoning district.
3. *Safety*.
   a. Control equipment must be enclosed and secured from unintentional access.
   b. All S-WECS shall provide a visible sign including a notice of no trespassing, a warning of high voltage, and the phone number of the owner/operator to call in case of emergency at all locked entrances.
   c. All County, state, and national building and fire codes shall be followed.
4. *Additional Standards.*
   a. P-SECS in residential zoning districts shall be designed to minimize visual impacts from the public right-of-way to the extent that doing so does not affect the cost or efficacy of the system.
   b. On-site battery storage shall be reported to the Wapello County Emergency Management Coordinator.
   c. All power transmission lines from a ground-mounted solar energy system to any structure must be located underground.
   d. Ground-mounted P-SECS shall not count toward accessory structure limitations including exemption from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted. Solar carports in non-residential zoning districts are also exempt from lot coverage limitations.
   e. A building permit application for any P-SECS shall include a site plan clearly showing the location of all solar panel arrays. The application shall be routed to the local fire protection district and Wapello County Emergency Management for review and approval prior to issuance of a permit.

BATTERY ENERGY STORAGE SYSTEMS (BESS).

1. *Setbacks.* The following setbacks and separation requirements shall apply to all Battery Energy Storage Systems and their components provided that the site distance shall be measured from the nearest storage container edge to the nearest point of the abutting dwelling, occupied structure,

community building, overhead utility line, electric substation, non-participating property, public road right-of-way, railroad right-of-way, or unoccupied structure.

a. *Commercial Battery Energy Storage System (C-BESS).* Each C-BESS and components shall be sited as follows:
    i. Two hundred feet (200) from any existing abutting dwelling, occupied structure, or community building.
    ii. Five hundred (500) feet from any existing non-participating property.
    iii. One hundred (100) feet from any existing overhead utility line, electric substation, public road right-of-way, railroad right-of-way, or unoccupied structure.
b. *Accessory Battery Energy Storage System (A-BESS).* Each A-BESS and components shall be sited as follows:
    i. One hundred (100) feet from any abutting dwelling, occupied structure, or community building.
    ii. One hundred (100) feet from any existing non-participating property.
    iii. Fifty (50) feet from any existing overhead utility line, electric substation, public road right-of-way, railroad right-of-way, or unoccupied structure.

2. *Height*.
    a. *Commercial Battery Energy Storage System (C-BESS).* The height of a Commercial Battery Energy Storage System (C-BESS) shall not exceed the maximum height permitted for principal structures within the applicable zoning district.
    b. *Accessory Battery Energy Storage System (A-BESS).* The height of an Accessory Battery Energy Storage System (A-BESS) shall not exceed the maximum height permitted for accessory structures within the applicable zoning district.
3. *Design and Construction.* All BESS facilities shall be designed, constructed, and operated in accordance with National Fire Protection Association (NFPA) 855, including applicable fire suppression systems, ventilation, thermal management, and spacing of battery containers.
4. *Safety Signage*. All BESS shall be signed at the access easement with "Warning/No Trespassing" signs, as well as contact information of electric utility provider(s) and site operator(s) for emergency purposes. The BESS shall have signage in compliance with ANSI Z535 and shall include the type of technology associated with the BESS, any special hazards associated, the type of suppression system installed in the area of BESS. As required by the National Electric Code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
5. *Fencing*. All BESS shall be fenced with a minimum eight (8) foot tall security fence, "Warning/No Trespassing" signs, as well as contract information of electric utility provider(s) and site operator(s) for emergency purposes, shall be posted within sight of all points of fence line or no greater than one hundred fifty (150) feet apart. The security fence must be equipped with a minimum of one (1) gate and locking mechanism on the primary access side. At the discretion of the approving authority, critical electrical and communications equipment may be fenced with a chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety.
6. *Emergency Response*. The site operator will coordinate with the local fire department and Emergency Management to provide training prior to the completion of the BESS. After that, training must be offered on an annual basis for the life of the facility. The applicant or developer shall be responsible for all costs associated with these trainings. All emergency responding agencies will sign off that said training was completed or offered. Emergency training shall include:
    a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
    a. Procedures for inspection and testing of associated alarms, interlocks, and controls.

b. Procedures to be followed in response to notifications from the battery energy storage system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

7. *Screening*. A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
8. *Lighting.* All BESS sites shall not be artificially lighted, except to the extent required for general maintenance and safety requirements.
9. *Outdoor Storage.* Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the C-BESS shall be allowed.
10. *Utility Connections.* Reasonable efforts shall be made to place all utility connections from the BESS underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.
11. *Endangered Species and Wetlands.* Applicant shall seek natural resource consultation with the Iowa Department of Natural Resources.
12. *Ground Cover, Buffer Areas, and Weed Control.* Ground around BESS and in project site buffer areas shall be planted and maintained in perennial vegetated cover and meet the following standards:
    a. Top soils shall not be removed during development, unless part of a remediation effort.
    b. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage runoff, and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in the buffer areas as appropriate for visual screening.
    c. Seed mixes and maintenance practices should be consistent with the recommendations made by qualified natural resource professionals such as those from the Iowa Department of Natural Resources, County Soil and Water Conservation District, or USDA Natural Resources Conservation Service.
    d. Applicant must present an acceptable weed control plan for property inside and outside fenced area for the entire property to be in compliance with Iowa's Noxious Weed Law, Chapter 317 of the Iowa Code. The operating company during the operation of the project must maintain the fence and adhere to the weed control plan.
13. *Waste*. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the BESS, 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.
14. *Noise*. Audible noise due to BESS site operations shall not exceed forty-seven (47) dBA for any period of time, from the BESS when measured at an existing abutting dwelling or community building.
15. *Road Use Agreements*. All routes on county roads that will be used for construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress shall be shown. The BESS developer must complete and provide a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development-related traffic. The developer shall provide a road repair plan to ameliorate any and all damage, including installation or replacement of roads that might be required of the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by the appropriate highway authority official(s) when warranted. The provision of this subsection shall be subject to the approval of the Wapello County Engineer.
16. *Soil Erosion and Sediment Control.* 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 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 for review and comment, and an erosion and sediment control plan before beginning construction. 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 runoff into waterways.

17. *Stormwater Management Plan.* For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed storm water management plan with analysis of pre- and post-development stormwater runoff rates for review by local jurisdictional authorities.
18. *Administration and Enforcement*. In order to conduct an inspection to validate compliance with the building permit or Interim Use Permit, the Zoning Administrator shall make an appointment with the applicant to enter the property in question. The applicant may escort the Zoning Administrator and any other necessary personnel. Failure to provide access shall be deemed a violation of this Ordinance.

SECTION 6. DECOMMISSIONING AND RECLAMATION PLAN.

The applicant shall submit a decommissioning and reclamation plan to the Planning & Zoning Administrator with the Interim Use Permit application. The Planning & Zoning Administrator shall review the plan for completeness and refer it to the Board of Adjustment for review in conjunction with the Interim Use Permit and the County Board of Adjustment for final consideration and approval prior to the applicant commencing construction. The plan shall include:

1. A description of the life of the C-WECS, C-SECS, or C-BESS; the anticipated manner which the project will be decommissioned, including plans to recycle components; 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. Estimates for the total cost for decommissioning at the current value at site as determined by a licensed engineer. Decommissioning cost estimates shall take salvage and resale value into account.
3. A description of the means to remove the C-WES,C-SECS, or C-BESS and restore the land to its previous use upon the end of its life, as stated in the Interim Use Permit or this Ordinance.
4. Provisions to remove structures, debris and associated equipment on the surface and to a level of not less than four (4) feet below the surface, and the timeline/sequence in which removal is expected to occur.
5. Provisions to restore the soil, vegetation, and disturbed earth, which shall be graded and reseeded so the property may be returned to agricultural use. Avoidance of topsoil is preferred. The plan shall include environmental monitoring at the cost of the applicant or owner of the C-WECS,C-SECS, or C-BESS to be used in returning the project area back to agricultural use. Environmental monitoring shall include best practices to address at minimum invasive species prevention, erosion, sediment control and debris removal.
6. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator of the C-WECS, C-SECS, or C-BESS and any of their successors, assigns or heirs, and that the landowner has granted permission for access and easements of the property for decommissioning.
7. *Financial Surety.* Upon application, the applicant or the C-WECS,C-SECS, or C-BESS owner shall provide a financial surety instrument to cover the cost of decommissioning in accordance with the following:
    a. Decommissioning funds or financial surety shall be in an amount equal to the net cost for decommissioning the site, plus a ten percent (10%) contingency.
    b. The financial surety 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 acceptable to the County Board of Adjustment. Any

document evidencing the maintenance of the financial surety shall include provisions for releasing the funds to the County in the event decommissioning is not completed in a timely manner.

c. Financial surety shall be maintained at all times until the C-WECS,C-SECS, or C-BESS is decommissioned.
d. Every five (5) years, the C-WES,C-SECS, or C-BESS owner or operator shall retain an independent licensed engineer to re-estimate the total cost of decommissioning and attest that the value of the financial surety instrument is appropriate. This report shall be filed with the Planning and Zoning Department and the Wapello County Auditor. The decommissioning surety shall match the re-estimated cost of decommissioning plus a ten percent (10%) contingency. Within ninety (90) days of filing the re-estimation report with the County through the Planning and Zoning Department, the C-WECS, C-SECS, or C-BESS owner or operator shall cause the fund balance of the financial surety instrument to be adjusted, if applicable.
e. *Release of Financial Surety.* Financial surety shall only be released by the County Board of Adjustment by the recommendation form the Planning & Zoning Administrator, after inspection and confirmation that all conditions of the decommissioning plan have been met.

SECTION 7. REPOWERING.

At the discretion of the Planning & Zoning Administrator, proposals to replace more than twenty-five percent (25%) of the WTGs in a C-WECS, twenty-five percent (25%) of panels in a C-SECS within a twelve (12) month period may be required to submit a plan for review and approval pursuant to the permitting process set forth in Section (4) of this Ordinance above, with all associated costs assigned to the applicant and/or the property owner(s). Replacement for this purpose shall mean installing new blades of the same size, generator and nacelle. Replacement of any one of those items individually shall not constitute replacement in this context.

SECTION 8. REMOVAL, REVOCATION, AND ABANDONMENT.

A facility is required to be presumed abandoned if the facility has not been in operation for twenty-four (24) months, with some exceptions. The owner of the abandoned facility is responsible for removing the facility and is subject to any other reasonable conditions in the decommissioning plan if applicable.

SECTION 9. RELEASE OF LIABILITY.

The applicant, owner and/or operator of the C-WECS,C-SECS, or C-BESS shall defend, indemnify, and hold harmless the County and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorneys' fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operations of the C-WECS,C-SECS, or C-BESS.

SECTION 10. WIND, SOLAR, AND BATTERY ENERGY STORAGE ACCESS EASEMENTS.

Property owners may voluntarily enter into solar, wind, or battery storage access easements to ensure the continued access and operational viability of renewable energy systems across adjacent properties. Easements may protect a renewable energy system's access to wind, sunlight, or battery energy storage from obstruction from future development of buildings, vegetation, or other structures on neighboring properties. Battery energy storage access easements may be used to preserve necessary infrastructure access, including utility corridors, security perimeters, maintenance zones, and emergency access routes associated with Battery Energy Storage Systems (BESS). These easements may also be used to protect grid interconnection points from incompatible adjacent development.

Such easements shall include the following:

1. A legal description of all properties involved
2. Horizontal dimensions of access space
3. Vertical dimensions of access space
4. Time(s) of day during which access must be preserved
5. Season(s) in which access must be preserved
6. Any and all restrictions on vegetation or structures
7. Duration of the easement
8. Provisions for enforcement

Such easements shall be in writing, recorded with the Wapello County Recorder, and shall run with the land.

SECTION 11. SEVERABILITY.

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION 12. EFFECTIVE DATE.

Effective upon approval by the Wapello County Board of Supervisors.

SECTION 13. CONFLICT WITH PROVISIONS.

1. SUPERSEDING EFFECT.

The provisions of this ordinance shall govern and control in all matters pertaining to the siting, installation, operation, maintenance, and decommissioning of renewable energy systems within the unincorporated areas of Wapello County. In the event of a conflict between this ordinance and any other County ordinance or regulation, the provisions of this ordinance shall take precedence for matters specifically regulated herein, except where another ordinance explicitly imposes more restrictive requirements.

2. COMPLIANCE WITH STATE AND FEDERAL LAW.

This ordinance shall be interpreted and enforced in a manner consistent with all applicable provisions of the Iowa Code, Iowa Administrative Code, and relevant federal laws or regulations. Where state or federal law preempts, limits, or otherwise governs subject matter also addressed in this ordinance, the provisions of state or federal law shall control.

3. REPEAL OF CONFLICTING PROVISIONS.

All ordinances or parts of ordinances previously enacted by Wapello County that are in direct conflict with the provisions of this ordinance are hereby repealed, but only to the extent of such conflict. This repeal shall not affect any other provisions of the County Code not in conflict with this ordinance.

4. SEVERABILITY OF CONFLICTING PROVISIONS.

If any section, subsection, or clause of this ordinance is found to be in conflict with another county regulation or is held invalid by a court of competent jurisdiction, such conflict or invalidity shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect.

5. INTERPRETATION IN FAVOR OF PURPOSE.

This ordinance shall be construed to give effect to its purpose of promoting responsible renewable energy development while protecting the health, safety, and welfare of the public

and ensuring consistency with the Wapello County Comprehensive Plan and the Wapello County Zoning Regulations. In cases of ambiguity or uncertainty, interpretation shall favor application of the ordinance in a manner that furthers its stated intent and objectives.