

Story County Board of Supervisors
Tentative Agenda
Administration Building,
900 6th St., Nevada, IA
3/3/26

1. SPECIAL NOTE TO THE PUBLIC: - This Meeting Is Also Being Offered Via Zoom. While Joining Via Zoom, If You Have A Question And/Or Comment, You May Raise Your Hand To Speak During Public Forum Or Use The Chat Feature And The Chair Will Ask The Zoom Moderator To Review All Comments During Public Forum.

Members of the public can participate by using the information below:

To join the zoom meeting by computer, tablet, smartphone :

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

[HTTPS://US02WEB.ZOOM.US/J/84805508697?
PWD=2YHCFNMLRKFAX9LBIS8CJK6BETSZNP.1](https://us02web.zoom.us/j/84805508697?pwd=2YHCFNMLRKFAX9LBIS8CJK6BETSZNP.1)

Webinar ID: 848 0550 8697

Passcode: 646002

Or One tap mobile:

+13017158592,,84068041164# US (Washington DC)

+13052241968,,84068041164# US

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or
+1 646 931 3860 or +1 929 205 6099 or +1 360 209 5623 or +1 386 347 5053 or +1 507
473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000
or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 840 6804 1164

2. CALL TO ORDER: 10:00 A.M.

3. PLEDGE OF ALLEGIANCE:

4. ADOPTION OF AGENDA:

5. PUBLIC COMMENT #1:

This comment period is for the public to address topics on today's agenda

6. Bid Opening For March 3, 2026, At 10:00 AM In The Board Room At The Story County Administration Building For RCB Culvert New - Single Box On 730th Ave., Over Unnamed Stream, S25-T85-R21. (LFM-L25--7X-85) And RCB Culvert Replacement - Single Box On 580th Ave., Over Small Stream, S29-T82-R23. (L-R28S--73-85)

Department Submitting Engineer

7. Bid Opening For March 3, 2026, At 10:00 AM In The Board Room At The Story County Administration Building For RCB Culvert New - Twin Box On 310th St., Over Drainage, S20-T82-R21. (L-COL20--73-85) And RCB Culvert New - Twin Box On 590th Ave., Over Overflow Of Milford 13 In, S21-T84-R23. (L-M22--73-85)

Department Submitting Engineer

8. Bid Opening For Dakins Lake Cabin - Ryan Wiemold

Department Submitting Conservation

9. Bid Opening For Tedesco Environmental Learning Corridor Shelter And Restroom - Ryan Wiemold

Department Submitting Conservation

10. AGENCY REPORTS:

I. The Bridge Home American Rescue Plan Act (ARPA) Annual Report - Melissa O'Neil

Department Submitting Board of Supervisors

II. CCJ - Staci Shugar, Executive Director

Department Submitting Auditor

Documents:

[CCJ ANNUAL REPORT.PDF](#)

11. CONSIDERATION OF MINUTES:

I. 2/24/26 Minutes

Department Submitting Auditor

12. CONSIDERATION OF PERSONNEL ACTIONS:

I. Action Forms

1) pay adjustment, effective 3/8/26, in a) Attorney's Office for Lacey Perisho @ \$28.24/hr; Crystal Rink @ \$5,633.37/bw; Nicholle Stangeland @ \$33.57/hr; b) Auditor's Office for Kristy Macki @ \$31.95/hr; Lisa Markley @ \$4,510.80/bw; c) Board of Supervisor's for Joy Cory @ \$25.59/hr; d) E911 for Amanda Pyle @ \$33.57/hr; e) Facilities Management for Randall Russell @ \$23.18/hr; f) Secondary Roads for Wyatt Wunschel @ \$3,114.55/bw; g) Sheriff's Office for Karissa Hendrick @ \$2,621.60/bw.

Department Submitting Auditor

Documents:

[ACTION FORM.PDF](#)

13. CONSENT AGENDA:

(All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time the Board votes on the motion.)

I. Consideration Of Agreement With Iowa DOT - IA210 PCC Pavement - Grade And New

Project Detour Agreement

Department Submitting Engineer

Documents:

[IA210 DETOUR AGREEMENT.PDF](#)

II. Consideration Of Roadway Maintenance Agreement Institutional Roads Maintained By Story County For Iowa State University

Department Submitting Engineer

Documents:

[ROADWAY MAINTENANCE AGREEMENT.PDF](#)

III. Consideration Of Facilities Management Quarterly Report

Department Submitting Auditor

Documents:

[FM QTR.PDF](#)

IV. Consideration Of Grant Agreement Using American Rescue Plan Act (ARPA) Funding Between Story County And Colo Telephone Company For The Broadband Expansion Plan Project For Up To \$30,000

Department Submitting Board of Supervisors

Documents:

[COLO TELEPHONE.PDF](#)

14. PUBLIC HEARING ITEMS:

I. Discussion To Vacate And Clear The Record On A Section Of Story County Secondary Road - 580th Ave - Darren Moon

Department Submitting Engineer

Documents:

[PUBLIC HEARING 580TH.PDF](#)

II. First Consideration Of Consideration Of Ordinance No. 329, Amending Chapter 85, General Provisions And Definitions And Chapter 86, District Requirements Of The Story County Code Of Ordinances—Land Development Regulations For A Text Amendment To Rescind Ordinance No. 311 - Leanne Harter

Department Submitting Planning and Development

Documents:

[STAFF REPORT BOS.PDF](#)
[ORDINANCE NO 329.PDF](#)

- III. First Consideration Of Ordinance No. 330, Amending Chapter 85, General Provisions And Definitions; Chapter 86, District Requirements; Chapter 88, General Site Planning Standards; And Chapter 90, Conditional Uses Of The Story County Code Of Ordinances—Land Development Regulations For A Text Amendment To Address Uses For Digital Asset Mining, Cryptocurrency Operations, Data Processing Centers And/Or Battery/Energy Storage Solutions On Properties Located In Unincorporated Story County - Leanne Harter

Department Submitting Planning and Development

Documents:

[STAFF REPORT BOS.PDF](#)
[ORDINANCE NO 330.PDF](#)

15. ADDITIONAL ITEMS:

- I. Discussion And Consideration Of Funding Request From Minerva Valley Telephone Co., Inc. For Broadband Deployment Of \$5,000.00 - \$10,000.00 – Mary Phillips, General Manager

Department Submitting Board of Supervisors

Documents:

[MINERVA REQUEST.PDF](#)

16. DEPARTMENTAL REPORTS:

17. OTHER REPORTS:

- I. Update For Reed-Niland Corner Restoration Project - Jan Gammon, Reed-Niland Corner Inc.

Department Submitting Board of Supervisors

18. UPCOMING AGENDA ITEMS:

19. PUBLIC COMMENT #2:

Comments from the Public on Items not on this Agenda. The Board may not take any Action on the Comments due to the Requirements of the Open Meetings Law, but May Do So In the Future.

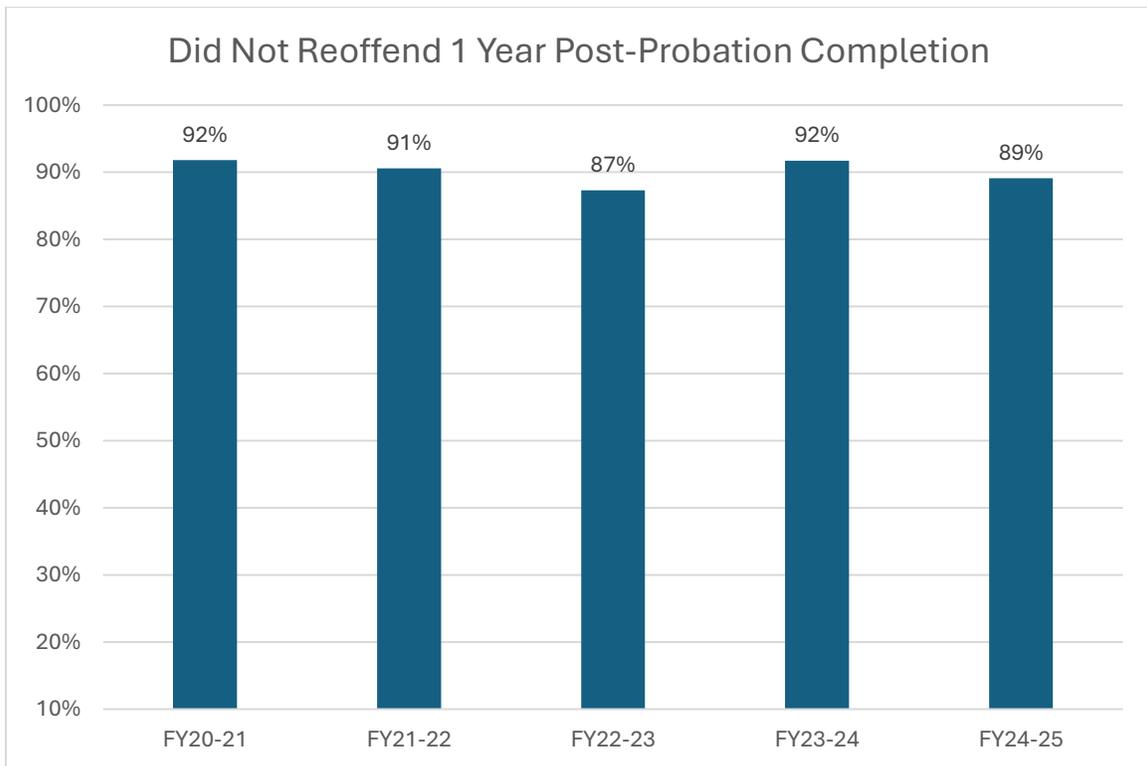
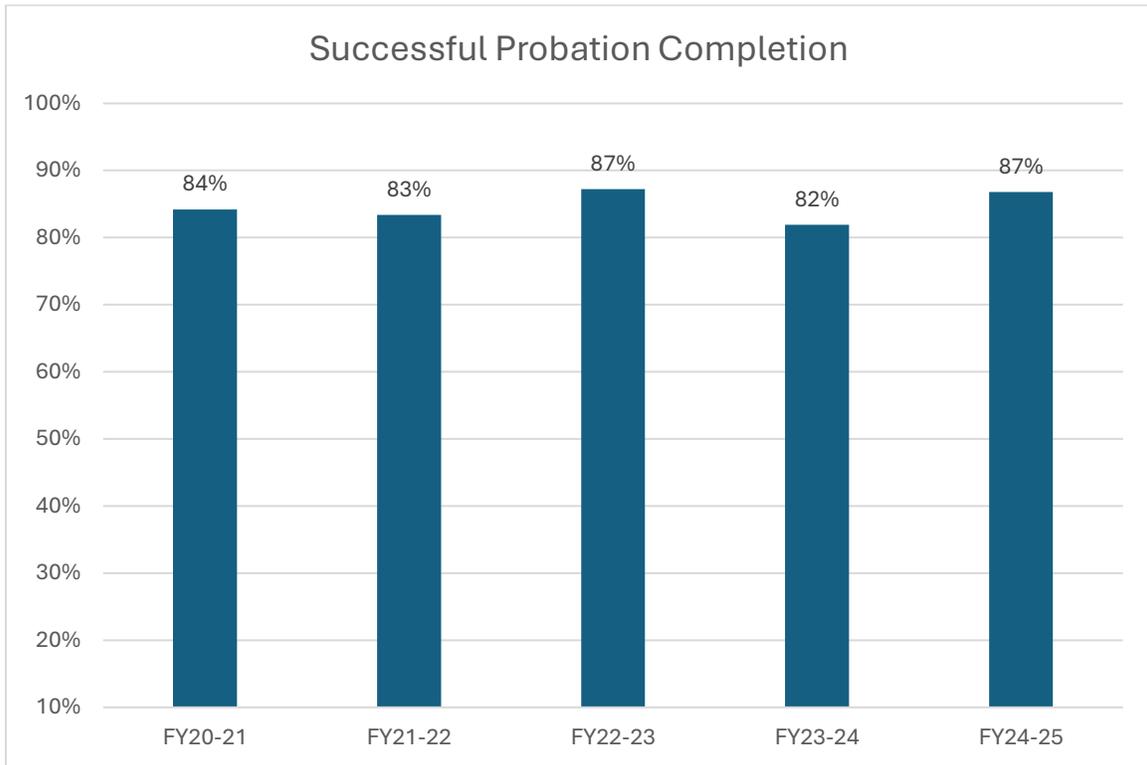
20. LIAISON ASSIGNMENTS, COMMITTEE MEETINGS UPDATES, AND ANNOUNCEMENTS FROM THE SUPERVISORS:

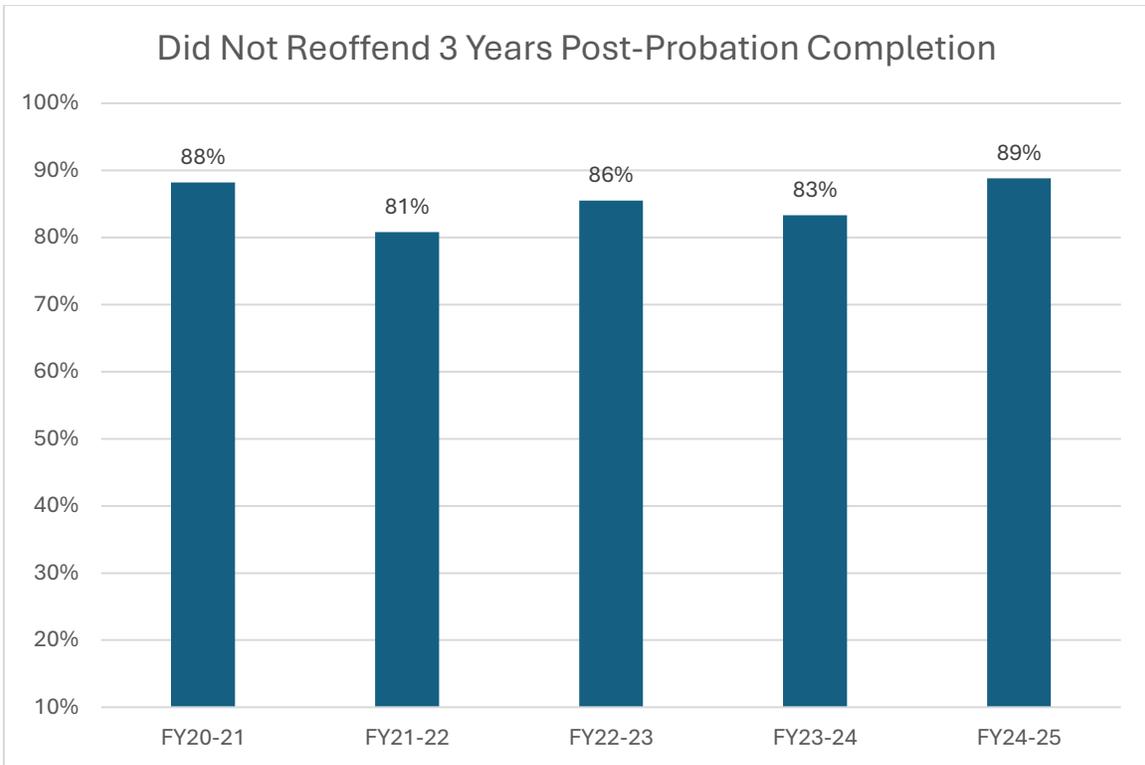
21. ADJOURNMENT:

Story County strives to ensure that its programs and activities do not discriminate on the basis of race, color, national origin, sex, age or disability. Persons requiring assistance, auxiliary aids or

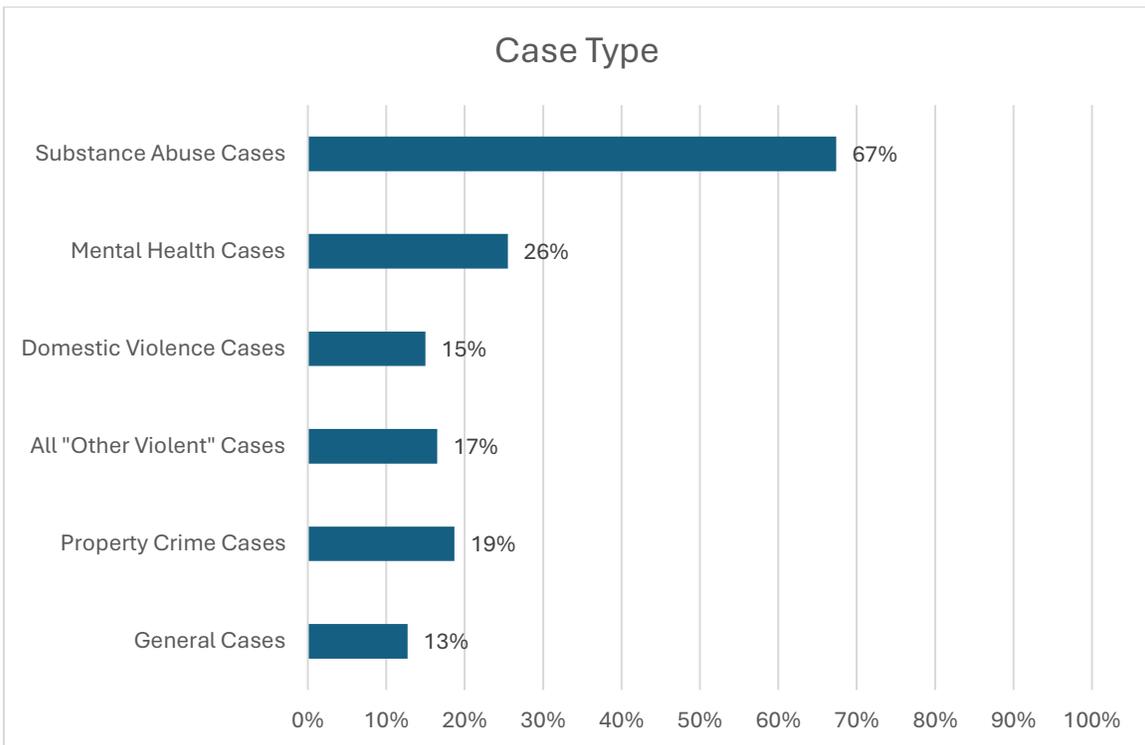
services, or accommodation because of a disability may contact the county's ADA coordinator at (515) 382-7204.

Data retrieved from the Center for Creative Justice's Clear Impact Scorecard.

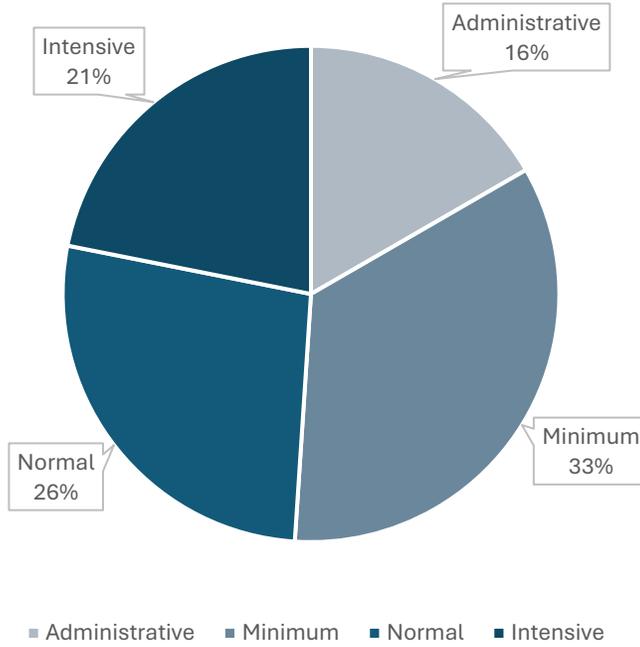




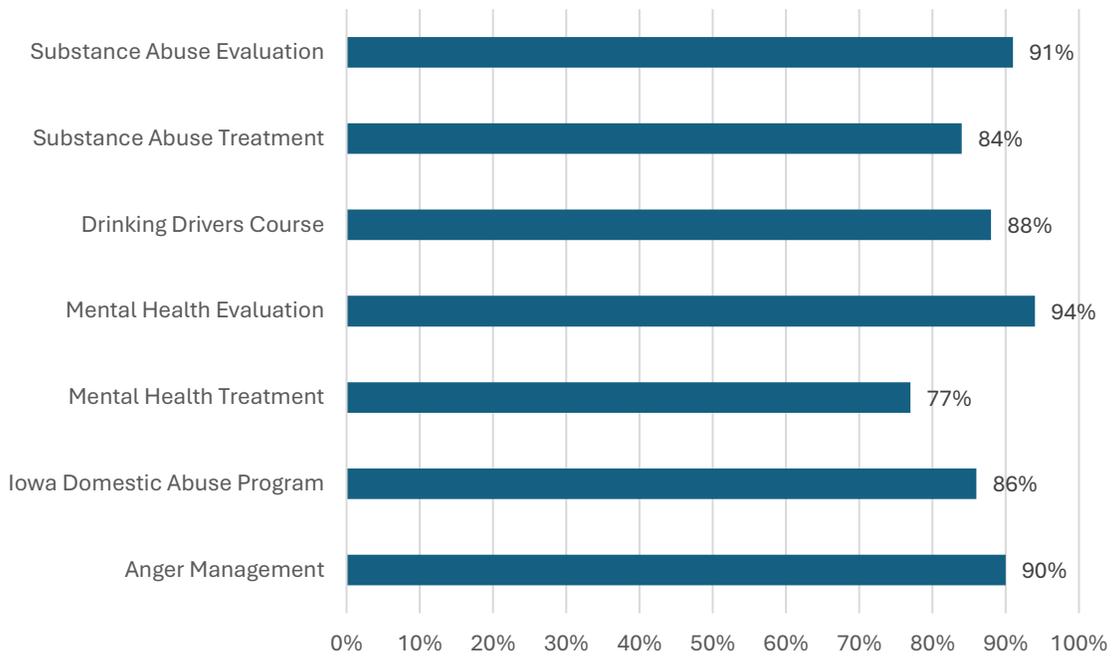
Data retrieved from probation officer responses to the Center for Creative Justice’s Case Close Out Surveys.



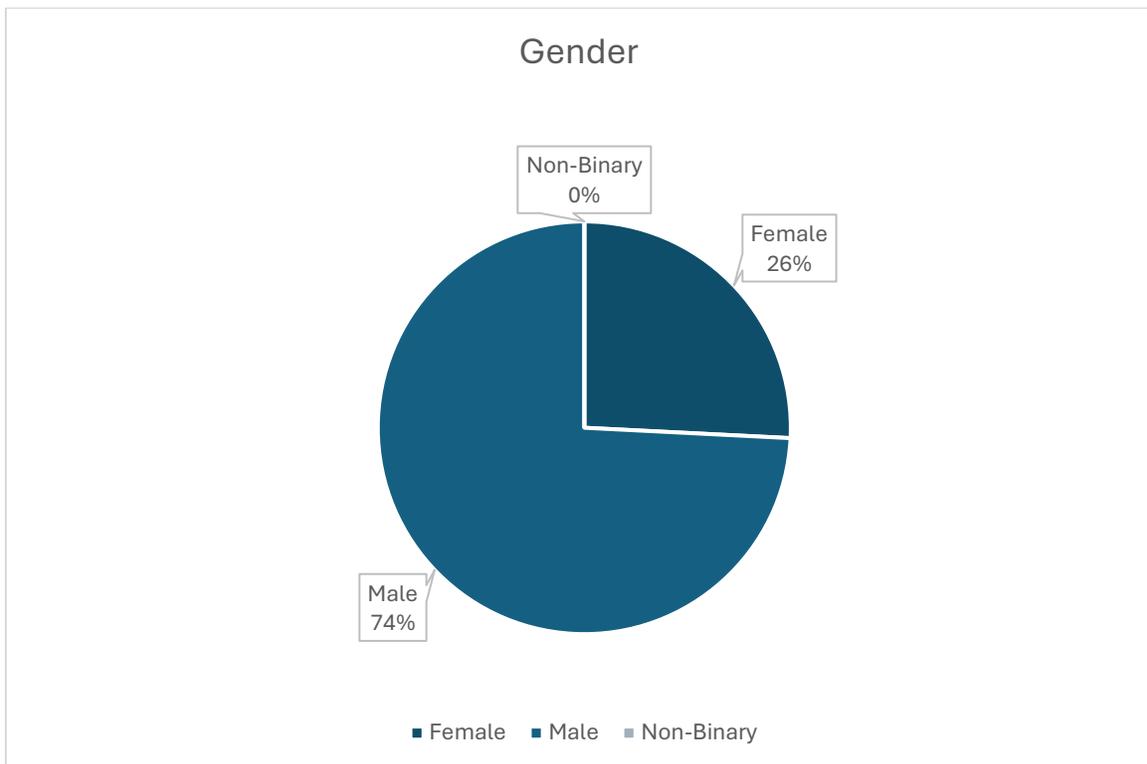
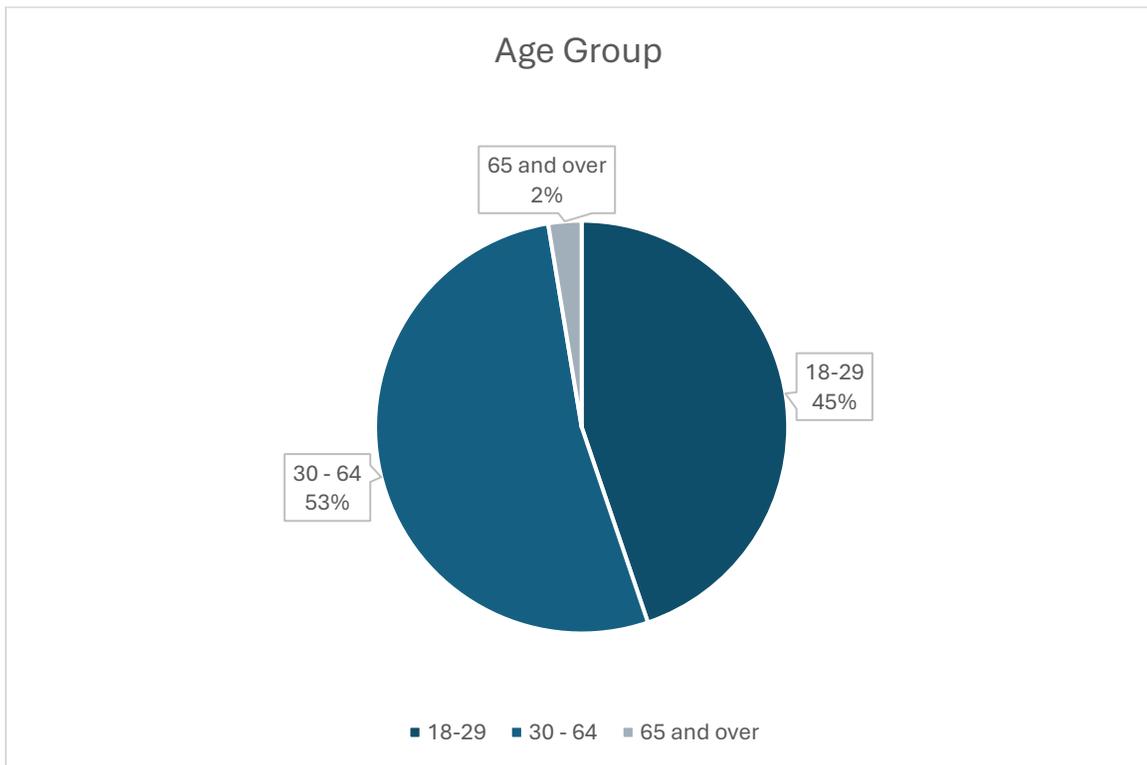
Assessed Risk Level



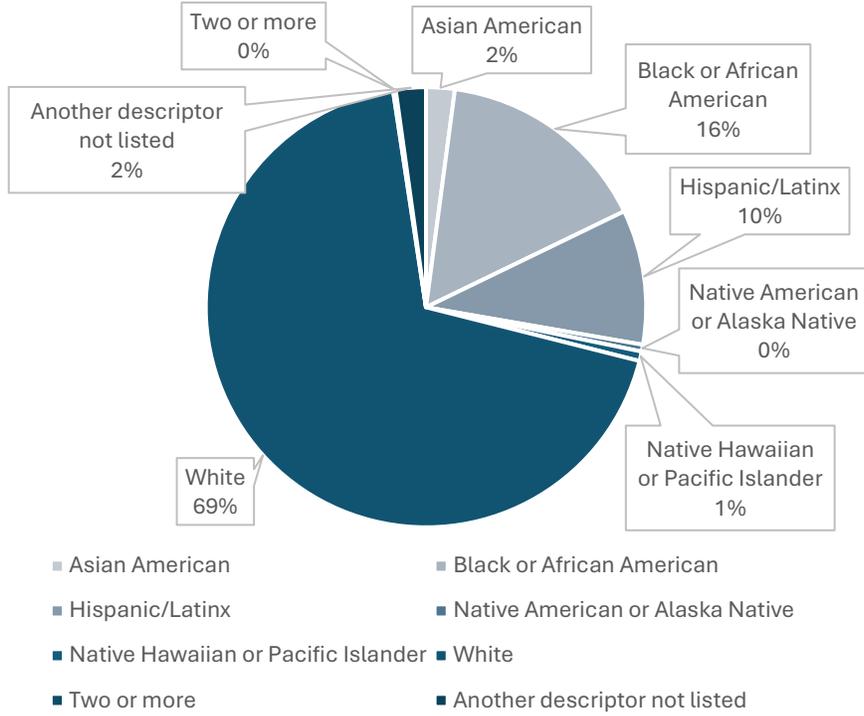
Successful Completion of Court-Ordered Requirements



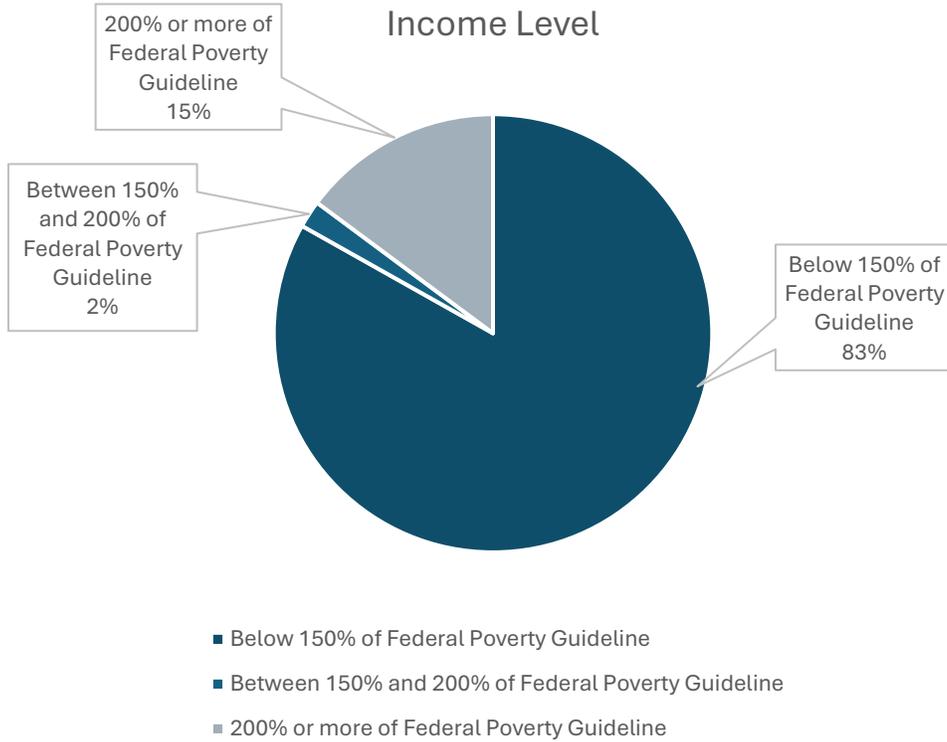
Data retrieved from the Center for Creative Justice's Clear Impact Scorecard.



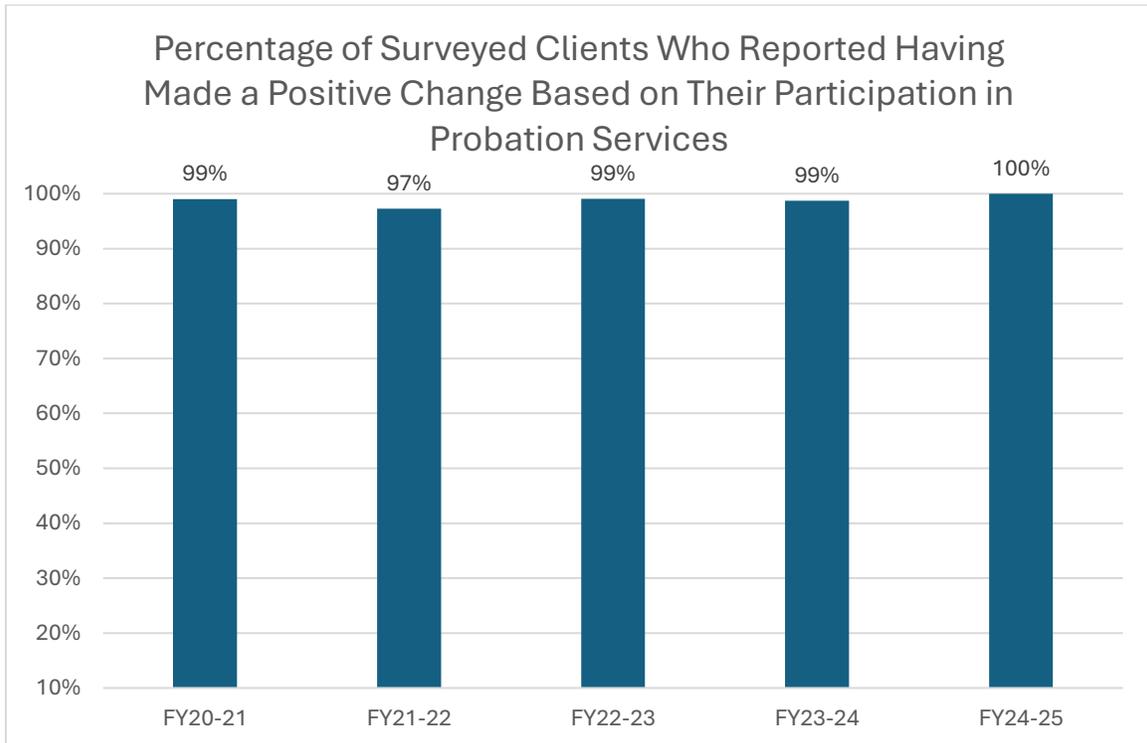
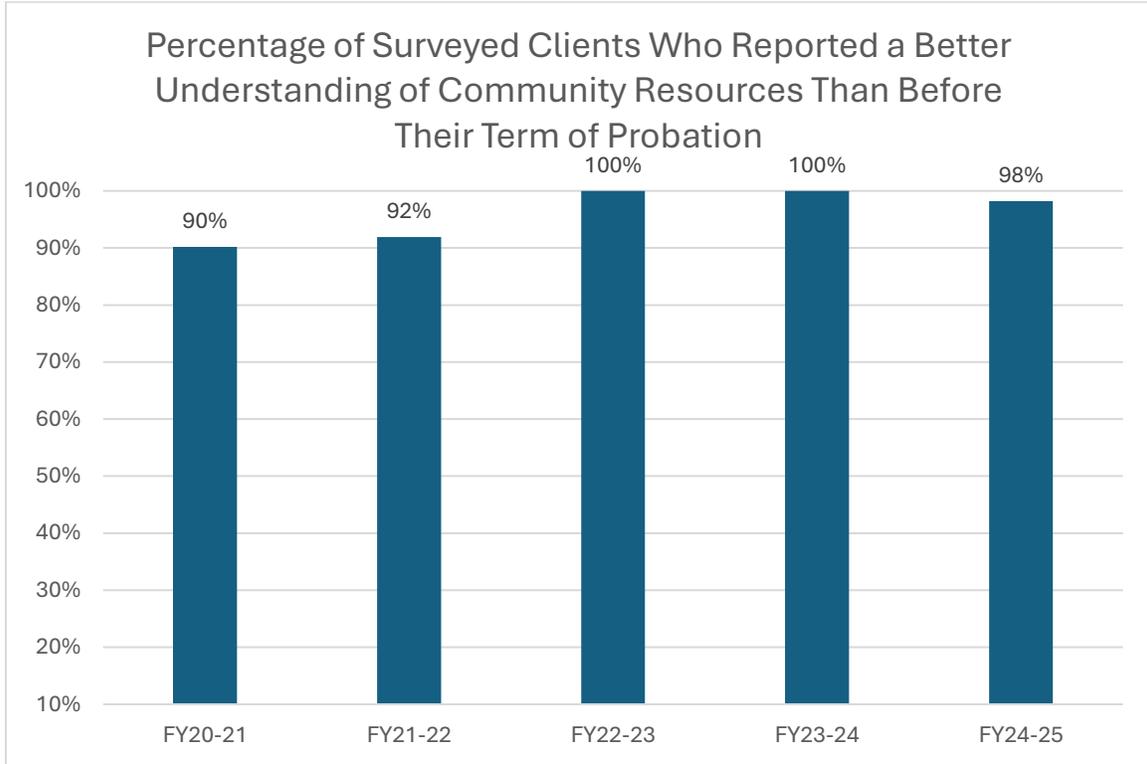
Race/Ethnicity



Income Level



**Data retrieved from anonymous responses to the
Center for Creative Justice's Client Survey.**



DEDICATED TO POSITIVE CHANGE IN OUR COMMUNITIES...

ONE LIFE AT A TIME.

Testimonials provided by CCJ Clients

“Getting help with addiction/alcoholism saved my life.”

“I felt very respected and was treated like a “normal person” at CCJ.”

“The things I learned on probation helped me get my bills paid down.”

“CCJ helped me improve my mental health and get into the workforce.”

“CCJ helped me stay accountable and make the changes necessary for my life.”

“My probation officer helped push me to finish my bachelor’s degree.”

“When going through a hard time, CCJ helped encourage me to get treatment and help that I needed.”

“Since being on probation, I was able to get help with controlling my anger and dealing with stressful situations.”

“Cassidy was amazing and extremely understanding.”

“Joshua cares about people and he's a good person. Always made sure I was going in the right direction.”

“Staci is amazing, she is so nice and helpful!”

“Zak was very supportive and offered me help outside of probation requirements.”

“Very good people at CCJ.”

“I knew the life I wanted, however when I ended up walking through the doors of CCJ I was not living in my truth. The approach and staff here at CCJ really provided me that constant positive impact I was so desperate for and my life really depended on. For that I am eternally thankful, I can't express that enough. Because of CCJ my mental health is so much better, and I was able to actually make the changes I need to where I can make a positive impact!”

Story County Personnel Actions

Effective Date	Action	Name	Job Title	Department/Office	Status	Grade	Step	Longevity	Salary	Bi-weekly/Hourly Rate
3/8/2026	Pay Adjustment	Perisho, Lacey	Legal Assistant	Attorney's Office	Full-time	14	E	N/A	\$58,743.35	\$28.24
3/8/2026	Pay Adjustment	Stangeland, Nicholle	Alternatives Program Manager	Attorney's Office	Full-time	19	B	N/A	\$69,827.38	\$33.57
3/8/2026	Pay Adjustment	Rink, Crystal	Senior Assistant County Attorney	Attorney's Office	Full-time	24	N	N/A	\$146,467.65	\$5,633.37
3/8/2026	Pay Adjustment	Macki, Kristy	Payroll/Accounts Coordinator	Auditor's Office	Full-time	16	F	N/A	\$66,462.71	\$31.95
3/8/2026	Pay Adjustment	Markley, Lisa	Assistant Auditor - Budget Manager	Auditor's Office	Full-time	22	M	N/A	\$117,280.80	\$4,510.80
3/8/2026	Pay Adjustment	Cory, Joy	Administrative Assistant	Board of Supervisors	Full-time	12	E	N/A	\$53,218.57	\$25.59
3/8/2026	Pay Adjustment	Wunschel, Wyatt	Design Engineer	Secondary Roads	Full-time	21	B	N/A	\$80,978.35	\$3,114.55
3/8/2026	Pay Adjustment	Hendrick, Karissa	Financial Data Manager/Office Services Technician	Sheriff's Office	Full-time		15	20 years	\$68,161.60	\$2,621.60
3/8/2026	Pay Adjustment	Pyle, Amanda	E911 Database Coordinator	E911	Full-time	15	J	N/A	\$69,827.38	\$33.57
3/8/2026	Pay Adjustment	Russell, Randall	Building Service - Maintenance Assistant	Facilities Management	Full-time	9	G	N/A	\$48,213.40	\$23.18

Approved this 3rd day of March, 2026

Chairperson, Board of Supervisors

Alissa Wignall, Director of Internal Operations & Human Resources



KIM REYNOLDS, GOVERNOR
CHRIS COURNOYER, LT. GOVERNOR

SCOTT MARLER, IOWA DOT DIRECTOR
MELISSA GILLET, IOWA DOT COO

IOWA DEPARTMENT OF TRANSPORTATION
DISTRICT 1
1020 South 4th Street
Ames, IA 50010
515-239-1635
www.iowadot.gov

February 19, 2026

Ref: 2607
Project No.: HSIPX-069-5(132)--3L-85
PIN No.: 25-85-069-010

Darren Moon
County Engineer
837 N Ave.
Nevada, IA 50201

Subject: IA 210 PCC Pavement - Grade and New Project Detour Agreement with Story County

Dear Darren:

The Iowa Department of Transportation has scheduled a PCC Pavement - Grade and New project for IA 210 US69_IA210_Intersection.

IA 210 will need to be closed in order to complete the project. Construction will occur in calendar year 2028, and the closure is estimated to be from April 1 to August 1. During the project, IA 210 traffic will be detoured as indicated on the enclosed map. This detour will include local agency roads and requires an Agreement for Use of Local Agency Roads as Detours.

If this is agreeable, please return a signed copy of the enclosed agreement. Upon receipt, the DOT portion will be completed, and a fully signed copy will be returned for your records.

If you have any questions, please contact me at 515-239-1635 or Devendra.Tamrakar@iowadot.us.

Sincerely,

Devendra Tamrakar
District 1 - North Area Engineer

Enclosure

cc: Jeremey Vortherms, IA DOT, District 1
File



AGREEMENT FOR DOT-INITIATED DETOUR OF PRIMARY HIGHWAYS ONTO LOCAL ROADS

This Agreement is entered into by and between the Iowa Department of Transportation, hereinafter known as the DOT; and the

Story County City Council
 County Board of Supervisors, hereinafter known as the Local Public Agency (LPA).

WHEREAS, the DOT, hereinafter known as DOT, has determined the necessity to temporarily close primary highway IA 210

from Just west of US 69 and IA 210 Intersection to Just east of US 69 and IA 210 Intersection
for the purpose of construction, reconstruction, maintenance, natural disasters, or other emergencies that are 48 hours or longer (incident management temporary detours are covered under a separate detour agreement (Form 810076)); and

WHEREAS, it is necessary to provide a detour for the primary highway closure period; and

WHEREAS, the LPA agrees to permit the use of its roads as a detour, more particularly described as follows:

On 510th Ave. from Slater corporate limit to the 320th street; On 320th Street from 510th Ave. to Huxley corporate limit; On 315th street from Huxley corporate limit to 560th Ave.;

_____ ; and

WHEREAS, Authorized representatives of both the DOT and the LPA have jointly inspected and documented the condition of the proposed detour to reasonably reflect the condition of the roadway base, surface, shoulders and bridges; and

WHEREAS, the DOT has reviewed and inspected the bridges on the detour, if applicable. The LPA will will not allow oversize and/or overweight loads. The DOT shall approve the routing of overweight vehicles on the detour route, up to the limits specified by the LPA; and

WHEREAS, the DOT agrees to perform the following pre-detour maintenance, if any: None ; and

WHEREAS, the DOT agrees to maintain the detour and provide all traffic control devices required by the Manual of Uniform Traffic Control Devices (MUTCD), as adopted by the DOT pursuant to 761 IAC 130, including the marking of no-passing zones during the period the local agency road(s) and structure(s) are being utilized as a primary road detour; and

WHEREAS, Prior to revocation of the detour, the DOT shall follow Iowa DOT Policy 600.05 for detour compensation of the LPA, and when requested by the LPA, either restore the local agency road to as good of condition as it was prior to its designation as a temporary primary road, or adequately compensate the local agency for excessive traffic or damage upon the local agency road during the period it was used as a temporary primary road, in accordance with Section 313.28 or Section 313.29 of the Iowa Code and Iowa DOT Policy 600.05; and

WHEREAS, The detour period is estimated to begin April 1, 2028 and end August 1, 2028 ; and
(date) (date)

WHEREAS, the parties agree to the following additional provisions, if any: None

NOW, THEREFORE, BE IT AGREED that the described road be used as a detour under stipulations outlined above.

IN WITNESS WHEREOF, The parties hereto have caused this agreement to be executed by proper officers thereunto duly authorized as of the dates below indicated.

District Engineer (or designee) Date
Iowa Department of Transportation

City representative Date

Printed name and title of city representative

Recommended for approval by:
 2-23-26

County representative Date

Darren R Moon, P.E. Date

Printed name and title of county representative



ROADWAY MAINTENANCE AGREEMENT

INSTITUTION Iowa State University
AGENCY _____
COUNTY Story
CITY Nevada

This written agreement made and entered into by and between Story County Board of Supervisors, Party of the First Part, and the Iowa Department of Transportation, Party of the Second Part. The parties hereby desire to enter into this roadway maintenance agreement for the following roadway:

Institutional roads at Iowa State University (see attached list of roadways)

1. ROUTINE MAINTENANCE

- A. Party of the First Part will perform the following routine maintenance:
Winter maintenance such as snow and ice control; Roadside maintenance such as mowing, herbicide application, and maintaining clear channels through and adjoining drainage structures; Pavement maintenance such as patching, joint/crack filling, spot HMA overlays, transverse joint leveling, strip sealing, and edge sealing; Granular surface maintenance of shoulders and roadways such as application and shaping of granular material; Safety appurtenance maintenance such as repair of guardrail and safety grates; Traffic control device maintenance such as replacment of signs and pavement markings
- B. Party of the First Part will perform the above described routine maintenance in compliance with the Iowa Department of Transportation's standard maintenance policies and procedures which include, but are not limited to, the Department's standards for maintenance activities and instructional memorandums. Particularly, Party of the First Part shall comply with:
Approved DOT policies, design guidance, and adopted national manuals (i.e. - MUTCD).
- C. Party of the Second Part will perform the following routine maintenance:
None

2. SPECIAL MAINTENANCE

- A. Party of the First Part will perform the following special maintenance:
Not applicable
- B. Party of the First Part will perform the above described special maintenance in compliance with the Iowa Department of Transportation's standard maintenance policies and procedures which include, but are not limited to, the Department's standards for maintenance activities and instructional memorandums. Particularly, Party of the First Part shall comply with:
Not applicable
- C. Party of the Second Part will perform the following special maintenance:
Not applicable

3. PAYMENT

- A. It is agreed that payment for the routine maintenance operations will be made after the work has been completed for the fiscal year ending June 30, and payment for maintenance operations will be made after the work has been completed. It is also understood and agreed that the right is reserved by both Parties to review, adjust, or terminate this Agreement at any time, provided however that written notice be given either Party at least thirty days prior to such review, adjustment, or termination.
- B. Payment for routine maintenance at the rate of \$ 2,100.00 per lane mile per year.
Total lane miles 2.50 at \$ 2,100.00 per lane mile = \$ 5,250.00
- C. Payment for special maintenance shall be made as follows:

4. AGREEMENT TIME PERIOD

Beginning Date: 7/1/2026

Ending Date: 6/30/2027

- 5. Party of the First Part agrees to indemnify and save harmless the Party of the Second Part, the State of Iowa, and its agents or employees from any and all causes of action, suits, at law or in equity, for losses, damages, claims or demands, and from any and all liability and expense of whatsoever nature (including reasonable attorney fees), arising out of or in connection with the execution, performance, or attempted performance of this Agreement and work provided herein.
- 6. If any section, provision or part of this Agreement shall be found to be invalid or unconstitutional, such judgment shall not affect the validity of the Agreement as a whole or any section, provision, or part thereof not found to be invalid or unconstitutional.
- 7. Party of the First Part will follow all federal and state laws and regulations with regard to worker safety and the handling and disposal of hazardous waste and/or substances in performing any maintenance task.
- 8. Any subsequent change or modification to the terms of this Agreement shall be in the form of a duly executed addendum or amendment to this Agreement.

RECOMMENDED FOR APPROVAL:

Recommended for approval by:

Darren Moon 2-24-26

Story County Board of Supervisors
(AGENCY) (COUNTY) (CITY) (BOARD)

Darren R Moon, P.E. Date

BY _____

(DATE)

TITLE _____

IOWA DEPARTMENT OF TRANSPORTATION

BY _____

(DATE)

District Engineer

Institutional Roads maintained by Story County for Iowa State University

#070 – in Sec 17 & 20 – T83N – R24W (2 lane gravel road) 0.25 miles of 2 lane = 0.50 miles

#071 – in Sec 20 & 21 – T83N – R25W (2 lane gravel road) 1.00 miles of 2 lane = 2.00 miles

1.25 miles x 2 lane = 2.50

Total 2.50 miles

Work Orders:

Q1 2025, our numbers were:

Location	Work Orders Opened	Work Orders Closed	On-Call
Admin	104	101	0
Group Homes	44	46	2
McFarland	20	16	0
HSC	83	80	1
Justice Center	152	138	8
Animal Control	15	13	0
S. 11 th Storage	1	1	0
Engineer	19	19	1
Equip/Vehicles	145	147	4
Em. Mgmt. Shed	1	1	0
Total	584	562	16

Q1 2026, our numbers are:

Location	Work Orders Opened	Work Orders Closed	On-Call
Admin	166	166	1
Group Homes	70	72	3
McFarland	30	26	0
HSC	97	93	1
Justice Center	182	205	10
Animal Control	24	26	0
S. 11 th Storage	1	1	0
Engineer	21	20	0
Equip/Vehicles	111	113	1
Em. Mgmt. Shed	1	1	0
Total	703	723	16

General Information:

- Several snow events have required many staff hours to be devoted to clean up
- Working with contractor for Rangehouse punch list

Administration Building:

- Added keyless entry to Planning & Development conference room door
- Replaced compressors in HP4 & HP33
- Began painting old tile in basement

Animal Control:

- Installed dehumidifiers to two furnaces

Engineer's building:

- Nothing to report

Group Homes:

- Several plumbing repairs at the Group Homes, including installing a new shower surround at Hazel

Human Services Center:

- Assisted IT with pulling wire for phone line
- Installed new front entrance railing
- Still waiting for remainder of heat pumps for heat pump replacement project
- Added additional keyless entry for added security

Justice Center:

- Assisted IT with pulling wire for high security cameras in the jail
- Continue investigating issues with certain heat pumps and roof top units with factory rep
- Added additional keyless entry for added security
- Repaired outside door on Sheriff's side damaged in storm until a new door and frame can be installed

McFarland Park:

- Nothing to report

**GRANT AGREEMENT
AN AGREEMENT WITH COLO TELEPHONE COMPANY
FOR BROADBAND EXPANSION PLANS
Subrecipient No. 51**

THIS AGREEMENT ("Agreement") is entered into by and Between Story County, an Iowa Municipal corporation, whose mailing address and telephone number is 900 Sixth Street, Nevada, Iowa 50201, telephone 515-382-7200, hereinafter referred to as "County", and the Colo Telephone Company, hereinafter referred to as "Grantee", whose mailing address and telephone number is 303 Main Street, Colo, Iowa 50056, telephone (641) 377-2202.

1. PURPOSE AND INTENT

The purpose of the agreement is for the Grantee to expand broadband to a service area between Nevada and Colo, with the funding from Story County to serve as county match for funding from the Empower Rural Iowa Broadband Grant Program (NOFA #8).

The Grantee acknowledges that (1) the source of funding awarded for this project is the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") funds; (2) any and all compliance requirements for use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds. (All definitions from "*Compliance and Reporting Guidance: State and Local Fiscal Recovery Funds*" dated February 28, 2022, version 3.0.)

In order to accomplish the objectives of the American Rescue Plan Act (ARPA) to respond to the public health emergency or negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality, the County and Grantee agree as follows:

2. DISBURSEMENT OF FUNDS

The County will pay Grantee an amount not to exceed \$30,000 determined as follows:

- Cash match for Colo Telephone's grant application for NOFA #8 of \$500 per each eligible location to which service is provided through the grant, up to \$30,000.
- The funds will be disbursed in one lump-sum payment.

3. REPORTING

In exchange for payment received, Grantee agrees to provide the County quarterly reporting on expenditures and obligations made with ARPA funds and annual reporting regarding the referenced broadband expansion to Story County. A timeline for quarterly reporting is attached as Exhibit A.

4. TERMS

The terms of this service agreement shall begin upon the execution of this agreement by the Chair of the Story County Board of Supervisors. Agreement shall terminate upon the exhaustion of ARPA funds by Grantee. Agreement will terminate no later than 12/31/2026.

- (A) This Agreement shall remain in effect until one of the following events has occurred:

- a. The Grantee and the County replace this Agreement with another written agreement;
- b. All of Grantee's obligations under this Agreement have been discharged, including, without limitation, any obligation to reimburse the County for disbursements; or
- c. This Agreement has been terminated pursuant to the provisions of Section 4 hereof.

5. TERMINATION

The County, in its sole and absolute discretion, may terminate this Agreement:

- a. if the Grantee has breached any provision of this Agreement or has failed to comply with any applicable state or federal law or regulation applicable to any Project; or
- b. if any representation or warranty made by the Grantee in any Proposal, this Agreement, or any certification or other supporting documentation thereunder or hereunder shall prove to have been incorrect in any material respect at the time made.
- c. *Notice of Termination.* The County shall provide the Grantee with written notice of termination of this Agreement. The termination of this Agreement shall be effective as of the date such notice of termination is sent by the County. The County may terminate this agreement without penalty to the County, at any time, without cause, by giving written notice to the Provider at least fifteen (15) days before the effective date of such termination.
- d. *Effect of Termination.* Upon termination of this Agreement, the Grantee shall reimburse the County for all costs and disbursements of the project terminated on a schedule to be negotiated in good faith between the County and the Grantee, but in no event more than 60 days from the date of such termination. The Grantee shall return any unused portion of the funds to the County within thirty days of notification of termination.
- e. Grantee may terminate this agreement by giving a 21-day notice by certified mail to the County.

6. AFFIRMATIVE COVENANTS

- a. *Ratification.* By executing this Agreement, the Grantee (i) affirms and ratifies all statements, representations and warranties contained in all written documents that it has submitted to the County in connection with this Agreement (including, without limitation, the Agreement and the Application attached hereto as of the date hereof) and (ii) agrees that on each date, if any, that additional information is attached hereto and made a part hereof, it will be deemed to have affirmed and ratified all such statements, representations and warranties (including, without limitation, those contained or provided in connection with such additional information).
- b. *No Litigation.* No action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, public board or body, other than as disclosed to the County in writing, is pending or, to the knowledge of the authorized representatives of the Grantee executing this Agreement, threatened (1) seeking to restrain or enjoin the execution and delivery of this Agreement, or the undertaking of any Project (defined below) or (2) contesting or affecting the validity of this Agreement; and neither the corporate existence of the Grantee nor the title to office of any authorized representatives of the Grantee executing this Agreement, is being contested.
- c. *No Conflicts.* The authorization, execution and delivery of this Agreement, and performance by the Grantee of the Project and of its obligations under this Agreement,

will not constitute a breach of, or a default under, any law, ordinance, resolution, agreement, indenture or other instrument to which the Grantee is a party or by which it or any of its properties is bound.

- d. SAM.gov Registration. Grantee shall inform the County whether or not they are actively registered with the System for Award Management ("SAM") and confirms that the Unique Entity Identifier ("UEI") or Taxpayer Identification Number ("TINS") herein listed is the correct number for the Grantee as of the date hereof. If Grantee is not registered with the System for Award Management ("SAM") they will be required to register and provide the County with their Unique Entity Identifier ("UEI") before awarded funds will be released to the Provider.

Unique Entity Identifier ("UEI") or Taxpayer Identification Number ("TINS") -
W5V3TMLXE3Q3

- e. Reporting and Compliance with Laws. The Grantee shall comply with all reporting requirements as determined by Story County. In addition, the Grantee agrees that the Project shall be constructed or undertaken and shall be expended in full compliance with all applicable provisions of federal, state and local law and all regulations thereunder. Without limiting the generality of the foregoing, the Grantee covenants to comply in all respects with all applicable law, regulation and rule regarding bidding, procurement, employment and anti-discrimination.
- f. Civil Rights Compliance. Recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975.
- g. If for any reason Grantee is unable to meet the terms as agreed upon above Grantee shall notify the COUNTY and return any unused portion of the funds to the COUNTY within 30 days of that notification.

7. ASSIGNMENTS

Grantee's obligation and duties under this Agreement shall not be assigned without the permission of the County.

8. INDEMNIFICATION

Grantee shall hold harmless the County for any injury or damage caused by the acts or omissions of Grantee on employees or agents and Grantee agrees to indemnify the County for any such injury or damages.

9. DISPUTES

Any disputes that arise between the County and Grantee would be governed by Iowa law and be litigated in Story County.

10. ACCESS TO BOOKS AND RECORDS

Unless otherwise required by applicable laws, Grantee shall allow the County access to all books and records for purposed of auditing or reviewing Grantee's claims, upon request by the County. Grantee's failure to provide access under this section shall constitute a material breach of the agreement.

- a. Recordkeeping. The Grantee shall maintain accounts and records with respect to the Project in accordance with generally accepted accounting principles as issued from time to time by the Governmental Accounting Standards Board (GASB). Grantee shall keep and maintain all financial records and supporting documentation related to the Project for a period of seven years after all proceeds have been expended or returned to the County. Wherever practicable, Grantee shall collect, transmit, and store such records in open and machine-readable formats. Grantee agrees to make such records available to the County or the United States Treasury upon request, and to any other authorized oversight body, including but not limited to the Government Accountability Office (GAO), the Treasury's Office of Inspector General (OIG) and the Pandemic Relief Accountability Committee (PRAC). Grantee agrees to make such accounts and records available for on-site inspection during regular business hours of the Grantee and permit the County, the United States Treasury or any other such authorized oversight body to audit, examine, and reproduce such accounts and records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data, and other information relating to all matters covered by this agreement.

11. REQUIREMENTS

Grantee hereby agrees to perform all duties in accordance with all state and federal laws and regulations. This provision includes but is not limited to Iowa Code Section 144.32. Grantee assures that no person shall be on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this program or activity. Failure to perform duties in accordance with the applicable laws and regulations shall be considered a material breach of this agreement by the Grantee.

12. COMPLETE AGREEMENT

This is the entire agreement between the County and Grantee.

STORY COUNTY, IOWA (County)
By: _____

Colo Telephone (Grantee)
By: _____

Chairperson of the Board of Supervisors

A. [Signature]
Authorized Representative

Dated: _____

Dated: 3-6-24

Exhibit A

Report	Year	Quarter	Period Covered	Due Date (Treasury)	Due Date (to Story County)
1	2021	2-4	March 3 - December 31	31-Jan-22	NA
2	2022	1	January 1 - March 31	30-Apr-22	NA
3	2022	2	April 1 - June 30	31-Jul-22	NA
4	2022	3	July 1 - September 30	31-Oct-22	NA
5	2022	4	October 1 - December 31	31-Jan-23	NA
6	2023	1	January 1 - March 31	30-Apr-23	NA
7	2023	2	April 1 - June 30	31-Jul-23	NA
8	2023	3	July 1 - September 30	31-Oct-23	NA
9	2023	4	October 1 - December 31	31-Jan-24	NA
10	2024	1	January 1 - March 31	30-Apr-24	4/3/2024
11	2024	2	April 1 - June 30	31-Jul-24	7/3/2024
12	2024	3	July 1 - September 30	31-Oct-24	10/3/2024
13	2024	4	October 1 - December 31	31-Jan-25	1/6/2025
14	2025	1	January 1 - March 31	30-Apr-25	4/3/2025
15	2025	2	April 1 - June 30	31-Jul-25	7/3/2025
16	2025	3	July 1 - September 30	31-Oct-25	10/3/2025
17	2025	4	October 1 - December 31	31-Jan-26	1/6/2026
18	2026	1	January 1 - March 31	30-Apr-26	4/3/2026
19	2026	2	April 1 - June 30	31-Jul-26	7/6/2026
20	2026	3	July 1 - September 30	31-Oct-26	10/5/2026
21	2026	4	October 1 - December 31	31-Mar-27	1/6/2027

NOTICE OF PUBLIC HEARING
Story County

IN RE: Proposed Road Vacation to clear the record on a section of Story County Secondary Road.

The Story County Board of Supervisors, acting under the authority of Iowa Code Chapter 306, proposes to vacate a section of Story County Secondary Road, described as follows:

1. **A part of 580th Ave., originally established on June 11th, 1858 (See Road Record Book A, page 148), and widened in 1987 (See Instrument Numbers 07871 and 08382), on the west line of Section 16, Township 83 North, Range 23 West of the 5th P.M., Story County, Iowa. The intention is to vacate a portion of 580th Ave. from the NW Corner of the SW 1/4 of the NW 1/4 of section 16 Township 83 North Range 23 West approximately 876.01 feet South, said road being 120 feet in width, centered on the west line of said Section 16.**

A hearing will be held by the Story County Board of Supervisors in the boardroom, Story County Administration Building, Nevada, Iowa 50201, at 10:00 a.m. on Tuesday, March 3rd, 2026. Any person owning land abutting on the road proposed to be vacated and closed shall have the right to file, in writing, a claim for damages at any time on or before the date and time fixed for the hearing.

Lucy Martin
County Auditor

Staff Report

Story County Board of Supervisors



Date of Meeting: March 3, 2026

Staff Project Manager: Leanne Harter

Case Number: TA26-000001*

Name of Text Amendment Case: Text Amendment to Rescind Ordinance No. 311

Applicant(s): Story County Planning and Development

REQUESTED ACTION

The request is to amend Chapter 85, General Provisions and Definitions and Chapter 86, District Requirements as necessary to formally rescind Ordinance No. 311 adopted by the Story County Board of Supervisors as permitted in Section 92.07 Amending the Text of the Land Development Regulations of the *Story County Code of Ordinances*.

RECOMMENDATION

All requirements for a Text Amendment request are met. Planning and Development staff recommend approval. The Story County Planning and Zoning Commission reviewed the proposed text amendment on Wednesday, February 25, 2026, and voted 4-0 to recommend approval of the proposed text amendment to the Story County Board of Supervisors.

Background

Description of Proposed Text Amendment

The application is to Amend Chapter 85, General Provisions and Definitions and Chapter 86, District Requirements of the Story County Code of Ordinances - Land Development Regulations for a Text Amendment to rescind Ordinance No. 311.

Ordinance No. 311 was approved by the Story County Board of Supervisors on May 16, 2023, and is attached to this staff report. The stated intent of said Ordinance included:

WHEREAS, the County intends to amend the Ordinance to adopt standards, including setbacks, for hazardous liquid pipelines consistent with (1) historic patterns of development; (2) goals of the Plan for protection of (a) the County's rural character, (b) reduction of incompatibilities between land uses including utilities, (c) intergovernmental coordination related to future urban development, (d) appropriate siting of new development, (e) preservation of existing rural residential development, (f) communication and collaboration with partnering agencies and organizations on emergency preparedness; and (3) to achieve the intent and purpose of the Ordinance to ensure orderly growth and development and address social, economic, and environmental concerns related to conflicts between different uses of land.

The Eighth Circuit rendered a decision deemed final and controlling wherein Story County is subject to a permanent injunction prohibiting enforcement of Ordinance No. 311. Given that Ordinance No. 311 is



preempted and unenforceable, staff is proceeding with this text amendment to rescind actions outlined in Ordinance No. 311 and revert to former definitions and regulations, as applicable.

The applicable requirements are outlined below.

Analysis

92.07(2) Standards for Approval. All applications for text amendments shall satisfy the following standards for such requested action to be approved.

- A. The proposed amendment shall conform to the Story County Cornerstone to Capstone Plan (C2C Plan).**
- B. The proposed amendment shall conform to the scope and purpose of the Ordinance.**

The proposed text amendment is consistent with the criteria outlined in Section 92.07 of the *Story County Code of Ordinances* as noted below:

- All requirements are satisfied.
- Not all requirements are satisfied and those exceptions are noted below:

The proposed Text Amendments are attached to this staff report.

Commentary

The following comments are part of the official record of the proposed text amendment, Case No. TA26-000001* If necessary, conditions of approval may be formulated based on these comments.

Comments from the General Public

No public commentary was received or recorded at the time this report was published. Notice of the proposed text amendment was published in the three Story County newspapers on February 19, 2026.

Comments from the Planning and Zoning Commission Meeting on February 25, 2026

One individual addressed the Commission questioning items related to a separate agenda item.

Alternatives

Planning and Zoning Commission recommended approval of the text amendment.

The Story County Board of Supervisors may consider the following alternatives for the text amendment request:

1. **The Story County Board of Supervisors approves the Code of Ordinances Text Amendment, Ordinance 329, as put forth in case TA26-000001* and sets second consideration for Tuesday, March 10, 2026.**
2. The Story County Board of Supervisors approves the Code of Ordinances Text Amendment, Ordinance 329, as put forth in case TA26-000001* as modified and sets second consideration for Tuesday, March 10, 2026.

*TA26-000001- Story County is currently transitioning application platforms. At some point in the future, this case number may be revised to reflect the new numbering sequence, as applicable.



3. The Story County Board of Supervisors denies the Code of Ordinances Text Amendment, Ordinance 329, as put forth in case TA26-000001* and sets second consideration for Tuesday, March 10, 2026.
4. The Story County Board of Supervisors defers action on the Code of Ordinances Text Amendment, as put forth in case TA26-000001*, and requests staff to further review and/or modify the application and directs staff to place this item on a future Board of Supervisors Agenda.

Attachments to the Staff Report

- Submitted application, narrative and plans
- Public Comments
- Written responses from applicants to comments (if applicable)
- Legal Description
- Other **Attachment A - Draft regulations; Attachment B – Adopted Ordinance No. 311**



ATTACHMENT A



CHAPTER 85
LAND DEVELOPMENT REGULATIONS: GENERAL PROVISIONS AND DEFINITIONS
85.07 EXEMPTIONS.

3. Public Utilities Exempt. No requirement, restriction, or regulation contained in the Ordinance shall be construed to control the type or location of any poles, towers, wires, water or sewer lines, gas mains, cables, or any other similar distributing equipment of a public utility. County, state, and federal road projects for the maintenance and/or construction of public roads and public road right-of-way shall also be considered exempt.

85.08 DEFINITIONS.

~~“Hazardous Liquid” means the same as defined in Iowa Code § 479B.2, as amended, and includes crude oil, refined petroleum products, liquefied petroleum gases, anhydrous ammonia, liquid fertilizers, liquefied carbon dioxide, alcohols, and coal slurries.~~

“Hazardous Materials” means those materials listed on the Hazardous Materials Table in 49 Code of Federal Regulations (CFR) §172.101.

~~“Pipeline” means the same as defined in Iowa Code § 479B.2, as amended, and includes an interstate pipe or pipeline and necessary appurtenances used for the transportation or transmission of hazardous liquid.~~

“Public Utility” means a public utility as defined in the Iowa Code Chapter 476.1 and municipally owned waterworks or wastewater facilities, waterworks having less than two thousand customers, joint water utilities established pursuant to Iowa Code Chapter 389, rural water districts incorporated and organized pursuant to Iowa Code Chapters 357A and 504, cooperative water associations incorporated and organized pursuant to Iowa Code Chapter 499, districts organized pursuant to Iowa Code Chapter 468, or a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro facility, from electricity that is produced primarily for the person’s own use.

*TA26-000001- Story County is currently transitioning application platforms. At some point in the future, this case number may be revised to reflect the new numbering sequence, as applicable.



**CHAPTER 86
LAND DEVELOPMENT REGULATIONS: DISTRICT REQUIREMENTS
86.04 A-1 AGRICULTURAL DISTRICT**

2. Principal Permitted Uses. Only the use of structures and/or land listed in this section shall be permitted in the A-1 Agricultural District.

~~— G. Hazardous Liquid Pipelines meeting the supplemental standards in [86.16](#).~~

~~**86.15 (Repealed by Ord. 310 – Oct. 23 Supp.)**~~

~~**86.16 SUPPLEMENTAL STANDARDS FOR CERTAIN PRINCIPAL AND ACCESSORY USES.**~~

~~— 1. Hazardous Liquid Pipelines. Proposed hazardous liquid pipelines shall meet the following standards. These standards do not apply to existing pipelines.~~

~~— A. Setbacks Required.~~

~~— (1) A setback of one quarter mile shall be required from dwellings, areas zoned A-R Agricultural Residential, R-1 Transitional Residential, R-2 Urban Residential, RMH Residential Manufactured Housing District, C-LI Commercial/Light Industrial District, HI Heavy Industrial District, retirement and nursing homes, family homes, schools, childcare homes and centers, group homes, hospitals, detention facilities, human service facilities, campgrounds, day camps, cemeteries, stables, amphitheaters, shooting ranges, golf courses, stadiums, parks, houses of worship, and auditoriums.~~

~~— (2) A setback of one quarter mile shall also be required from city boundaries and areas identified as Urban Expansion by the G2C Plan Future Land Use Map.~~

~~— (3) The setback shall be measured from the pipeline to the closest point of the building or property line, depending on the identified use type.~~

~~— B. Critical Natural Resource Area Protections Required. If installation of a hazardous liquid pipeline is permitted by Chapter [88.05](#), only trenchless construction methods shall be permitted including in required buffer areas from a critical natural resource.~~

~~— C. Emergency Plan. A copy of an emergency response or preparedness plan shall be submitted to assist with the County’s emergency response planning. The plan may be a preliminary or draft version of an emergency response plan that would meet the requirements of the federal Pipeline and Hazardous Materials Safety Administration. The County will determine whether the information in the plan is sufficient for the County to plan its own emergency response and may request additional information.~~

~~— D. Authorizations Required. Any person proposing to construct a hazardous liquid pipeline shall obtain all required federal, state, and local permits and any private easements or other land use permissions prior to commencing construction and submit documentation of such authorizations with the permit application.~~

*TA26-000001- Story County is currently transitioning application platforms. At some point in the future, this case number may be revised to reflect the new numbering sequence, as applicable.



ATTACHMENT B

DO NOT WRITE IN THE SPACE ABOVE, RESERVED FOR RECORDER

Prepared By: Amelia Schoeneman, Story County Planning and Development, 900 6th Street, Nevada, IA 50201 (515) 382-7245

**Please return to:
Planning & Development**

STORY COUNTY IOWA
ORDINANCE NO. 311
AN ORDINANCE AMENDING CHAPTER 85, GENERAL PROVISIONS AND DEFINITIONS,
AND CHAPTER 86, DISTRICT REQUIREMENTS OF THE STORY COUNTY LAND
DEVELOPMENT REGULATIONS, OF THE STORY COUNTY CODE OF ORDINANCES.

WHEREAS, under Section 335.3, Code of Iowa, the Board of Supervisors may by ordinance regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, located within the county but lying outside of the corporate limits of any city; and

WHEREAS, under Section 335.4, Code of Iowa, the Board of Supervisors may divide the county, or any area or areas within the county, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of the chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land; and

WHEREAS, on September 2, 1958, the Board of Supervisors of Story County, Iowa, adopted a Land Development Regulations Ordinance ("the Ordinance") in accordance with a comprehensive plan and as permitted and specifically authorized in Chapter 335 and Chapter 354 of the Code of Iowa; and

WHEREAS, the Ordinance is intended and designed to meet the specific objectives of Section 335.5, Code of Iowa, including to encourage efficient urban development patterns and to prevent the overcrowding of land; and

WHEREAS, under Section 85.02 Scope and Purpose of the Ordinance, it is the purpose of the Ordinance to provide for a balance between the review and regulation authority of Story County governmental agencies concerning the division and subdivision of land and the rights of landowners; and

WHEREAS, under Section 85.02 Scope and Purpose of the Ordinance, it is, therefore, determined to be in the public interest to provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city or the county is developing or enforcing land use regulations outside corporate limits; and

WHEREAS, under Section 85.02 Scope and Purpose of the Ordinance, it is, therefore, determined to be in the public interest to insure orderly development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, consistent with approved comprehensive and/or other specific area plans outside corporate limits; and

WHEREAS, in order to carry out the purpose and intent of the Ordinance, the unincorporated area of Story County, Iowa, is divided into the following base district classifications:

- A-1 Agricultural District
- A-2 Agribusiness District
- A-R Agricultural/Residential District
- R-1 Transitional Residential District
- R-2 Urban Residential District
- RMH Residential Manufactured Housing District
- C-LI Commercial/Light Industrial District
- HI Heavy Industrial
- GB-C Greenbelt-Conservation District; and

WHEREAS, 98% of the unincorporated area of Story County is zoned A-1 Agricultural; and

WHEREAS, on May 18, 1785, the United States Continental Congress adopted what is known as the Land Ordinance of 1785 to lay out the process by which the lands west of the Appalachian Mountains, were to be surveyed and sold, known as the Public Land Survey System; and

WHEREAS, the Public Land Survey System divided land into townships of six square miles, each township divided respectively into thirty-six sections of one-square mile, and each section further divided by half and quarter sections, and each quarter section further divided by half and quarter sections, resulting in the smallest division of land being a quarter-quarter of a section or one-quarter mile by one-quarter mile (40-acres); and

WHEREAS, recognizing this established, historic pattern of land division, on June 30, 1977, the Board of Supervisors of Story County, Iowa, amended the Ordinance and adopted a 35 net-acre minimum lot size in the A-1 Agricultural Zoning District; and

WHEREAS, under Section 85.02 Scope and Purpose of the Ordinance, the Ordinance is also intended and designed to meet, to the greatest extent possible within its scope, the vision, goals, objectives, principles and policies of the Cornerstone to Capstone (C2C) Comprehensive Plan (“the Plan”); and

WHEREAS, the Board of Supervisors adopted the Cornerstone to Capstone (C2C) Comprehensive Plan on June 7, 2016, for orderly growth and development in the unincorporated areas of Story County including through the Plan’s goals and strategies for Story County to guide future actions and decisions, provide predictability and consistency over time, and create and delineate future land use designations for unincorporated areas of the County; and

WHEREAS, to facilitate the orderly development, use, and preservation of land in unincorporated Story County, the Board of Supervisors established a Future Land Use Map with a set of land use designations and strategies specific to each designation as part of the adoption of the Plan; and

WHEREAS, the Plan has adopted the areas identified by communities in Story County for future

growth and identified them with the Urban Expansion Area Designation on the Future Land Use Map; and

WHEREAS, the Plan has also adopted areas known as Agricultural Conservation Areas to preserve prime farmland, identified them on the Future Land Use Map, and adopted principles for the designation including “design areas identified for development to limit conflicts between agricultural uses and rural residences and other types of land uses. Through development practices preserve and protect prime agricultural lands and the ability to engage in agricultural activities;” and

WHEREAS, the Plan has also adopted areas known as Rural Residential Areas and identified them on the Future Land Use Map to offer rural housing market choices and identify existing residential land uses that “provide a desirable housing market worthy of both protection and cultivation; and

WHEREAS, the Plan’s goals provide for emergency planning, and an associated strategy, to collaborate with local agencies and organizations to inform Story County about disaster preparedness; and

WHEREAS, the State of Iowa through Iowa Code chapter 29C requires the County and cities within the County to participate in and fund county-level emergency response planning for natural and human-caused disasters through the emergency management commission and agency, to support disaster response and establish emergency communication measures to alert County residents of threats to their lives and wellbeing; and

WHEREAS, the Plan’s adopted goals for cultural resources include “new development in the unincorporated areas of Story County respects and enhances the area’s rural character” and an associated strategy is to “encourage utilities to be sited and designed to minimize impacts on adjacent uses;” and

WHEREAS, the Plan’s adopted goals for infrastructure and utilities are to “ensure utility infrastructure protects public health, as well as the county’s natural and agricultural resources and rural character;” and

WHEREAS, the Plan’s adopted goals include those for intergovernmental coordination, to coordinate with cities’ long-term growth plans and to “identify existing and potential conflicts, especially regarding land use planning, and establish procedures to address them” and a related strategy to “encourage an efficient and compatible land use pattern that minimizes conflicts between land uses across municipal boundaries and preserves farming and natural resources in mutually agreed areas;” and

WHEREAS, under Section 354.9, Code of Iowa, cities may review divisions of land within two miles of their boundaries; and

WHEREAS, the Plan recognizes this two mile extraterritorial review authority area on the Future Land Use Map to facilitate intergovernmental coordination, future land use planning, orderly city growth; and

WHEREAS, the Plan’s adopted goals include for land use and to “ensure that land use transitions are gradual or designed to reduce potential incompatibilities among land uses” with an associated strategy to “establish design and development standards to enhance collaboration between development, agriculture, and natural and recreation resources;” and

WHEREAS, the Plan’s adopted goals for land use also include an associated strategy to

“ensure new development is setback an adequate distance from existing and proposed major utility transmission lines and pipelines;” and

WHEREAS, the federal Pipeline Safety Act in 49 U.S.C. § 60101 et seq. authorizes the United States Department of Transportation to regulate safety standards for the design, construction, operation, and maintenance of hazardous liquid pipelines, including those that transport supercritical carbon dioxide, but § 60104(e) of this law states that “[t]his chapter does not authorize the Secretary of Transportation to prescribe the location or routing of a pipeline facility,” such that no federal regulation determines the location or route of a hazardous liquid pipeline; and

WHEREAS, in Iowa, the Iowa Utilities Board (“the IUB”) has authority pursuant 49 U.S.C. § 60104(e) of the Hazardous Liquid Pipeline Safety Act and under Iowa Code chapter 479B to implement certain controls over hazardous liquid pipelines, including the authority to approve the location and routing of hazardous liquid pipelines; and

WHEREAS, under Iowa Code § 479B.4, a pipeline company must file a verified petition with the IUB asking for a permit to construct, maintain, and operate a new pipeline along, over, or across the public or private highways, grounds, waters, and streams of any kind in this state; and

WHEREAS, Iowa Code § 479B.5 requires that each petition for a permit must state the relationship of the proposed project to the present and future land use and zoning ordinances; and

WHEREAS, Story County’s zoning regulations in effect prior to October 2022 did not provide that a hazardous liquid pipeline is a principal permitted use in A-1 Agricultural or other zoning districts; and

WHEREAS, the County intends to amend the Ordinance to adopt standards, including setbacks, for hazardous liquid pipelines consistent with (1) historic patterns of development; (2) goals of the Plan for protection of (a) the County’s rural character, (b) reduction of incompatibilities between land uses including utilities, (c) intergovernmental coordination related to future urban development, (d) appropriate siting of new development, (e) preservation of existing rural residential development, (f) communication and collaboration with partnering agencies and organizations on emergency preparedness; and (3) to achieve the intent and purpose of the Ordinance to ensure orderly growth and development and address social, economic, and environmental concerns related to conflicts between different uses of land.

NOW THEREFORE, BE IT ENACTED BY THE SUPERVISORS OF STORY COUNTY, IOWA:

Section 1. Purpose. An Ordinance amending Chapter 85, General Provisions and Definitions, and Chapter 86, District Requirements, of the Story County Code of Ordinances – Land Development Regulations to establish setback requirements for hazardous liquid pipelines.

Section 2. Proposed Amendments. The amendments are as shown in Attachment A of this ordinance and are summarized below.

Chapter 85.08: Definitions: Striking definitions related to hazardous materials pipelines, adopting a new definition of pipeline, and adopting a definition of hazardous liquid.

Chapter 86: Adopting hazardous liquid pipelines as a principal permitted use in the A-1 Agricultural District and striking hazardous materials pipelines as a principal permitted use. Adopting supplemental standards for hazardous liquid pipelines including a quarter-mile setback and a requirement to submit a copy of any emergency response or preparedness

plan, if required by the Pipeline and Hazardous Materials Safety Administration.

Section 3. Repealer. All ordinances or parts, of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be effective after its final passage, approval and publication of the ordinance or a summary thereof, as provided by law.

Action upon FIRST Consideration: _____
DATE: May 9, 2023

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

Action upon SECOND Consideration: _____
DATE: May 16, 2023

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

Action upon THIRD Consideration: _____
DATE: May 23, 2023

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

ADOPTED THIS ____ day of _____, 2023.

Chairperson, Board of Supervisors

Attest:

County Auditor

ROLL CALL Latifah Faisal Yea___ Nay___ Absent___
FOR ALLOWANCE Lisa Heddens Yea___ Nay___ Absent___

Linda Murken Yea___Nay___Absent___

ALLOWED BY VOTE
OF BOARD

Yea___Nay___Absent___

CHAIRPERSON

Above tabulation made by _____

Attachment A

CHAPTER 85

LAND DEVELOPMENT REGULATIONS: GENERAL PROVISIONS AND DEFINITIONS

85.07 EXEMPTIONS.

The following exemptions may apply to certain types of development located in unincorporated Story County; however, such uses shall not be exempt from the standards set forth in Chapter 87 – Land Division Requirements, or exempt from adopted Floodplain Management Ordinance (codified in Chapter 80 of this Code of Ordinances).

3. Public Utilities Exempt. No requirement, restriction, or regulation contained in the Ordinance shall be construed to control the type or location of any poles, towers, wires, water or sewer lines, gas mains, cables, or any other similar distributing equipment of a public utility. County, state, and federal road projects for the maintenance and/or construction of public roads and public road right-of-way shall also be considered exempt.

85.08 DEFINITIONS.

~~“Hazardous Materials” means those materials listed on the Hazardous Materials Table in 49 Code of Federal Regulations (CFR) § 172.101.~~

“Hazardous Liquid” means the same as defined in Iowa Code § 479B.2, as amended, and includes crude oil, refined petroleum products, liquefied petroleum gases, anhydrous ammonia, liquid fertilizers, liquefied carbon dioxide, alcohols, and coal slurries.

“Pipeline” means the same as defined in Iowa Code § 479B.2, as amended, and includes an interstate pipe or pipeline and necessary appurtenances used for the transportation or transmission of hazardous liquid. ~~means all parts of those physical facilities through which a gas or liquid moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.~~

~~“Immediately Dangerous to Life or Health” means an atmospheric concentration of any toxic, corrosive, or asphyxiant substance that poses an immediate threat to life or would cause irreversible or delayed adverse health effects or would interfere with an individual's ability to escape from a dangerous atmosphere, as determined by the National Institute for Occupational Safety and Health or other professionally accepted source.~~

~~“Professionally accepted level of concern threshold” means those levels of a hazardous material that federal regulatory agencies, such as the Occupational Safety and Health Administration (OSHA), National Institute for Occupational Safety and Health (NIOSH), or industry professionals have recognized as the threshold for being immediately dangerous to life or health. If industry professionals or federal regulatory agencies differ on a recognized threshold, whichever threshold is stricter shall apply.~~

“Public Utility” means a public utility as defined in the Iowa Code Chapter 476.1 and municipally owned waterworks or wastewater facilities, waterworks having less than two thousand customers, joint water utilities established pursuant to Iowa Code Chapter 389, rural water districts incorporated and organized pursuant to Iowa Code Chapters 357A and 504, cooperative water associations incorporated and organized pursuant to Iowa Code Chapter 499, districts organized pursuant to Iowa Code Chapter 468, or a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro facility, from electricity that is produced primarily for the person’s own use.

CHAPTER 86

LAND DEVELOPMENT REGULATIONS: DISTRICT REQUIREMENTS

Amending the following Principal Permitted Use in 86.04(2), A-1 Agricultural District:

Hazardous ~~Materials~~ Liquid Pipelines, meeting the supplemental standards in 86.16.

Amending the following Principal Permitted Use in 86.05(2), A-2 Agribusiness District; 86.10(2), C-LI Commercial/Light Industrial District; and 86.11(2) HI Heavy Industrial District:

~~Hazardous Materials Pipelines, meeting the supplemental standards in 86.16.~~

Amending 86.16 as follows:

86.16 Supplemental Standards for Certain Principal and Accessory Uses.

1. Hazardous ~~Materials~~ Liquid Pipelines. Proposed hazardous ~~materials~~ liquid pipelines shall meet the following standards. These standards do not apply to ~~pipelines operated by public utilities or~~ existing pipelines.

A. Setbacks Required.

- (1) A setback of one-quarter mile shall be required from dwellings, areas zoned A-R Agricultural Residential, R-1 Transitional Residential, R-2 Urban Residential, RMH Residential Manufactured Housing District, C-LI Commercial/Light Industrial District, HI Heavy Industrial District, retirement and nursing homes, family homes, schools, childcare homes and centers, group homes, hospitals, detention facilities, human service facilities, campgrounds, day camps, cemeteries, stables, amphitheaters, shooting ranges, golf courses, stadiums, parks, houses of worship, and auditoriums.
- (2) A setback of two miles from city boundaries shall also be required.
- (3) The setback shall be measured from the pipeline to the closest point of the building or property line, depending on the identified use type.

B. Critical Natural Resource Area Protections Required. If installation of a hazardous liquid pipeline is permitted by Chapter 88.05, only trenchless construction methods shall be permitted including in required buffer areas from a critical natural resource.

- C. Emergency Plan. A copy of an emergency response or preparedness plan shall be submitted to assist with the County's emergency response planning. The plan may be a preliminary or draft version of an emergency response plan that would meet the requirements of the federal Pipeline and Hazardous Materials Safety Administration. The County will determine whether the information in the plan is sufficient for the County to plan its own emergency response and may request additional information.
- D. Authorizations Required. Any person proposing to construct a hazardous liquid pipeline shall obtain all required federal, state, and local permits and any private easements or other land use permissions prior to commencing construction and submit documentation of such authorizations with the permit application.

The setbacks listed in Table 86-11 shall apply to all new hazardous materials pipelines. When an emergency plan is submitted meeting the following requirements, the minimum setback may be reduced to the point at which no occupied structure is located within a risk area. A risk area is the area where a professionally accepted level of concern threshold (where the concentration or other effect of a material is immediately dangerous to life or health) may be exceeded. The Story County Emergency Management Coordinator shall review the emergency plan with local emergency personnel, as applicable, to ensure standards are met. An emergency plan shall include the following:

- (1) A copy of all emergency plans required by 49 CFR § 195 and/or 49 CFR § 192.
- (2) Identification of Emergency Events. The plan shall outline the types of potential emergency events, the operator's ability to respond, and when local emergency response may be needed.
- (3) Immediate Actions Identification. The Plan shall identify immediate actions to be taken by the operator in emergency events, including immediate shut down or pressure reduction.
- (4) Notification. The plan shall identify how the operator will promptly and effectively notify local emergency responders. The plan shall also establish a liaison and emergency contact for the pipeline operator in case local authorities need to notify the operator of an emergency or other issue.
- (5) Local Emergency Response. In the case that local emergency response is needed, the plan shall identify:
 - i. Unique risks or hazards associated with a leak of a hazardous material transported by the pipeline that may affect the local emergency response or require additional precautions.
 - ii. Specialized equipment that may be needed to assist in response and potential evacuations, including, but not limited to, breathing apparatus, personal protective equipment, harnesses, instruments, detectors, or other

specialized tools. It is strongly recommended that the pipeline operator provide any specialized equipment to local emergency responders.

iii. ~~Drills and training, including their frequency, to be provided to local emergency responders by the pipeline operator.~~

(6) ~~Modeling. The plan shall contain model(s) of plume dispersion, leaks, vapor cloud, or overpressure for the potential range of loss-of-containment events. The model(s) shall be based on prevailing weather conditions. The model(s) shall also account for any unique topographic or other local conditions that may influence the area impacted. The model(s) shall include professionally-accepted level of concern thresholds and the radius or other distance from the center of the loss of containment event where they are predicted to be found. Thresholds should be based on levels of a given hazard (thermal, radiological, asphyxiation, chemical, etiological, mechanical, etc.) that are immediately dangerous to life or health.~~

(7) ~~Evacuation. The plan shall provide a list of dwellings and places of public assembly, as defined by Table 86-11, within one (1) mile of the pipeline to be used by local emergency responders in case an evacuation is needed. The pipeline operator shall also mail notice to the identified dwellings and places of public assembly at the time of the permit application, including information on risks, precautions, and what to do in case of loss of containment. Annual notifications are recommended.~~

Table 86-11 Setback Requirements for Hazardous Materials Pipelines

Hazardous Materials Pipeline Type and Use Type	Setback*
Gas	
Residential Developments and Places of Public Assembly**	For natural gas, the circle formed around the center point of a pipeline, the radius of which is $r = .69 \times (\sqrt{p \times d^2})$ where r is the radius in feet, p is the maximum operating pressure, and d is the nominal diameter of the pipeline in inches. For other gases, the factor used in the equation (.69) shall instead be the factor in section 3.2 of ASME/ANSI B31.8S. For example, a 24 inch, 1,200 psi natural gas pipeline would require a setback of 574 feet.
Dwellings and Other Development	For natural gas, the circle formed around the center point of a pipeline, the radius of which is $r = .69 \times (\sqrt{p \times d^2})$ where r is the radius in feet, p is the maximum operating pressure, and d is the nominal diameter of the pipeline

	in inches when using the aforementioned formula and the computed radius is over 660 feet. For other gases, the factor used in the equation (.69) shall instead be the factor in section 3.2 of ASME/ANSI B31.8S.
Liquid	
Residential Developments and Places of Public Assembly**	As established in 49 CFR § 195, no pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches (305 millimeters) of cover in addition to that prescribed in 49 CFR § 195.248.
Dwellings and Other Development	As established in 49 CFR § 195, no pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches (305 millimeters) of cover in addition to that prescribed in 49 CFR § 195.248
Carbon Dioxide, Dense or Supercritical Phase***	
Residential Developments and Places of Public Assembly**	The circle formed around the center point of a pipeline, the radius of which is $r = (155.80 \times d) + 738.19$ where r is the radius in feet, and d is the nominal diameter of the pipeline in inches. For example, a six inch pipeline would require a setback of 1,673 feet.
Dwellings and Other Development	The circle formed around the center point of a pipeline, the radius of which is $r = (107.65 \times d) + 328.08$ where r is the radius in feet, and d is the nominal diameter of the pipeline in inches. For example, a six inch pipeline would require a setback of 974 feet.

* The setback shall be the distance identified under the setback column in Table 86-11 measured from the pipeline to the closest point of the building or property line, depending on the identified use type.

** As referenced in Table 86-11, Residential Developments and Places of Public Assembly are areas zoned A-R Agricultural Residential, R-1 Transitional Residential, R-2 Urban Residential, or RMH Residential Manufactured Housing District; areas where there are more than four dwellings per quarter quarter section; places of public assembly where evacuation of occupants may present difficulties, including, but not limited to, retirement and nursing homes, family homes, schools, childcare homes and centers, group homes, hospitals, detention facilities, or human service facilities; outdoor places of public assembly;

including, but not limited to, campgrounds, day camps, cemeteries, stables, amphitheatres, shooting ranges, golf courses, stadiums, and parks that may be occupied by 20 or more persons at least 50 days per year; and indoor places of public assembly including, but not limited to stores, workplaces, houses of worship, and auditoriums that may be occupied by 20 or more persons five days per week.

***Supercritical or dense phase carbon dioxide is that which is held above its critical pressure and temperature in a fluid state.

- ~~B. Minimum Cover Required. Minimum cover requirements, as established by 49 CFR § 192.327 and § 195.248 shall be met. Where federal law does not define a minimum depth of cover and land is in agricultural production, a minimum depth of 36 inches or greater shall be maintained. A greater depth shall be required when determined necessary to withstand external loads anticipated from deep tillage of 18 inches, as required by Iowa Administrative Code Chapter 9.5(6), Restoration of Agricultural Lands During and After Pipeline Construction.~~
- ~~C. Critical Natural Resource Area Protections Required. An undisturbed buffer meeting the requirements of Chapter 88.05 Environmental and Natural Resource Standards shall be maintained from a Critical Natural Resource Area. An application for a pipeline shall demonstrate why rerouting around a Critical Natural Resource Area is unavoidable, if proposed. When unavoidable, and if permitted by Chapter 88.05 Environmental and Natural Resource Standards, only trenchless construction methods shall be permitted. When trenchless construction is permitted, trenchless methods are also required to be used in the undisturbed buffer areas established in Chapter 88.05 Environmental and Natural Resource Standards.~~
- ~~D. New Development Consultation Required. When a rezoning, minor or major subdivision, or other permit for a place of public assembly, as defined by Table 86-11 is proposed within the required setback for new pipelines, consultation with the pipeline operator on the potential risks shall be required.~~

DO NOT WRITE IN THE SPACE ABOVE, RESERVED FOR RECORDER

Prepared By: Leanne Harter, Story County Planning and Development, 900 6th Street, Nevada, IA 50201 (515) 382-7245

**Please return to:
Planning & Development**

STORY COUNTY IOWA
ORDINANCE NO. 329
AN ORDINANCE AMENDING CHAPTER 85, GENERAL PROVISIONS AND
DEFINITIONS AND CHAPTER 86, DISTRICT REQUIREMENTS OF THE STORY
COUNTY CODE OF ORDINANCES – LAND DEVELOPMENT REGULATIONS FOR A
TEXT AMENDMENT TO RESCIND ORDINANCE NO. 311

BE IT ENACTED by the Board of Supervisors of Story County, Iowa:

Section 1. Purpose. An Ordinance Amending Chapter 85, General Provisions and Definitions and Chapter 86, District Requirements Of The Story County Code of Ordinances—Land Development Regulations For A Text Amendment To Rescind Ordinance No. 311.

Section 2. Proposed Amendments. The amendments are as shown in Attachment A of this ordinance.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be effective after its final passage, approval and publication of the ordinance or a summary thereof, as provided by law.

Action upon FIRST Consideration: _____
DATE: March 3, 2026

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

Action upon SECOND Consideration: _____
DATE: March 10, 2026

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

Action upon THIRD Consideration: _____
DATE: March 17, 2026

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

ADOPTED THIS ____ day of _____, _____.

Chairperson, Board of Supervisors

Attest:

County Auditor

ROLL CALL	Latifah Faisal	Yea__	Nay__	Absent__
FOR ALLOWANCE	Lisa Heddens	Yea__	Nay__	Absent__
	Linda Murken	Yea__	Nay__	Absent__

ALLOWED BY VOTE OF BOARD	Yea__	Nay__	Absent__
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CHAIRPERSON

Above tabulation made by _____

ATTACHMENT A

**CHAPTER 85
LAND DEVELOPMENT REGULATIONS: GENERAL PROVISIONS AND DEFINITIONS**

85.07 EXEMPTIONS.

3. Public Utilities Exempt. No requirement, restriction, or regulation contained in the Ordinance shall be construed to control the type or location of any poles, towers, wires, water or sewer lines, gas mains, cables, or any other similar distributing equipment of a public utility. County, state, and federal road projects for the maintenance and/or construction of public roads and public road right-of-way shall also be considered exempt.

85.08 DEFINITIONS.

~~“Hazardous Liquid” means the same as defined in Iowa Code § 479B.2, as amended, and includes crude oil, refined petroleum products, liquefied petroleum gases, anhydrous ammonia, liquid fertilizers, liquefied carbon dioxide, alcohols, and coal slurries.~~

“Hazardous Materials” means those materials listed on the Hazardous Materials Table in 49 Code of Federal Regulations (CFR) §172.101.

~~“Pipeline” means the same as defined in Iowa Code § 479B.2, as amended, and includes an interstate pipe or pipeline and necessary appurtenances used for the transportation or transmission of hazardous liquid.~~

“Public Utility” means a public utility as defined in the Iowa Code Chapter 476.1 and municipally owned waterworks or wastewater facilities, waterworks having less than two thousand customers, joint water utilities established pursuant to Iowa Code Chapter 389, rural water districts incorporated and organized pursuant to Iowa Code Chapters 357A and 504, cooperative water associations incorporated and organized pursuant to Iowa Code Chapter 499, districts organized pursuant to Iowa Code Chapter 468, or a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro facility, from electricity that is produced primarily for the person’s own use.

**CHAPTER 86
LAND DEVELOPMENT REGULATIONS: DISTRICT REQUIREMENTS**

86.04 A-1 AGRICULTURAL DISTRICT

2. Principal Permitted Uses. Only the use of structures and/or land listed in this section shall be permitted in the A-1 Agricultural District.

~~—G. Hazardous Liquid Pipelines meeting the supplemental standards in [86.16](#).~~

~~**86.15 (Repealed by Ord. 310 – Oct. 23 Supp.)**~~

~~**86.16 SUPPLEMENTAL STANDARDS FOR CERTAIN PRINCIPAL AND ACCESSORY USES.**~~

~~—1. Hazardous Liquid Pipelines. Proposed hazardous liquid pipelines shall meet the following standards. These standards do not apply to existing pipelines.~~

~~—A. Setbacks Required.~~

~~—(1) A setback of one quarter mile shall be required from dwellings, areas zoned A-R Agricultural Residential, R-1 Transitional Residential, R-2 Urban Residential, RMH Residential Manufactured Housing District, C-LI Commercial/Light Industrial District, HI Heavy Industrial District, retirement and nursing homes, family homes, schools, childcare homes and centers, group homes, hospitals, detention facilities, human service facilities, campgrounds, day camps, cemeteries, stables, amphitheaters, shooting ranges, golf courses, stadiums, parks, houses of worship, and auditoriums.~~

~~—(2) A setback of one quarter mile shall also be required from city boundaries and areas identified as Urban Expansion by the C2C Plan Future Land Use Map.~~

~~—(3) The setback shall be measured from the pipeline to the closest point of the building or property line, depending on the identified use type.~~

~~—B. Critical Natural Resource Area Protections Required. If installation of a hazardous liquid pipeline is permitted by Chapter [88.05](#), only trenchless construction methods shall be permitted including in required buffer areas from a critical natural resource.~~

~~—C. Emergency Plan. A copy of an emergency response or preparedness plan shall be submitted to assist with the County's emergency response planning. The plan may be a preliminary or draft version of an emergency response plan that would meet the requirements of the federal Pipeline and Hazardous Materials Safety Administration. The County will determine whether the information in the plan is sufficient for the County to plan its own emergency response and may request additional information.~~

~~—D. Authorizations Required. Any person proposing to construct a hazardous liquid pipeline shall obtain all required federal, state, and local permits and any private easements or other land use permissions prior to commencing construction and submit documentation of such authorizations with the permit application.~~

Staff Report

Story County Board of Supervisors



Date of Meeting: March 3, 2026

Staff Project Manager: Leanne Harter

Case Number: TA26-000002*

Name of Text Amendment Case: Text Amendment to Address Uses for Digital Asset Mining, Cryptocurrency Operations, Data Processing Centers and/or Battery/Energy Storage Solutions on properties located in unincorporated Story County.

Applicant(s): Story County Planning and Development

REQUESTED ACTION

The request is to amend Chapter 85, General Provisions and Definitions; Chapter 86, District Requirements; Chapter 88, General Site Planning Standards; and Chapter 90, Conditional Uses Of The Story County Code of Ordinances—Land Development Regulations For A Text Amendment To Address Uses for Digital Asset Mining, Cryptocurrency Operations, Data Processing Centers and/or Battery/Energy Storage Solutions on properties located in unincorporated Story County as permitted in Section 92.07 Amending the Text of the Land Development Regulations of the *Story County Code of Ordinances*.

RECOMMENDATION

All requirements for a Text Amendment request are met. Planning and Development staff recommend approval. The Story County Planning and Zoning Commission reviewed the proposed text amendment on Wednesday, February 25, 2026, and voted 4-0 to recommend approval of the proposed text amendment to the Story County Board of Supervisors.

Background

Description of Proposed Text Amendment

The application is to Amend Chapter 85, General Provisions and Definitions; Chapter 86, District Requirements; Chapter 88, General Site Planning Standards; and Chapter 90, Conditional Uses Of The Story County Code of Ordinances—Land Development Regulations For A Text Amendment To Address Uses for Digital Asset Mining, Cryptocurrency Operations, Data Processing Centers and/or Battery/Energy Storage Solutions on properties located in unincorporated Story County.

On June 17, 2025, the Story County Board of Supervisors passed Resolution #25-97, Establishing a Temporary Moratorium on the Acceptance of Applications and/or Issuance of Permits for Digital Asset Mining, Cryptocurrency Operations, Data Processing Centers and/or Battery/Energy Storage Solutions on properties located in unincorporated Story County, putting in place a temporary moratorium expiring on or before December 31, 2025. Resolution #25-97 included the ability of the Story County Board of Supervisors to adopt a resolution extending the moratorium until March 31, 2026, if more time was needed by the Story County Planning and Development Department to



complete their review and make a recommendation to the Story County Planning and Zoning Commission and Story County Board of Supervisors. Resolution #26-36 adopted by the Story

County Board of Supervisors on November 25, 2025, authorized this one-time extension. To develop the proposed regulations, County staff received technical assistance from the Great Plains Institute and participated in NACo’s Rural Energy Academy Peer Exchange.

Proposed Modifications to the Code of Ordinances of Story County, Iowa - Land Development Regulations include amendments to the following Chapters:

- CHAPTER 85: GENERAL PROVISIONS AND DEFINITIONS
- CHAPTER 86: DISTRICT REQUIREMENTS
- CHAPTER 88: GENERAL SITE PLANNING STANDARDS
- CHAPTER 90: CONDITIONAL USES - Revisions to existing regulations for Commercial Wind Energy Conversion Systems (C-WECS) and Commercial Solar Energy Systems (C-SES) and the addition of regulations for Utility-Scale Battery Energy Storage System (UBESS), Cryptocurrency Data Center or Cryptocurrency Mining or Production Installations associated with a Data Center (CDC), and Data Center (DC)

The applicable requirements are outlined below.

Staff recommends a modification to the proposed Table of Conditional Uses section to clarify when U-BESS operations are proposed in conjunction with one of the following uses identified in the Table of Conditional Uses: “Commercial Wind Energy Conversion Systems (C-WECS)”, “Commercial Solar Energy Systems (C-SES)”, or “Any land or building used by a utility service for the purpose of generating or converting power”.

- Utility-Scale Battery Energy Storage System (U-BESS) (when such use is proposed conjunction with an application or major modification for a “Commercial Wind Energy Conversion Systems (C-WECS)”, “Commercial Solar Energy Systems (C-SES)”, or “Any land or building used by a utility service for the purpose of generating or converting power”, the U-BESS may be site on property zoned A-1, Agricultural and all supplemental standards for a U-BESS shall apply in addition to supplemental standards for “Commercial Wind Energy Conversion Systems (C-WECS)”, “Commercial Solar Energy Systems (C-SES)”, or “Any land or building used by a utility service for the purpose of generating or converting power”.)

Analysis

92.07(2) Standards for Approval. All applications for text amendments shall satisfy the following standards for such requested action to be approved.

- A. The proposed amendment shall conform to the Story County Cornerstone to Capstone Plan (C2C Plan).**
- B. The proposed amendment shall conform to the scope and purpose of the Ordinance.**

The proposed text amendment is consistent with the criteria outlined in Section 92.07 of the *Story County Code of Ordinances* as noted below:

- All requirements are satisfied.
- Not all requirements are satisfied and those exceptions are noted below:

*TA26-000002- Story County is currently transitioning application platforms. At some point in the future, this case number may be revised to reflect the new numbering sequence, as applicable.



The proposed Text Amendments are attached to this staff report.

Commentary

The following comments are part of the official record of the proposed text amendment, Case No. TA26-000002* If necessary, conditions of approval may be formulated based on these comments.

Comments from the General Public

The proposed regulations were posted on the County's website on February 12, 2026. In addition, the proposed regulations were distributed to identified stakeholders on February 12th.

At the time this staff report was prepared, the following comment had been received. Any additional public comments received will be shared at the Planning and Zoning Commission meeting.

Hi team, Thanks you for the email. In the interest in having and continuing a good working relationship with Story County, we are here to help with any requested solar needs.

We understand that Digital Asset Mining, Cryptocurrency Operations, and Data Processing Centers can strain utility and infrastructure capabilities. We would be happy to continue working with Story County in any capacity that helps local issues in our communities.

It is understandable that the Story County does not want to limit resources to a community by turning away possible new companies or enterprises due to resource constraints. However, resources are readily available with solar to offset and mitigate the high demand from the utility.

Supplementing solar is a solution for the utility's demands to supply the community. Installing solar power in these high-electrical-usage areas has proven effective in operations.

In closing, we are here to help Story County and our community by offering proven alternatives.

Thank you

--

Design/Engineering

1 Source Solar

nathan@1sourcesolar.com

Notice of the proposed text amendment was published in the three Story County newspapers on February 19, 2026.

Comments from the Planning and Zoning Commission Meeting on February 25, 2026

Thirteen individuals addressed the Planning and Zoning Commission, and the full audio to that meeting is available on Story County's website at <https://www.storycountyiowa.gov/Archive.aspx?ADID=11743>.

In summary, most concerns expressed were in opposition to the proposed data center regulations and such uses specifically, noting impacts including, but not limited to, water resources and electrical consumption rates, and requesting an extension of the moratorium for the data center uses. In addition,



representatives of NextEra noted potential changes they would recommend be made to the proposed regulations.

Alternatives

Planning and Zoning Commission recommended approval of the text amendment.

Planning and Development Staff recommended approval of the text amendment with modifications as presented at the Board of Supervisors meeting.

The Story County Board of Supervisors may consider the following alternatives for the text amendment request:

1. The Story County Board of Supervisors approves the Code of Ordinances Text Amendment, Ordinance 329, as put forth in case TA26-000002* and sets second consideration for Tuesday, March 10, 2026.
 2. **The Story County Board of Supervisors approves the Code of Ordinances Text Amendment, Ordinance 329, as put forth in case TA26-000002* as modified and sets second consideration for Tuesday, March 10, 2026.**
 3. The Story County Board of Supervisors denies the Code of Ordinances Text Amendment, Ordinance 329, as put forth in case TA26-000002* and sets second consideration for Tuesday, March 10, 2026.
 4. The Story County Board of Supervisors defers action on the Code of Ordinances Text Amendment, as put forth in case TA26-000002*, and requests staff to further review and/or modify the application and directs staff to place this item on a future Board of Supervisors Agenda.
-
-



Attachments to the Staff Report

- Submitted application, narrative and plans
- Public Comments
- Written responses from applicants to comments (if applicable)
- Legal Description
- Other **Attachment A - Draft regulations**



ATTACHMENT A

CHAPTER 85

LAND DEVELOPMENT REGULATIONS: GENERAL PROVISIONS AND DEFINITIONS

85.07 EXEMPTIONS.

3. Public Utilities Exempt. No requirement, restriction, or regulation contained in the Ordinance shall be construed to control the type or location of any poles, towers, wires, water or sewer lines, gas mains, cables, or any other similar distributing equipment of a public utility. County, state, and federal road projects for the maintenance and/or construction of public roads and public road right-of-way shall also be considered exempt. Battery Energy Storage Systems are not considered routine utility distribution equipment or essential services for zoning purposes.

85.08 DEFINITIONS.

“Accessory BESS (Co-Located)” means a battery energy storage system that is ancillary to another primary use of the property. Examples include a BESS co-located with a renewable energy generation facility (solar farm or wind farm) to store generated power, batteries that store electricity for on-site use (peak shaving, backup power), or batteries providing electric grid services at an existing substation. An accessory BESS is subordinate in size and purpose to the main use on the site. These are also often referred to as Hybrid BESS.

“Agrivoltaics or Agrivoltaic Projects” means solar sites that combine agricultural uses with generating electricity within the project area to maximize land use and offering mutual production benefits.

“ANSI” means the American National Standards Institute.

“Augmentation” means the process of supplementing or replacing some or all of the system components to maintain the nameplate capacity (measured in megawatts).

“Battery Energy Storage Management System” means an electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

“Battery Energy Storage System (BESS)” means one or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures. A BESS does not include a stand-alone 12-volt car battery or an electric motor vehicle. A BESS is classified as a Tier 1 or Tier 2 (Utility Scale) BESS as follows:

a. Tier 1 BESS have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist only of a single energy store system technology.

b. Tier 2 (Utility Scale) BESS have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

“BESS Dedicated-Use Building” means a building or structure that is only used for BESS components and equipment, is classified as Group F-1 occupancy, as defined in the International Building Code, and complies with the following:

- a. The building’s only use is battery energy storage, energy generation, and other electrical grid-related operations.
- b. No other occupancy types are permitted in the building.
- c. Occupants in the rooms and areas containing BESS are limited to personnel that operate, maintain, service, test, and repair the BESS and other energy systems.
- d. Administrative and support personnel are permitted in areas within the buildings that do not contain BESS, provided that these areas do not occupy more than ten (10) percent of the building area of the story in which they are located, and a means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing BESS or other energy systems equipment.

“BESS Participating Property” means a BESS host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the BESS owner (or affiliate) regardless of whether any part of a BESS is constructed on the property.

“Clean Agent Fire Suppression System” means a system that uses electrically nonconductive gaseous agents that do not leave residue upon evaporation to extinguish fires.

“Closed-loop Cooling System” means a sealed system where a coolant circulates continuously, absorbing heat from a source, and then transferring that heat to a heat exchanger for removal, without the coolant ever being exposed to the environment. A closed-loop system shall not use evaporative cooling. It may consist of methods including, but not limited to, air-cooled (dry) cooling, rear-door heat exchanger cooling, hybrid dry economizer cooling, direct-to-chip cooling, or immersion cooling.

“Commercial Cryptocurrency Mining” means the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and the means through which new units of cryptocurrencies are released through the use of server farms. Any equipment requiring a high-density load service, for the purposes of operating a cryptocurrency mining server farm, will constitute a commercial cryptocurrency mining operation.

“Commercial Solar Energy System” (C-SES) means a solar energy generation facility, solar collection system, or area of land comprised of a solar energy device, array of devices, or structural design feature, principally used to provide for the generation of energy distributed into

the electrical grid and not intended to primarily reduce on-site consumption of utility power with the following scales: Community/Commercial at 15 kW–1 MW and Utility-Scale at >1 MW.

“Commissioning” means a systematic process that provides documented confirmation that installed systems function according to the intended design criteria and comply with applicable code requirements.

“Community Noise Equivalent Level (CNEL)” means the 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

“Cryptocurrency” means a digital currency in which encryption techniques are used to regulate the generation of units of currency and to verify the transfer of funds while operating independently of a central bank.

“Cryptocurrency Data Center (CDC)” means the leased or owned boundaries of floor space devoted to the operating data processing equipment for commercial cryptocurrency mining, excluding spaces for data centers not otherwise engaged in commercial cryptocurrency mining, commercial offices, storage, shipping and receiving, warehousing, or any other space that is not electronic processing.

“Cryptocurrency Mining or Production Installations associated with a Data Center” means a physical facility that uses computing and networking equipment to collect, store and process data, as well as distribute and access resources. It may also include supporting equipment such as batteries, back-up generators and cooling equipment.

“Cryptocurrency Server Farm” means three or more interconnected computers housed together in a single facility either air-cooled or water cooled, whose primary function is to perform cryptocurrency mining or associated data processing.

“Data Center (DC)” means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

“Data Center Accessory Use” means the ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines, domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include

energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

“Data Center Electrical Substation” means a facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.

“Data Center Principal Building” means a building that contains the office and/or data storage functions of a Data Center.

“Data Mining” means the commercial process by which volumes of data are analyzed to find patterns, discover trends, and gain insight into how the data can be used as a commercial data mining operation.

“Dedicated-Use Building (BESS)” means a building that is only used for BESS components and equipment, as defined in the NFPA 855 Standards for the Installation of Stationary Energy Storage Systems.

“Energy Storage” means any technology that can absorb electricity, storing the electricity for a period of time, and redelivering that electricity.

“Footcandle” means the amount of light to saturate a one-foot square with one lumen of light.

“High-density Load Service” means any individual service at or above 660 amps in which the energy use intensity (EUI) is calculated as greater than 250 kWh/Feet²/year in total for all operating square footage.

“Liquid Cooling System” means a method of cooling electronic components or other devices by circulating liquid coolant through them, to cool and absorb heat from components and then dissipate heat through a radiator.

“NEC” means the National Electric Code.

“NEESC” means the National Electrical Safety Code.

“Non-commercial solar energy system (SES)” means a solar collection system consisting of one or more roof- and/or ground-mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a noncommercial solar energy system only if it supplies electrical or thermal power solely for on-site use at a scale of ≤ 15 kW, except that when a property upon which the facility 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.

“Non-participating Property” means any property that is not a participating property.

“Non-participating Residence” means any residence that is located on a non-participating property.

“On-site BESS” means a BESS that is intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid.

“Off-site BESS” means a BESS for the primary purpose of off-site use through the electric grid.

“Participating Property” means real property that is either owned by an applicant or that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the BESS owner (or affiliate) regardless of whether any part of the BESS system is constructed on the property.

“Public Utility” means a public utility as defined in the Iowa Code Chapter 476.1 and municipally owned waterworks or wastewater facilities, waterworks having less than two thousand customers, joint water utilities established pursuant to Iowa Code Chapter 389, rural water districts incorporated and organized pursuant to Iowa Code Chapters 357A and 504, cooperative water associations incorporated and organized pursuant to Iowa Code Chapter 499, districts organized pursuant to Iowa Code Chapter 468, or a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro facility, from electricity that is produced primarily for the person’s own use. Public utility does not include BESS facilities.

“Repowering” means the process of configuring, supplementing, or replacing some or all of the system components to increase the nameplate capacity (measured in megawatts).

“Sensitive Receptors” means schools; preschools; day care centers; in-home daycares; health facilities including, but not limited to hospitals, clinics, long term care facilities, retirement and nursing homes; community centers; places of worship; playgrounds; parks (excluding trails); campgrounds; prisons; dormitories; or any permitted residence.

“Thermal Runaway” means the rapid, uncontrollable increase in temperature often leading to catastrophic failure in electronic components or, specifically, batteries. It is a self-sustaining cycle where heat generation exceeds heat dissipation, resulting in an escalating temperature rise, potentially leading to fires, explosions, and the release of hazardous materials.

“Utility-Scale Tier 2 BESS (U-BESS)” means facilities that are typically standalone installations that store and dispatch energy to the electric grid (often at substation or transmission voltage level).

CHAPTER 88

LAND DEVELOPMENT REGULATIONS: GENERAL SITE PLANNING STANDARDS

9. Off-Street Loading Areas. In any district in connection with every building or part thereof hereafter erected having a gross floor area of 6,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

- A. Each loading stall shall not be less than 12 feet in width and 40 feet in length.
- B. Such space may not occupy all or any part of a required yard or open space. When adjacent to a residential district or residential use, it shall be set back 10 feet and screened from adjacent property by a planting screen not less than 10 feet in width and six feet in height or by a fence, wall, berm, or other comparable means. For CDC and DC uses, applicable setback requirements found in Chapter 90 must be satisfied.
- C. For CDC and DC uses, loading spaces/bays are only permitted to be located on one façade of the Data Center Principal Building.

Amend Table 88-5 Parking Ratios by Type to include the following

Land Use	Number of Maximum Spaces
<u>U-BESS</u>	<u>One space for each employee on the largest shift. If there are no shift employees, three spaces are permitted.</u>
<u>CDC or DC</u>	<u>One space per employee on the largest shift, plus an additional three visitor spaces.</u>

CHAPTER 86

LAND DEVELOPMENT REGULATIONS: DISTRICT REQUIREMENTS

Add the following as a Permitted Accessory Use in all zoning districts, except the GB/C district.

[Tier 1 Battery Energy Storage Systems](#)

CHAPTER 90

LAND DEVELOPMENT REGULATIONS: CONDITIONAL USES

6. Commercial WECS (C-WECS).

L. Noise. Audible noise due to C-WECS sites operations shall not exceed ~~60~~ 55 dBA for any period of time, when measured at any dwelling, school, hospital, church, or public library existing on the date of approval of any conditional use permit from the property line.

N. Discontinuation and Decommissioning. A C-WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. Each C-WECS shall have a decommissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.

- (1) The applicant shall submit a copy of the decommissioning plan to all property owners within the Conditional Use Permit area. The property owners shall provide the County a signed affidavit stating their awareness and responsibility of decommissioning costs.
- (2) Decommissioning Fund Financial Security. The applicant shall must continuously maintain a financial assurance mechanism in the form of a performance bond and/or other security approved by the County Attorney, for the period of the life of the facility. The required amount of the security shall be 130 percent of the total decommissioning cost identified in the decommissioning plan, excluding any salvage value as amended by the Board of Adjustment. The financial assurance mechanism must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, the bond-issuing company must be agreed upon by both the applicant and County. All decommissioning, removal and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mode of financial assurance.
- (3) Every three (3) years from the first date of operations, or on the written request of the County, the Owner shall review and update the Decommissioning Plan and all appendices and provide the updated plan and appendices to the County on or before the date of each three-year anniversary of the first date of operations. As part of this review process, the Owner shall recalculate the total decommissioning cost and the decommissioning guaranty amount; and the financial assurance required shall be modified accordingly.

Q. Submittal Requirements. In addition to the submittal requirements defined for conditional use permit applications, all applications for C-WECS must submit the following information (as applicable).

(18) Pre-construction interconnection agreements.

8. Commercial – Solar Energy Systems (C-SES).

D. Ground Cover and Buffer Areas. Perennial vegetative ground cover shall be planted on the ground around and under solar arrays and in project site buffer areas, and the ground shall meet the following standards:

- (1) Top soils shall not be removed from the site during development unless the removal is part of a remediation effort pre-defined and approved through the Conditional Use Permit.
- (2) Soils shall be planted and maintained in perennial vegetation in accordance with subparagraph 3 below to prevent erosion, manage run-off, and build soil.
- (3) Seed mixes and maintenance practices must be approved by Story County Conservation prior to action by the Board of Adjustment.
- (4) Solar collectors and racking are not considered impervious cover if underlying ground is pervious vegetation, and the soil is not compacted.
- (5) The applicant shall submit a vegetative management plan prepared by a qualified professional or reviewed and approved by Story County Conservation. The plan shall identify:
 - a. The natural resource professionals consulted or responsible for the plan
 - b. The conservation, habitat, eco-system, or agricultural goals, which may include: providing habitat for pollinators such as bees and monarch butterflies, providing habitat for wildlife such as upland nesting birds and other wildlife, establishing vegetation for livestock grazing, reducing on-site soil erosion, and improving or protecting surface or ground water quality.
 - c. The intended mix of vegetation upon establishment.
 - d. The management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three years.

E. Fencing. Ground-mounted solar energy device or combination of devices comprising a C-SES shall be enclosed by perimeter fencing at a height of eight feet to restrict unauthorized access. Security fences and gates must be maintained in good condition until the site is decommissioned.

- (1) Native/pollinator-friendly vegetation buffers or fencing to screen solar farms from adjacent homes/public roads is required.

L. Discontinuation and Decommissioning. C-SES shall be considered discontinued after one year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the C-SES to service.

(1) Removal Requirements. Any C-SES which has reached the end of its useful life or has been determined to be discontinued pursuant to this section shall be decommissioned and removed within 180 days of the discontinuation of use.

(2) Decommissioning shall consist of:

- a. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site to four feet below ground level within 180 days of the discontinuation of use.
- b. Disposal of all solid and hazardous waste in accordance with local, State, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Director may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(3) Decommissioning Plan and Financial Surety.

- a. C-SES shall have a decommissioning plan outlining the anticipated means and costs of removing the C-SES at the end of its serviceable life or upon becoming discontinued.
- b. The decommissioning plan shall identify financial resources that will be available to pay for decommissioning and removal of C-SES.
- c. The applicant **shall must** continuously maintain a financial assurance mechanism in the form of a performance bond and/or other security approved by the County Attorney, for the period of the life of the facility. The amount of the security shall be 130 percent of the total decommissioning cost identified in the decommissioning plan, without the salvage value. The financial assurance mechanism must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, the bond issuing company must be agreed upon by both the applicant and County. All decommissioning, removal and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mechanism of financial assurance.
- d. Property Owner Affidavit. The applicant shall submit a copy of the decommissioning plan to all property owners within the boundaries of the Conditional Use Permit area. The property owners shall provide the County a signed affidavit acknowledging receipt of the plan and their responsibility for decommissioning costs.
- e. Every three (3) years from the first date of operations, or on the written request of the County, the Owner shall review and update the Decommissioning Plan and all appendices and provide the updated plan and appendices to the County on or before the date of each three-year anniversary of the first date of operations. As part of this review process, the Owner shall recalculate the total

decommissioning cost and the decommissioning guaranty amount; and the financial assurance required shall be modified accordingly.

M. Monitoring and Maintenance. The owner or operator of C-SES shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Internal circulation drives shall be maintained by the owner or operator to a level acceptable to the applicable fire chief and Story County Emergency Management Agency. The owner or operator shall be solely responsible for the cost of maintaining the C-SES and any internal access roads.

- (1) Agrivoltaics or Agrivoltaic Projects such as pollinator-friendly cover crops/livestock grazing on solar farm sites are permitted and encouraged to continue, to achieve co-benefits of solar energy and agriculture.

O. Submittal Requirements. In addition to the submittal requirements defined for conditional use permit applications, all applications for C-SES must submit the following information (as applicable).

- (22) Vegetative Management Plan.

**This page through
the end of the
packet contains
proposed new
regulation.**

**CHAPTER 90
LAND DEVELOPMENT REGULATIONS: CONDITIONAL USES**

Amendment to Table 90-1 – Table of Conditional Uses

All subject to supplemental standards, and in the C-LI and HI

- Utility-Scale Battery Energy Storage System (U-BESS)
(when such use is proposed conjunction with an application or major modification for a “Commercial Wind Energy Conversion Systems (C-WECS)”, “Commercial Solar Energy Systems (C-SES)”, or “Any land or building used by a utility service for the purpose of generating or converting power”, the U-BESS may be site on property zoned A-1, Agricultural and all supplemental standards for a U-BESS shall apply in addition to supplemental standards for “Commercial Wind Energy Conversion Systems (C-WECS)”, “Commercial Solar Energy Systems (C-SES)”, or “Any land or building used by a utility service for the purpose of generating or converting power”.)
- Cryptocurrency Data Center or Cryptocurrency Mining or Production Installations associated with a Data Center (CDC)
- Data Center (DC)

11. Utility-Scale (Tier 2) Battery Energy Storage Systems (U-BESS)

- A. The requirements of the Ordinance shall apply to all U-BESS proposed after the effective date of the Ordinance.
- B. Co-Located with Solar or Wind: When a U-BESS is proposed as part of a new solar farm or wind farm, the U-BESS is processed as a component of the new solar farm or wind farm's conditional use permit rather than requiring a separate conditional use permit. For an existing wind farm or solar farm that was permitted prior to the adoption of the standards for U-BESS wanting to add battery storage, such applications will be processed as a Major Modification to the existing conditional use permit.
- C. Setbacks and Separation Requirements. The following setbacks and separation requirements shall apply to all components of a U-BESS.
 - 1) U-BESS facilities shall comply with all applicable setbacks and separation distances as required by NFPA 855.
 - 2) Sensitive Receptors. Setbacks from the nearest Receptor use shall be 100 feet or greater, as measured from structure to structure. Setbacks shall be established allowing for no greater than 55dB(A) from the U-BESS occurring at an adjacent dwelling.
 - 3) Public Right-of-Way. Setbacks from public right-of-way shall comply with the applicable setbacks as defined by the base zone district.
- D. Screening and Landscaping
 - 1) U-BESS must be visually screened from the public right-of-way and from any Sensitive Receptors located within 100' of the U-BESS.
- E. Parking shall comply with the requirements defined in Section 88.08 Parking and Circulation Standards.
- F. Hazardous Materials and Environmental Protection
 - 1) The U-BESS shall comply with all applicable hazardous materials handling and reporting laws.
 - 2) Batteries shall be recycled or disposed of in accordance with environmental regulations upon decommissioning. The Decommissioning Plan must identify where the batteries will go.
 - 3) U-BESS installations must comply with the County's stormwater and erosion control ordinance.
 - 4) On parcels containing more than 50 percent of the gross acreage as lands identified with areas designated Natural Resource Areas on the Cornerstone to Capstone (C2C) Comprehensive Plan, the conditional use permit shall not be approved unless conditions protecting the identified areas are attached to the request, either split zoned with conservation or conservation easements.
 - 5) U-BESS shall not be located in the Special Flood Hazard Area.
- G. Fencing and Security Measures.
 - 1) A perimeter security fence up to eight (8) feet tall must be installed around the entire U-BESS, including the battery containers and electrical equipment.

- 2) Fencing may not be placed in front of landscaping adjacent to roads. There must be landscaping in front of any fence adjacent to public roads.
 - 3) Security fencing near electrical installations must be grounded and bonded to protect against electrical hazards as per the National Electric Code.
 - 4) For installations over 1,000 volts, a warning sign reading "DANGER – HIGH VOLTAGE – KEEP OUT" is required on locked or monitored enclosures.
 - 5) Warning signage such as high voltage, energy storage facility identification, emergency contact info, must be posted on the fence per the National Electric Code requirements.
 - 6) Security fences and gates must be maintained in good condition until the site is decommissioned.
 - 7) Battery energy storage systems shall also comply with specifications established in NFPA 855 relating to barriers and buffering.
- H. Signage. No signs other than appropriate warning signs, or standard manufacturers', operators', or installers' identification signage, shall be displayed unless permitted in accordance with Chapter 89.
- I. Access and Fire Safety. Battery energy storage systems shall comply with the latest published version of the National Fire Protection Association (NFPA) 855, Standard for Installation of Stationary Energy Storage Systems, at the date of the submission of the application.
- J. Lighting. Exterior lighting, including any security lighting, shall be the minimum necessary for safety and security, downward directed, shielded from adjacent properties, and comply with the requirements of Section 88.09, Site Lighting.
- K. Emergency Response Plan (ERP):
- 1) An ERP is to be prepared and submitted for review prior to the issuance of a zoning permit. At the time a conditional use permit application is submitted, a draft ERP per NFPA 855 **Section 4.3.2.1.4(4)** shall be included with the application materials. This shall include but not be limited to an evacuation plan, firefighting techniques, and responsibility assignments for each scenario in the ERP.
 - 2) Prior to commencing commercial operations, the applicant shall submit a plan as an appendix to the project permit application for offering site-specific training to the fire service and emergency personnel of all applicable jurisdictions.
 - 3) The ERP shall be reviewed annually by local emergency responders throughout the project's lifespan and modified for best safety practices if necessary.
 - 4) Routine maintenance shall be performed on the U-BESS equipment to ensure proper performance of the technology. The County and local emergency responders are to be contacted if there are concerns of failure to meet any ERP standards in the U-BESS performance.
 - 5) **The applicant must c**onduct and submit documentation of hazard mitigation analyses as required by NFPA 855. An ERP and necessary fire precautions must be in place prior to issuance of any zoning permits.
 - 6) Local first responders are to be trained and equipped to the extent current equipment is insufficient to respond appropriately to the selected battery technology for the U-BESS project, at the Owner's commercially reasonable expense, prior to the commencement of the operation. Refresher training to local first responders shall be required, at the Owner's commercially reasonable expense, at reasonable intervals, at least annually or as requested by the jurisdictional fire chief and Story County Emergency Management throughout the life of the project.
 - 7) Owner shall be responsible for the commercially reasonable costs of local first responders for any emergency event at the facility.

- 8) Owner shall provide confirmation that there will be remote monitoring of the U-BESS 24 hours daily, seven (7) days a week.
- 9) U-BESS operators are required to certify that the system is being maintained per safety standards and coordinate refresher training or drill with the applicable fire department. Annual proof to be provided to Story County Planning and Development no later than February 28 each year. Failure to comply annually with this may result in revocation of the conditional use permit.
- L. Noise Standards: Sound generated from the battery energy storage systems, components, and associated ancillary equipment, measured at the nearest sensitive receptor or a non-participating property shall not exceed 55 dB(A) (1-hour Leq) at the property line.
 - 1) These standards shall not apply to uses established after the U-BESS is permitted/started.
- M. Compliance with Applicable Codes and Certifications.
 - 1) State Building Code. All U-BESS shall meet all requirements of the current State Building Code.
 - 2) National Electric Code (NEC). All U-BESS shall comply with the National Electrical Code, current edition.
 - 3) Certification that all battery units meet national safety standards (e.g. UL 1973 for battery modules, and UL 9540 for the entire storage system). All U-BESS applications shall provide such certification.
- ~~N. Lighting. Exterior lighting at a U-BESS site shall be the minimum necessary for safety and security, downward directed, and shielded from adjacent properties and comply with the requirements of Section 88.09.~~
- N. Underground Installation of Utilities. Reasonable efforts shall be made to place all utility connections from ~~CDC or DC~~ **U-BESS** facilities underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements. Any above ground utility lines require an engineer's signed statement and explanation as to why buried utilities are not feasible.
- O. All U-BESS shall comply with Iowa Utilities Board rules and any state law requirements. Any required state or federal permits or approvals (such as IUB generator certificates for very large facilities) must be obtained, and copies provided to the County, prior to construction.
- P. Review of Augmentation Plans
 - 1) If augmentation was not considered in the approved permit application, then such augmentation shall be processed as an amendment to the approved conditional use permit.
- Q. Commissioning Plan and Report
 - 2) Prior to issuance of a zoning permit, U-BESS Applicants shall submit a commissioning plan in accordance with NFPA 855 that contains:
 - a. An electrical diagram detailing the battery energy storage system configuration, associated components, and electrical interconnection methods, compliant with applicable state or local electrical codes, including NEC and NESC.
 - b. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification datasheet shall be submitted prior to the issuance of the zoning permit.
 - c. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the U-BESS. Such information of the final system installer shall be submitted prior to the issuance of final zoning permit.

- R. Discontinuation and Decommissioning. U-BESS shall be considered discontinued after it has not stored electrical energy for twelve (12) consecutive months, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the U-BESS to service.
- 3) Removal Requirements. Any U-BESS which has reached the end of its useful life or has been determined to be discontinued pursuant to this section shall be decommissioned and removed within one-hundred eighty (180) days of the discontinuation of use.
 - 4) Decommissioning shall consist of:
 - a. Physical removal of all above-surface facilities and infrastructure that have no ongoing purpose, from the site. All U-BESS and accessory facilities shall be removed to four (4) feet below ground level within one-hundred eighty (180) days of the discontinuation of use.
 - b. Disposal of all solid and hazardous waste in accordance with local, State, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Director may allow the owner or operator to leave landscaping to minimize erosion and disruption to vegetation.
 - 5) Decommissioning Plan and Financial Surety.
 - a. U-BESS shall have a decommissioning plan outlining the anticipated means and costs of removing the U-BESS at the end of its serviceable life or upon becoming discontinued.
 - b. The decommissioning plan shall identify financial resources that will be available to pay for decommissioning and removal of U-BESS.
 - c. The applicant must continuously maintain a financial assurance mechanism in the form of a performance bond and/or other security approved by the County Attorney, for the period of the life of the facility. The required amount of the security shall be 130 percent of the total decommissioning cost identified in the decommissioning plan, excluding any salvage value. The financial assurance mechanism must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, the bond issuing company must be agreed upon by both the applicant and County. All decommissioning, removal and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mechanism of financial assurance.
 - d. Property Owner Affidavit. The applicant shall submit a copy of the decommissioning plan to all property owners within the boundaries of the Conditional Use Permit area. The property owners shall provide the County with a signed affidavit acknowledging receipt of the plan and their responsibility for decommissioning costs.
 - e. Every three (3) years from the first date of operations, or on the written request of the County, the Owner shall review and update the Decommissioning Plan and all appendices and provide the updated plan and appendices to the County on or before the date of each three-year anniversary of the first date of operations. As part of this review process, the Owner shall recalculate the total decommissioning cost and the decommissioning guaranty amount; and the financial assurance required shall be modified accordingly.
- S. Monitoring and Maintenance. The owner or operator of a U-BESS shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Internal circulation drives shall be maintained by

the owner or operator to a level acceptable to the applicable fire chief and Story County Emergency Management Agency. The owner or operator shall be solely responsible for the cost of maintaining the U-BESS and any internal access roads.

- 6) Following the initial completion of the project and the project commissioning, Owner shall notify the County, in writing, of any battery enclosures before being removed or installed at the project. Such notification shall be at least thirty (30) days in advance of the removal or installation, except in cases of emergency, when Owner shall notify the County as soon as practicable. No batteries shall be stored on the premises outside of battery enclosures, with the exception of batteries stored for future use, and any such used for future use shall be stored to NFPA 855 standards.
- T. Ownership Changes. If the owner of the U-BESS changes or the owner of the property changes, the conditional use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the conditional use permit, site plan approval, and decommissioning plan. A new owner or operator of the U-BESS shall notify the Story County Planning and Development Department in writing of such changes in ownership or operations within sixty (60) days of the change.
- 7) The conditional use permit and all other local approvals for the U-BESS may be considered void if a new owner or operator fails to provide written notification to the Story County Planning and Development Department within the required timeframe. Reinstatement of a void conditional use permit will be subject to the same review and approval processes for new conditional use permits.
- U. Third-Party Reviewer
- 8) The County may seek the services of a third-party reviewer with expertise in the U-BESS technology field to assist with the following services (if the conditional use permit is approved by the County).
 - a. Review of the site and architectural plan, battery technology, compliance with NFPA 855, and with other applicable regulatory standards and codes not specifically identified in these regulations.
 - b. Assist with the review of the ERP, completed noise study, decommissioning plan and review of decommissioning financial security agreement.
 - 9) The County shall make their best effort so that the Third-Party Review does not unreasonably delay the project's zoning permitting or construction process. The Owner shall be responsible for reimbursing the County for the commercially reasonable costs incurred for the services of said Third-Party Reviewer. Said costs shall be mutually agreed upon by the County and Owner prior to the County's commencement of plan review for the zoning permit.
- V. Avoidance and Mitigation of Damages to Public Infrastructure.
- 10) Roads. Applicant shall identify all roads to be used for the purpose of transporting components and/or equipment for construction, operation or maintenance of the U-BESS and obtain applicable weight and size permits from the impacted road authority prior to construction.
 - 11) Existing Road Conditions. Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority to determine existing road conditions. The pre-construction survey shall include photographs and a written agreement to document the condition of the roads and applicable public facilities. The applicant is responsible for on-going road maintenance and dust control measures identified by the Story County Engineer during all phases of construction.
 - 12) Drainage System. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of the U-BESS.

- 13) Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the roads and bridges to preconstruction conditions. Financial assurance mechanisms in the form of a performance bond and/or other security approved by the Story County Attorney's Office shall be submitted to the Planning and Development Department covering 130 percent of the costs of all required improvements prior to final issuance of the conditional use permit by the Board of Adjustment. This requirement may be waived by the Board of Adjustment upon recommendation from the Story County Engineer.

W. Submittal Requirements. All U-BESS applications must submit the following information in addition to submittal requirements defined for conditional use permit applications.

- 1) The names of the project applicants.
- 2) The names of the project owners.
- 3) The legal description and address of the project.
- 4) The names of the landowners.
- 5) Pre-construction survey and proposed routes.
- 6) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- 7) A detailed site plan drawing showing the layout of the U-BESS facility on the property including the battery enclosures/containers, inverters and electrical equipment, transformers, access roads, parking or turnaround areas for maintenance vehicles, proposed fencing and gates, landscape buffers (if any), and setback distances from property lines and existing structures, and identifying any adjacent uses (homes, public roads, etc.), floodplain, rights-of-way and zoning district designations. For co-located U-BESS at a solar/wind farm, the U-BESS components should be clearly identified on the overall project site plan as defined in Section 90.08.6 Commercial WECS (C-WECS) and 90.08.8 Commercial Solar Energy Systems (C-SES).
- 8) Project Narrative and Specification Sheets describing the U-BESS project, including the type of battery technology (e.g. lithium-ion, flow battery, etc.), the nameplate energy capacity (in MW and MWh), the intended charge/discharge regime (e.g. daily cycling, emergency backup), and whether the system is stand-alone or tied to a generation facility. The applicant should provide manufacturer's spec sheets for the battery units and associated equipment, to verify dimensions and compliance with safety standards (such as UL listings).
- 9) Statements of Compliance with Applicable Codes and Certifications.
- 10) Emergency Response Plan.
- 11) Site Safety and Security Plan: A detailed plan outlining on-site safety features such as thermal monitoring systems, ventilation and explosion-proof construction features and describing how the site will be secured against unauthorized access like fencing, locking cabinets, lighting, alarms, etc.
- 12) Project development timeline.
- 13) Existing Resources Inventory as defined in [Chapter 85](#).
- 14) Documentation of actual or prospective access and traffic control of the project site.
- 15) Operation and maintenance plan of the U-BESS, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.
- 16) Proof of liability insurance.
- 17) Applicable Fee

- 18) Decommissioning plan without salvage value calculated into the security bond amount.
- 19) Acknowledgement of Third-Party Reviewer process and potential costs.

12 Cryptocurrency Mining or Production Installations Associated with a Data Center (CDC); Data Centers (DC)

- A. The requirements of the Ordinance shall apply to all CDC or DC proposed after the effective date of the Ordinance.
- B. Maximum Height. Building height shall not exceed forty (40) feet and shall not include any additional rooftop equipment, which may not exceed a maximum height of thirty (30) feet.
 - 1) Any mechanical rooftop equipment, including but not limited to heating, air conditioning, ventilation, generators, and other similar equipment, shall be screened with a parapet wall, false roof, or other building elements that shall provide one hundred (100) percent screening of mechanical equipment from the adjacent roadways, properties, and waterways.
 - a. The parapet wall, false roof, or building element shall be constructed of the same materials used in the construction of the principal building or structure and shall be designed to be architecturally integrated with the building's overall design.
 - b. No screening shall be required for renewable energy infrastructure equipment, including but not limited to solar energy systems, wind energy systems, and other power generation equipment.
 - c. No screening shall be required for any green infrastructure, including but not limited to green roofs, rooftop cisterns, and other bioretention equipment.
- C. Setbacks
 - 1) All principal buildings, accessory structures, and Data Center Electric Utility Substations shall be set back at least two hundred (200) feet from all property lines or not exceeding 60dB(A).
 - 2) If located on the ground, any equipment for cooling, ventilating, or otherwise operating the facility, including any power generator or other power supply equipment, must either be:
 - a. Located at least one hundred (100) feet or not exceed 60 dB(A) from the lot line of a property with a residential zoning classification or an existing dwelling; or
 - b. Separated from the lot line of a property with a residential zoning classification or an existing dwelling by the principal data center building.
- D. Site Layout. Buildings shall be sited and oriented to:
 - 1) Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Receptor areas.
 - 2) Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.
 - 3) Accommodate parking area.
 - 4) Minimize impacts to natural resources.
 - 5) Incorporate appropriate stormwater management practices.
- E. Utility Connections: Reasonable efforts shall be made to place all utility connections from CDC or DC facilities underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements. Any above ground utility lines require an engineer's signed statement and explanation as to why buried utilities are not feasible.
- F. Screening
 - 1) Substations, electrical yards, mechanical yards, and any other exposed equipment shall not be located between the building and a publicly accessible road or right-of-way and shall be screened from any adjacent publicly available accessible street, private street, trail, or park.

- 2) All cooling, ventilation, and other electrical equipment used to operate the facility shall not be located between the building and publicly accessible rights-of-way.
 - 3) CDC or DC must be visually screened from the public right-of-way and from any Sensitive Receptors located within 100' of the CDC or DC. A landscape buffer is required to be installed and maintained during the life of the operation. The following plant unit percentages apply to each property line where the buffer is required:
 - a. A maximum of twenty (20) percent of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.
 - b. A minimum of forty (40) percent and a maximum of seventy (70) percent of the required plant units must be evergreen trees that are a minimum of eight (8) feet in height at the time of planting.
 - c. A maximum of thirty (30) percent of the required plant units may be small deciduous trees.
 - d. A maximum of thirty (30) percent of the required plant units may be large deciduous trees.
 - e. Buffer Substitution Using Topography and Vegetation. Use of the natural topography and preservation of non-invasive existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements if determined by the Story County Board of Adjustment to provide screening at the density, depth, and height equivalent to that outlined above.
- G. Signage: Each CDC or DC operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include company name, owner/representative name, telephone number, and corresponding local power company and telephone number. All additional signage must adhere to the requirements in Chapter 89.
- H. Lighting: Exterior lighting, including any security lighting, shall be the minimum necessary for safety and security, downward directed, and shielded from adjacent properties and comply with the requirements of Section 88.09, Site Lighting.
- I. Noise/Vibration
- 1) The CNEL at the boundary of the property containing a Sensitive Receptor shall not exceed 55 dB(A) within three hundred (300) feet.
 - 2) The CNEL at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 70 dB(A).
 - 3) Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to 10 dB(A).
 - 4) In the event audible noise operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth shall be reduced by 5 dB(A).
 - 5) The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.
 - 6) A noise reduction barrier or device may be required at the discretion of the Board of Adjustment when it is inconclusive that noise level tests do not conform to acceptable noise levels.
 - 7) The limitations of this section shall not apply to any Sensitive Receptor that is established adjacent to the CDC or DC after the date of issuance of a final zoning permit for the applicant's operation.
 - 8) In the event the noise levels resulting from CDC or DC operations exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following has been accomplished.

- a. Written waiver from the affected property owners has been obtained stating that they are aware of the CDC or DC and the noise limitations imposed by these Regulations, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and,
 - b. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Story County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that the noise levels in excess of those permitted by these Regulations may exist on or at the burdened property.
 - c. Any generators on the property shall comply with the U.S. Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) of at least Tier 4 emissions. Testing for these generators shall not exceed ten (10) hours per month unless a power outage occurs. Generators shall be enclosed by a sound attenuation for noise reduction and to reduce pollution.
 - d. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.
- J. Foundation. All structures shall have concrete foundations.
- 1) Foundations shall not be defective, decayed, or corroded.
 - 2) The use of cargo containers, railroad cars, semi-truck trailers, and other similar storage containers for any component of the operation are prohibited.
- K. Cooling Systems. CDC or DC shall be required to have a liquid cooling system.
- 1) A closed loop cooling system is required.
 - 2) The application shall include an estimate of annual water consumption for the site to include an assessment for annual replacement or replenishment of water in the closed loop.
 - 3) The application shall include a description of the intended source of water for the development, and documentation from the Iowa Department of Natural Resources along with Story County Environmental Health affirming sufficient water resources exist to serve the site.
 - 4) All necessary permits must be obtained from Story County Environmental Health and the Iowa Department of Natural Resources.
- L. Equipment. All servers, computers, processors, materials, and equipment must be enclosed within buildings.
- M. Electrical Power. The applicant shall provide written verification from the power provider that the applicant has calculated the maximum potential electrical consumption of the proposed use and has verified the utility supply equipment and related electrical infrastructure is sufficiently sized and can safely accommodate the proposed use during the power provider's peak consumption hours.
- N. Hazardous Materials and Environmental Protection.
- 1) The CDC or DC shall comply with all applicable hazardous materials handling and reporting laws.
 - 2) All CDC or DC must comply with the County's stormwater and erosion control ordinance.
 - 3) On parcels containing more than 50 percent of the gross acreage as lands identified with areas designated Natural Resource Areas on the Cornerstone to Capstone (C2C) Comprehensive Plan, the conditional use permit shall not be approved unless conditions protecting the identified areas are attached to the request, either split zoned with conservation or conservation easements.
 - 4) CDC or DC shall not be located in the Special Flood Hazard Area.

O. Ice Mitigation Report: All CDC or DC shall ensure that the amount of heat that is dissipated by the mining activity shall be monitored when the average daily temperature is 40 degrees Fahrenheit or less to ensure that there is no buildup of ice on neighboring properties and roadways.

- 1) In the instance that condensation and ice occur, there shall be an agreement between the facility's operational contact, owners of neighboring properties (to mitigate ice buildup on dwellings), and the County Engineer to mitigate ice on public right of way.

P. Safety.

- 1) The equipment used in any CDC or DC operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.
- 2) Any CDC or DC using **proposing proposed** battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with NFPA Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
- 3) A clean agent fire protection system must be provided and maintained in good working order within any structure which contains a server farm. High sensitivity smoke detectors shall be installed and operational in order to activate the clean agent fire suppression system.

Q. Power Lines and Electric Utility Substations.

- 1) CDC or DC Electric Utility Substations must include year-round opaque landscaping or a screen wall a minimum of eight (8) feet in height to minimize visual impact.
- 2) Electric Utility Substations on the same property as the CDC or DC they serve must be located on the side or rear of a principal building so they are screened from public view and must not be in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- 3) Burying power lines serving the property is required. On-site power lines of 34.5 kV and below must be buried. Any above ground utility lines require an engineer's signed statement and explanation as to why buried utilities are not feasible.
- 4) The CDC or DC Electric Utility Substation shall be subject to applicable zoning district setback requirements. Setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

R. Emergency Contact Information.

- 1) Each CDC or DC operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

S. Compliance with Applicable Codes and Certifications. Statements of Compliance with Applicable Codes and Certifications below **is are** required at the time of submittal for a conditional use permit.

- 1) State Building Code. All CDC or DC shall comply with all requirements of the current State Building Code.
- 2) National Electrical Code (NEC). All CDC or DC shall comply with the National Electrical Code, current edition.
- 3) Certification that all battery units meet national safety standards (e.g. UL 1973 for battery modules, and UL 9540 for the entire storage system).

- T. Commissioning Plan and Report. Prior to issuance of a zoning permit, CDC or DC Applicants shall submit a commissioning plan that demonstrates:
- 1) An electrical diagram detailing the configuration, associated components, and electrical interconnection methods, compliant with applicable state or local electrical codes, including NEC and NESC.
 - 2) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the CDC or DC. Such information of the final system installer shall be submitted prior to the issuance of final zoning permit.
- U. Discontinuation and Decommissioning. CDC or DC shall be considered discontinued after twelve (12) months without active and continuous use unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the CDC or DC to service.
- 1) Removal Requirements. Any CDC or DC which has reached the end of its useful life or has been determined to be discontinued pursuant to this section shall be decommissioned and removed within one-hundred eighty (180) days of the discontinuation of use.
 - 2) Decommissioning shall consist of:
 - a. Physical removal of all above-surface facilities and infrastructure that have no ongoing purpose from the site. All CDC and DC and accessory facilities shall be removed to four (4) feet below ground level within one-hundred eighty (180) days of the discontinuation of use.
 - b. Disposal of all solid and hazardous waste in accordance with local, State, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Director may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - 3) Decommissioning Plan and Financial Surety.
 - a. The CDC or DC shall have a decommissioning plan outlining the anticipated means and costs of removing the CDC or DC at the end of its serviceable life or upon becoming discontinued.
 - b. The decommissioning plan shall identify financial resources that will be available to pay for decommissioning and removal of a CDC or DC.
 - c. The applicant must continuously maintain a financial assurance mechanism in the form of a performance bond and/or other security approved by the County Attorney, for the period of the life of the facility. The required amount of the security shall be 130 percent of the total decommissioning cost identified in the decommissioning plan, excluding any salvage value. The financial assurance mechanism must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, the bond issuing company must be agreed upon by both the applicant and County. All decommissioning, removal and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mechanism of financial assurance.
 - d. Property Owner Affidavit. The applicant shall submit a copy of the decommissioning plan to all property owners within the boundaries of the Conditional Use Permit area. The property owners shall provide the County with a signed affidavit acknowledging receipt of the plan and their responsibility for decommissioning costs.

- e. Every three (3) years from the first date of operations, or on the written request of the County, the Owner shall review and update the Decommissioning Plan and all appendices and provide the updated plan and appendices to the County on or before the date of each three-year anniversary of the first date of operations. As part of this review process, the Owner shall recalculate the total decommissioning cost and the decommissioning guaranty amount; and the financial assurance required shall be modified accordingly.
- V. Monitoring and Maintenance. The owner or operator of a CDC or DC shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Internal circulation drives shall be maintained by the owner or operator to a level acceptable to the applicable fire chief and Story County Emergency Management Agency. The owner or operator shall be solely responsible for the cost of maintaining the CDC or DC and any internal access roads.
- W. Ownership Changes. If the owner of the CDC or DC changes or the owner of the property changes, the conditional use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the conditional use permit, site plan approval, and decommissioning plan. A new owner or operator of the CDC or DC shall notify the Story County Planning and Development Department in writing of such changes in ownership or operations within sixty (60) days of the change.
 - 1) The conditional use permit and all other local approvals for the CDC or DC may be considered void if a new owner or operator fails to provide written notification to the Story County Planning and Development Department within the required timeframe. Reinstatement of a void conditional use permit will be subject to the same review and approval processes for new conditional use permits.
- X. Third-Party Reviewer.
 - 1) The County may seek the services of a third-party reviewer with expertise in the CDC or DC field to assist with the following services (if the conditional use permit is approved by the County).
 - a. Review of the site and architectural plan, battery technology, compliance with state and federal regulations, and with other applicable regulatory standards and codes not specifically identified in these regulations.
 - b. Assist with the review of the ERP, completed noise study, decommissioning plan and review of decommissioning financial security agreement.
 - 2) The County shall make their best effort that the Third-Party Review does not unreasonably delay the project's zoning permitting or construction process. The Owner shall be responsible for reimbursing the County for the commercially reasonable costs incurred for the services of said Third-Party Reviewer. Said costs shall be mutually agreed upon by the County and Owner prior to the County's commencement of plan review for the zoning permit.
- Y. Avoidance and Mitigation of Damages to Public Infrastructure.
 - 1) Roads. Applicants shall identify all roads to be used for the purpose of transporting components and/or equipment for construction, operation or maintenance of the CDC or DC and obtain applicable weight and size permits from the impacted road authority prior to construction.
 - 2) Existing Road Conditions. Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority to determine existing road conditions. The pre-construction survey shall include photographs and a written agreement to document the condition of the roads and applicable public facilities. The applicant is responsible for on-going road maintenance and dust control measures identified by the Story County Engineer during all phases of construction.

- 3) Drainage System. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of the CDC or DC.
 - 4) Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the roads and bridges to preconstruction conditions. Financial assurance mechanisms in the form of a performance bond and/or other security approved by the Story County Attorney's Office shall be submitted to the Planning and Development Department covering 130 percent of the costs of all required improvements prior to final issuance of the conditional use permit by the Board of Adjustment. This requirement may be waived by the Board of Adjustment upon recommendation from the Story County Engineer.
- Z. Submittal Requirements. All CDC or DC applications must submit the following information in addition to submittal requirements defined for conditional use permit applications.
- 1) The names of the project applicants.
 - 2) The names of the project owners.
 - 3) The legal description and address of the project.
 - 4) The names of the landowners.
 - 5) Pre-construction survey and proposed routes.
 - 6) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - 7) A detailed site plan drawing showing the layout of the CDC or DC on the property including structures, access roads, parking or turnaround areas for maintenance vehicles, proposed fencing and gates, landscape buffers (if any), and setback distances from property lines and existing structures, also identification of any adjacent uses (homes, public roads, etc.).
 - 8) Project Narrative and Specification Sheets describing the CDC or DC project.
 - 9) Statements of Compliance with Applicable Codes and Certifications.
 - 10) Emergency Response Plan.
 - 11) Site Safety and Security Plan: A detailed plan outlining on-site safety features such as thermal monitoring systems, ventilation and explosion-proof construction features and describing how the site will be secured against unauthorized access like fencing, locking cabinets, lighting, alarms, etc.
 - 12) Project development timeline.
 - 13) Existing Resources Inventory as defined in [Chapter 85](#).
 - 14) Documentation of actual or prospective access and traffic control of the project site.
 - 15) Operation and maintenance plan of the CDC or DC, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.
 - 16) Proof of liability insurance.
 - 17) Application Fee.
 - 18) Decommissioning plan without salvage value calculated into the security bond amount.
 - 19) Acknowledgement of Third-Party Reviewer process and potential costs.
 - 20) Landscaping plan to be approved by Story County Conservation.

DO NOT WRITE IN THE SPACE ABOVE, RESERVED FOR RECORDER

Prepared By: Leanne Harter, Story County Planning and Development, 900 6th Street, Nevada, IA 50201 (515) 382-7245

**Please return to:
Planning & Development**

**STORY COUNTY IOWA
ORDINANCE NO. 330**

AN ORDINANCE AMENDING CHAPTER 85, GENERAL PROVISIONS AND DEFINITIONS; CHAPTER 86, DISTRICT REQUIREMENTS; CHAPTER 88, GENERAL SITE PLANNING STANDARDS; AND CHAPTER 90, CONDITIONAL USES OF THE STORY COUNTY CODE OF ORDINANCES – LAND DEVELOPMENT REGULATIONS FOR A TEXT AMENDMENT TO ADDRESS USES FOR DIGITAL ASSET MINING, CRYPTOCURRENCY OPERATIONS, DATA PROCESSING CENTERS AND/OR BATTERY/ENERGY STORAGE SOLUTIONS ON PROPERTIES LOCATED IN UNINCORPORATED STORY COUNTY

BE IT ENACTED by the Board of Supervisors of Story County, Iowa:

Section 1. Purpose. An Ordinance Amending Chapter 85, General Provisions and Definitions; Chapter 86, District Requirements; Chapter 88, General Site Planning Standards; and Chapter 90, Conditional Uses Of The Story County Code of Ordinances— Land Development Regulations For A Text Amendment To Address Uses for Digital Asset Mining, Cryptocurrency Operations, Data Processing Centers and/or Battery/Energy Storage Solutions on properties located in unincorporated Story County.

Section 2. Proposed Amendments. The amendments are as shown in Attachment A of this ordinance.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be effective after its final passage, approval and publication of the ordinance or a summary thereof, as provided by law.

Action upon FIRST Consideration: _____
DATE: March 3, 2026

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

Action upon SECOND Consideration: _____
DATE: March 10, 2026

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

Action upon THIRD Consideration: _____
DATE: March 17, 2026

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

ADOPTED THIS ____ day of _____, _____.

Chairperson, Board of Supervisors

Attest:

County Auditor

ROLL CALL	Latifah Faisal	Yea__	Nay__	Absent__
FOR ALLOWANCE	Lisa Heddens	Yea__	Nay__	Absent__
	Linda Murken	Yea__	Nay__	Absent__

ALLOWED BY VOTE OF BOARD	Yea__	Nay__	Absent__
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_____ CHAIRPERSON	Above tabulation made by _____
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ATTACHMENT A

CHAPTER 85

LAND DEVELOPMENT REGULATIONS: GENERAL PROVISIONS AND DEFINITIONS

85.07 EXEMPTIONS.

3. Public Utilities Exempt. No requirement, restriction, or regulation contained in the Ordinance shall be construed to control the type or location of any poles, towers, wires, water or sewer lines, gas mains, cables, or any other similar distributing equipment of a public utility. County, state, and federal road projects for the maintenance and/or construction of public roads and public road right-of-way shall also be considered exempt. Battery Energy Storage Systems are not considered routine utility distribution equipment or essential services for zoning purposes.

85.08 DEFINITIONS.

“Accessory BESS (Co-Located)” means a battery energy storage system that is ancillary to another primary use of the property. Examples include a BESS co-located with a renewable energy generation facility (solar farm or wind farm) to store generated power, batteries that store electricity for on-site use (peak shaving, backup power), or batteries providing electric grid services at an existing substation. An accessory BESS is subordinate in size and purpose to the main use on the site. These are also often referred to as Hybrid BESS.

“Agrivoltaics or Agrivoltaic Projects” means solar sites that combine agricultural uses with generating electricity within the project area to maximize land use and offering mutual production benefits.

“ANSI” means the American National Standards Institute.

“Augmentation” means the process of supplementing or replacing some or all of the system components to maintain the nameplate capacity (measured in megawatts).

“Battery Energy Storage Management System” means an electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

“Battery Energy Storage System (BESS)” means one or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures. A BESS does not include a stand-alone 12-volt car battery or an electric motor vehicle. A BESS is classified as a Tier 1 or Tier 2 (Utility Scale) BESS as follows:

a. Tier 1 BESS have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist only of a single energy store system technology.

b. Tier 2 (Utility Scale) BESS have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

“BESS Dedicated-Use Building” means a building or structure that is only used for BESS components and equipment, is classified as Group F-1 occupancy, as defined in the International Building Code, and complies with the following:

- a. The building’s only use is battery energy storage, energy generation, and other electrical grid-related operations.
- b. No other occupancy types are permitted in the building.
- c. Occupants in the rooms and areas containing BESS are limited to personnel that operate, maintain, service, test, and repair the BESS and other energy systems.
- d. Administrative and support personnel are permitted in areas within the buildings that do not contain BESS, provided that these areas do not occupy more than ten (10) percent of the building area of the story in which they are located, and a means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing BESS or other energy systems equipment.

“BESS Participating Property” means a BESS host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the BESS owner (or affiliate) regardless of whether any part of a BESS is constructed on the property.

“Clean Agent Fire Suppression System” means a system that uses electrically nonconductive gaseous agents that do not leave residue upon evaporation to extinguish fires.

“Closed-loop Cooling System” means a sealed system where a coolant circulates continuously, absorbing heat from a source, and then transferring that heat to a heat exchanger for removal, without the coolant ever being exposed to the environment. A closed-loop system shall not use evaporative cooling. It may consist of methods including, but not limited to, air-cooled (dry) cooling, rear-door heat exchanger cooling, hybrid dry economizer cooling, direct-to-chip cooling, or immersion cooling.

“Commercial Cryptocurrency Mining” means the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and the means through which new units of cryptocurrencies are released through the use of server farms. Any equipment requiring a high-density load service, for the purposes of operating a cryptocurrency mining server farm, will constitute a commercial cryptocurrency mining operation.

“Commercial Solar Energy System” (C-SES) means a solar energy generation facility, solar collection system, or area of land comprised of a solar energy device, array of devices, or structural design feature, principally used to provide for the generation of energy distributed into

the electrical grid and not intended to primarily reduce on-site consumption of utility power with the following scales: Community/Commercial at 15 kW–1 MW and Utility-Scale at >1 MW.

“Commissioning” means a systematic process that provides documented confirmation that installed systems function according to the intended design criteria and comply with applicable code requirements.

“Community Noise Equivalent Level (CNEL)” means the 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

“Cryptocurrency” means a digital currency in which encryption techniques are used to regulate the generation of units of currency and to verify the transfer of funds while operating independently of a central bank.

“Cryptocurrency Data Center (CDC)” means the leased or owned boundaries of floor space devoted to the operating data processing equipment for commercial cryptocurrency mining, excluding spaces for data centers not otherwise engaged in commercial cryptocurrency mining, commercial offices, storage, shipping and receiving, warehousing, or any other space that is not electronic processing.

“Cryptocurrency Mining or Production Installations associated with a Data Center” means a physical facility that uses computing and networking equipment to collect, store and process data, as well as distribute and access resources. It may also include supporting equipment such as batteries, back-up generators and cooling equipment.

“Cryptocurrency Server Farm” means three or more interconnected computers housed together in a single facility either air-cooled or water cooled, whose primary function is to perform cryptocurrency mining or associated data processing.

“Data Center (DC)” means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

“Data Center Accessory Use” means the ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines, domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include

energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

“Data Center Electrical Substation” means a facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.

“Data Center Principal Building” means a building that contains the office and/or data storage functions of a Data Center.

“Data Mining” means the commercial process by which volumes of data are analyzed to find patterns, discover trends, and gain insight into how the data can be used as a commercial data mining operation.

“Dedicated-Use Building (BESS)” means a building that is only used for BESS components and equipment, as defined in the NFPA 855 Standards for the Installation of Stationary Energy Storage Systems.

“Energy Storage” means any technology that can absorb electricity, storing the electricity for a period of time, and redelivering that electricity.

“Footcandle” means the amount of light to saturate a one-foot square with one lumen of light.

“High-density Load Service” means any individual service at or above 660 amps in which the energy use intensity (EUI) is calculated as greater than 250 kWh/Feet²/year in total for all operating square footage.

“Liquid Cooling System” means a method of cooling electronic components or other devices by circulating liquid coolant through them, to cool and absorb heat from components and then dissipate heat through a radiator.

“NEC” means the National Electric Code.

“NEESC” means the National Electrical Safety Code.

“Non-commercial solar energy system (SES)” means a solar collection system consisting of one or more roof- and/or ground-mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a noncommercial solar energy system only if it supplies electrical or thermal power solely for on-site use at a scale of ≤ 15 kW, except that when a property upon which the facility 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.

“Non-participating Property” means any property that is not a participating property.

“Non-participating Residence” means any residence that is located on a non-participating property.

“On-site BESS” means a BESS that is intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid.

“Off-site BESS” means a BESS for the primary purpose of off-site use through the electric grid.

“Participating Property” means real property that is either owned by an applicant or that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the BESS owner (or affiliate) regardless of whether any part of the BESS system is constructed on the property.

“Public Utility” means a public utility as defined in the Iowa Code Chapter 476.1 and municipally owned waterworks or wastewater facilities, waterworks having less than two thousand customers, joint water utilities established pursuant to Iowa Code Chapter 389, rural water districts incorporated and organized pursuant to Iowa Code Chapters 357A and 504, cooperative water associations incorporated and organized pursuant to Iowa Code Chapter 499, districts organized pursuant to Iowa Code Chapter 468, or a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro facility, from electricity that is produced primarily for the person’s own use. Public utility does not include BESS facilities.

“Repowering” means the process of configuring, supplementing, or replacing some or all of the system components to increase the nameplate capacity (measured in megawatts).

“Sensitive Receptors” means schools; preschools; day care centers; in-home daycares; health facilities including, but not limited to hospitals, clinics, long term care facilities, retirement and nursing homes; community centers; places of worship; playgrounds; parks (excluding trails); campgrounds; prisons; dormitories; or any permitted residence.

“Thermal Runaway” means the rapid, uncontrollable increase in temperature often leading to catastrophic failure in electronic components or, specifically, batteries. It is a self-sustaining cycle where heat generation exceeds heat dissipation, resulting in an escalating temperature rise, potentially leading to fires, explosions, and the release of hazardous materials.

“Utility-Scale Tier 2 BESS (U-BESS)” means facilities that are typically standalone installations that store and dispatch energy to the electric grid (often at substation or transmission voltage level).

CHAPTER 88

LAND DEVELOPMENT REGULATIONS: GENERAL SITE PLANNING STANDARDS

9. Off-Street Loading Areas. In any district in connection with every building or part thereof hereafter erected having a gross floor area of 6,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

- A. Each loading stall shall not be less than 12 feet in width and 40 feet in length.
- B. Such space may not occupy all or any part of a required yard or open space. When adjacent to a residential district or residential use, it shall be set back 10 feet and screened from adjacent property by a planting screen not less than 10 feet in width and six feet in height or by a fence, wall, berm, or other comparable means. For CDC and DC uses, applicable setback requirements found in Chapter 90 must be satisfied.
- C. For CDC and DC uses, loading spaces/bays are only permitted to be located on one façade of the Data Center Principal Building.

Amend Table 88-5 Parking Ratios by Type to include the following

Land Use	Number of Maximum Spaces
<u>U-BESS</u>	<u>One space for each employee on the largest shift. If there are no shift employees, three spaces are permitted.</u>
<u>CDC or DC</u>	<u>One space per employee on the largest shift, plus an additional three visitor spaces.</u>

CHAPTER 86

LAND DEVELOPMENT REGULATIONS: DISTRICT REQUIREMENTS

Add the following as a Permitted Accessory Use in all zoning districts, except the GB/C district.

[Tier 1 Battery Energy Storage Systems](#)

CHAPTER 90

LAND DEVELOPMENT REGULATIONS: CONDITIONAL USES

6. Commercial WECS (C-WECS).

L. Noise. Audible noise due to C-WECS sites operations shall not exceed ~~60~~ 55 dBA for any period of time, when measured at any dwelling, school, hospital, church, or public library existing on the date of approval of any conditional use permit from the property line.

N. Discontinuation and Decommissioning. A C-WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. Each C-WECS shall have a decommissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.

- (1) The applicant shall submit a copy of the decommissioning plan to all property owners within the Conditional Use Permit area. The property owners shall provide the County a signed affidavit stating their awareness and responsibility of decommissioning costs.
- (2) Decommissioning Fund Financial Security. The applicant shall must continuously maintain a financial assurance mechanism in the form of a performance bond and/or other security approved by the County Attorney, for the period of the life of the facility. The required amount of the security shall be 130 percent of the total decommissioning cost identified in the decommissioning plan, excluding any salvage value as amended by the Board of Adjustment. The financial assurance mechanism must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, the bond-issuing company must be agreed upon by both the applicant and County. All decommissioning, removal and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mode of financial assurance.
- (3) Every three (3) years from the first date of operations, or on the written request of the County, the Owner shall review and update the Decommissioning Plan and all appendices and provide the updated plan and appendices to the County on or before the date of each three-year anniversary of the first date of operations. As part of this review process, the Owner shall recalculate the total decommissioning cost and the decommissioning guaranty amount; and the financial assurance required shall be modified accordingly.

Q. Submittal Requirements. In addition to the submittal requirements defined for conditional use permit applications, all applications for C-WECS must submit the following information (as applicable).

(18) Pre-construction interconnection agreements.

8. Commercial – Solar Energy Systems (C-SES).

D. Ground Cover and Buffer Areas. Perennial vegetative ground cover shall be planted on the ground around and under solar arrays and in project site buffer areas, and the ground shall meet the following standards:

- (1) Top soils shall not be removed from the site during development unless the removal is part of a remediation effort pre-defined and approved through the Conditional Use Permit.
- (2) Soils shall be planted and maintained in perennial vegetation in accordance with subparagraph 3 below to prevent erosion, manage run-off, and build soil.
- (3) Seed mixes and maintenance practices must be approved by Story County Conservation prior to action by the Board of Adjustment.
- (4) Solar collectors and racking are not considered impervious cover if underlying ground is pervious vegetation, and the soil is not compacted.
- (5) The applicant shall submit a vegetative management plan prepared by a qualified professional or reviewed and approved by Story County Conservation. The plan shall identify:
 - a. The natural resource professionals consulted or responsible for the plan
 - b. The conservation, habitat, eco-system, or agricultural goals, which may include: providing habitat for pollinators such as bees and monarch butterflies, providing habitat for wildlife such as upland nesting birds and other wildlife, establishing vegetation for livestock grazing, reducing on-site soil erosion, and improving or protecting surface or ground water quality.
 - c. The intended mix of vegetation upon establishment.
 - d. The management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three years.

E. Fencing. Ground-mounted solar energy device or combination of devices comprising a C-SES shall be enclosed by perimeter fencing at a height of eight feet to restrict unauthorized access. Security fences and gates must be maintained in good condition until the site is decommissioned.

- (1) Native/pollinator-friendly vegetation buffers or fencing to screen solar farms from adjacent homes/public roads is required.

L. Discontinuation and Decommissioning. C-SES shall be considered discontinued after one year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the C-SES to service.

(1) Removal Requirements. Any C-SES which has reached the end of its useful life or has been determined to be discontinued pursuant to this section shall be decommissioned and removed within 180 days of the discontinuation of use.

(2) Decommissioning shall consist of:

- a. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site to four feet below ground level within 180 days of the discontinuation of use.
- b. Disposal of all solid and hazardous waste in accordance with local, State, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Director may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(3) Decommissioning Plan and Financial Surety.

- a. C-SES shall have a decommissioning plan outlining the anticipated means and costs of removing the C-SES at the end of its serviceable life or upon becoming discontinued.
- b. The decommissioning plan shall identify financial resources that will be available to pay for decommissioning and removal of C-SES.
- c. The applicant **shall must** continuously maintain a financial assurance mechanism in the form of a performance bond and/or other security approved by the County Attorney, for the period of the life of the facility. The amount of the security shall be 130 percent of the total decommissioning cost identified in the decommissioning plan, without the salvage value. The financial assurance mechanism must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, the bond issuing company must be agreed upon by both the applicant and County. All decommissioning, removal and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mechanism of financial assurance.
- d. Property Owner Affidavit. The applicant shall submit a copy of the decommissioning plan to all property owners within the boundaries of the Conditional Use Permit area. The property owners shall provide the County a signed affidavit acknowledging receipt of the plan and their responsibility for decommissioning costs.
- e. Every three (3) years from the first date of operations, or on the written request of the County, the Owner shall review and update the Decommissioning Plan and all appendices and provide the updated plan and appendices to the County on or before the date of each three-year anniversary of the first date of operations. As part of this review process, the Owner shall recalculate the total

decommissioning cost and the decommissioning guaranty amount; and the financial assurance required shall be modified accordingly.

M. Monitoring and Maintenance. The owner or operator of C-SES shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Internal circulation drives shall be maintained by the owner or operator to a level acceptable to the applicable fire chief and Story County Emergency Management Agency. The owner or operator shall be solely responsible for the cost of maintaining the C-SES and any internal access roads.

- (1) Agrivoltaics or Agrivoltaic Projects such as pollinator-friendly cover crops/livestock grazing on solar farm sites are permitted and encouraged to continue, to achieve co-benefits of solar energy and agriculture.

O. Submittal Requirements. In addition to the submittal requirements defined for conditional use permit applications, all applications for C-SES must submit the following information (as applicable).

- (22) Vegetative Management Plan.

**This page through
the end of the
packet contains
proposed new
regulation.**

**CHAPTER 90
LAND DEVELOPMENT REGULATIONS: CONDITIONAL USES**

Amendment to Table 90-1 – Table of Conditional Uses

All subject to supplemental standards, and in the C-LI and HI

- Utility-Scale Battery Energy Storage System (U-BESS)
(when such use is proposed conjunction with an application or major modification for a “Commercial Wind Energy Conversion Systems (C-WECS)”, “Commercial Solar Energy Systems (C-SES)”, or “Any land or building used by a utility service for the purpose of generating or converting power”, the U-BESS may be site on property zoned A-1, Agricultural and all supplemental standards for a U-BESS shall apply in addition to supplemental standards for “Commercial Wind Energy Conversion Systems (C-WECS)”, “Commercial Solar Energy Systems (C-SES)”, or “Any land or building used by a utility service for the purpose of generating or converting power”.)
- Cryptocurrency Data Center or Cryptocurrency Mining or Production Installations associated with a Data Center (CDC)
- Data Center (DC)

11. Utility-Scale (Tier 2) Battery Energy Storage Systems (U-BESS)

- A. The requirements of the Ordinance shall apply to all U-BESS proposed after the effective date of the Ordinance.
- B. Co-Located with Solar or Wind: When a U-BESS is proposed as part of a new solar farm or wind farm, the U-BESS is processed as a component of the new solar farm or wind farm's conditional use permit rather than requiring a separate conditional use permit. For an existing wind farm or solar farm that was permitted prior to the adoption of the standards for U-BESS wanting to add battery storage, such applications will be processed as a Major Modification to the existing conditional use permit.
- C. Setbacks and Separation Requirements. The following setbacks and separation requirements shall apply to all components of a U-BESS.
 - 1) U-BESS facilities shall comply with all applicable setbacks and separation distances as required by NFPA 855.
 - 2) Sensitive Receptors. Setbacks from the nearest Receptor use shall be 100 feet or greater, as measured from structure to structure. Setbacks shall be established allowing for no greater than 55dB(A) from the U-BESS occurring at an adjacent dwelling.
 - 3) Public Right-of-Way. Setbacks from public right-of-way shall comply with the applicable setbacks as defined by the base zone district.
- D. Screening and Landscaping
 - 1) U-BESS must be visually screened from the public right-of-way and from any Sensitive Receptors located within 100' of the U-BESS.
- E. Parking shall comply with the requirements defined in Section 88.08 Parking and Circulation Standards.
- F. Hazardous Materials and Environmental Protection
 - 1) The U-BESS shall comply with all applicable hazardous materials handling and reporting laws.
 - 2) Batteries shall be recycled or disposed of in accordance with environmental regulations upon decommissioning. The Decommissioning Plan must identify where the batteries will go.
 - 3) U-BESS installations must comply with the County's stormwater and erosion control ordinance.
 - 4) On parcels containing more than 50 percent of the gross acreage as lands identified with areas designated Natural Resource Areas on the Cornerstone to Capstone (C2C) Comprehensive Plan, the conditional use permit shall not be approved unless conditions protecting the identified areas are attached to the request, either split zoned with conservation or conservation easements.
 - 5) U-BESS shall not be located in the Special Flood Hazard Area.
- G. Fencing and Security Measures.
 - 1) A perimeter security fence up to eight (8) feet tall must be installed around the entire U-BESS, including the battery containers and electrical equipment.

- 2) Fencing may not be placed in front of landscaping adjacent to roads. There must be landscaping in front of any fence adjacent to public roads.
 - 3) Security fencing near electrical installations must be grounded and bonded to protect against electrical hazards as per the National Electric Code.
 - 4) For installations over 1,000 volts, a warning sign reading "DANGER – HIGH VOLTAGE – KEEP OUT" is required on locked or monitored enclosures.
 - 5) Warning signage such as high voltage, energy storage facility identification, emergency contact info, must be posted on the fence per the National Electric Code requirements.
 - 6) Security fences and gates must be maintained in good condition until the site is decommissioned.
 - 7) Battery energy storage systems shall also comply with specifications established in NFPA 855 relating to barriers and buffering.
- H. Signage. No signs other than appropriate warning signs, or standard manufacturers', operators', or installers' identification signage, shall be displayed unless permitted in accordance with Chapter 89.
- I. Access and Fire Safety. Battery energy storage systems shall comply with the latest published version of the National Fire Protection Association (NFPA) 855, Standard for Installation of Stationary Energy Storage Systems, at the date of the submission of the application.
- J. Lighting. Exterior lighting, including any security lighting, shall be the minimum necessary for safety and security, downward directed, shielded from adjacent properties, and comply with the requirements of Section 88.09, Site Lighting.
- K. Emergency Response Plan (ERP):
- 1) An ERP is to be prepared and submitted for review prior to the issuance of a zoning permit. At the time a conditional use permit application is submitted, a draft ERP per NFPA 855 **Section 4.3.2.1.4(4)** shall be included with the application materials. This shall include but not be limited to an evacuation plan, firefighting techniques, and responsibility assignments for each scenario in the ERP.
 - 2) Prior to commencing commercial operations, the applicant shall submit a plan as an appendix to the project permit application for offering site-specific training to the fire service and emergency personnel of all applicable jurisdictions.
 - 3) The ERP shall be reviewed annually by local emergency responders throughout the project's lifespan and modified for best safety practices if necessary.
 - 4) Routine maintenance shall be performed on the U-BESS equipment to ensure proper performance of the technology. The County and local emergency responders are to be contacted if there are concerns of failure to meet any ERP standards in the U-BESS performance.
 - 5) **The applicant must c**onduct and submit documentation of hazard mitigation analyses as required by NFPA 855. An ERP and necessary fire precautions must be in place prior to issuance of any zoning permits.
 - 6) Local first responders are to be trained and equipped to the extent current equipment is insufficient to respond appropriately to the selected battery technology for the U-BESS project, at the Owner's commercially reasonable expense, prior to the commencement of the operation. Refresher training to local first responders shall be required, at the Owner's commercially reasonable expense, at reasonable intervals, at least annually or as requested by the jurisdictional fire chief and Story County Emergency Management throughout the life of the project.
 - 7) Owner shall be responsible for the commercially reasonable costs of local first responders for any emergency event at the facility.

- 8) Owner shall provide confirmation that there will be remote monitoring of the U-BESS 24 hours daily, seven (7) days a week.
- 9) U-BESS operators are required to certify that the system is being maintained per safety standards and coordinate refresher training or drill with the applicable fire department. Annual proof to be provided to Story County Planning and Development no later than February 28 each year. Failure to comply annually with this may result in revocation of the conditional use permit.
- L. Noise Standards: Sound generated from the battery energy storage systems, components, and associated ancillary equipment, measured at the nearest sensitive receptor or a non-participating property shall not exceed 55 dB(A) (1-hour Leq) at the property line.
 - 1) These standards shall not apply to uses established after the U-BESS is permitted/started.
- M. Compliance with Applicable Codes and Certifications.
 - 1) State Building Code. All U-BESS shall meet all requirements of the current State Building Code.
 - 2) National Electric Code (NEC). All U-BESS shall comply with the National Electrical Code, current edition.
 - 3) Certification that all battery units meet national safety standards (e.g. UL 1973 for battery modules, and UL 9540 for the entire storage system). All U-BESS applications shall provide such certification.
- ~~N. Lighting. Exterior lighting at a U-BESS site shall be the minimum necessary for safety and security, downward directed, and shielded from adjacent properties and comply with the requirements of Section 88.09.~~
- N. Underground Installation of Utilities. Reasonable efforts shall be made to place all utility connections from ~~CDC or DC~~ U-BESS facilities underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements. Any above ground utility lines require an engineer's signed statement and explanation as to why buried utilities are not feasible.
- O. All U-BESS shall comply with Iowa Utilities Board rules and any state law requirements. Any required state or federal permits or approvals (such as IUB generator certificates for very large facilities) must be obtained, and copies provided to the County, prior to construction.
- P. Review of Augmentation Plans
 - 1) If augmentation was not considered in the approved permit application, then such augmentation shall be processed as an amendment to the approved conditional use permit.
- Q. Commissioning Plan and Report
 - 2) Prior to issuance of a zoning permit, U-BESS Applicants shall submit a commissioning plan in accordance with NFPA 855 that contains:
 - a. An electrical diagram detailing the battery energy storage system configuration, associated components, and electrical interconnection methods, compliant with applicable state or local electrical codes, including NEC and NESC.
 - b. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification datasheet shall be submitted prior to the issuance of the zoning permit.
 - c. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the U-BESS. Such information of the final system installer shall be submitted prior to the issuance of final zoning permit.

- R. Discontinuation and Decommissioning. U-BESS shall be considered discontinued after it has not stored electrical energy for twelve (12) consecutive months, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the U-BESS to service.
- 3) Removal Requirements. Any U-BESS which has reached the end of its useful life or has been determined to be discontinued pursuant to this section shall be decommissioned and removed within one-hundred eighty (180) days of the discontinuation of use.
 - 4) Decommissioning shall consist of:
 - a. Physical removal of all above-surface facilities and infrastructure that have no ongoing purpose, from the site. All U-BESS and accessory facilities shall be removed to four (4) feet below ground level within one-hundred eighty (180) days of the discontinuation of use.
 - b. Disposal of all solid and hazardous waste in accordance with local, State, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Director may allow the owner or operator to leave landscaping to minimize erosion and disruption to vegetation.
 - 5) Decommissioning Plan and Financial Surety.
 - a. U-BESS shall have a decommissioning plan outlining the anticipated means and costs of removing the U-BESS at the end of its serviceable life or upon becoming discontinued.
 - b. The decommissioning plan shall identify financial resources that will be available to pay for decommissioning and removal of U-BESS.
 - c. The applicant must continuously maintain a financial assurance mechanism in the form of a performance bond and/or other security approved by the County Attorney, for the period of the life of the facility. The required amount of the security shall be 130 percent of the total decommissioning cost identified in the decommissioning plan, excluding any salvage value. The financial assurance mechanism must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, the bond issuing company must be agreed upon by both the applicant and County. All decommissioning, removal and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mechanism of financial assurance.
 - d. Property Owner Affidavit. The applicant shall submit a copy of the decommissioning plan to all property owners within the boundaries of the Conditional Use Permit area. The property owners shall provide the County with a signed affidavit acknowledging receipt of the plan and their responsibility for decommissioning costs.
 - e. Every three (3) years from the first date of operations, or on the written request of the County, the Owner shall review and update the Decommissioning Plan and all appendices and provide the updated plan and appendices to the County on or before the date of each three-year anniversary of the first date of operations. As part of this review process, the Owner shall recalculate the total decommissioning cost and the decommissioning guaranty amount; and the financial assurance required shall be modified accordingly.
- S. Monitoring and Maintenance. The owner or operator of a U-BESS shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Internal circulation drives shall be maintained by

the owner or operator to a level acceptable to the applicable fire chief and Story County Emergency Management Agency. The owner or operator shall be solely responsible for the cost of maintaining the U-BESS and any internal access roads.

- 6) Following the initial completion of the project and the project commissioning, Owner shall notify the County, in writing, of any battery enclosures before being removed or installed at the project. Such notification shall be at least thirty (30) days in advance of the removal or installation, except in cases of emergency, when Owner shall notify the County as soon as practicable. No batteries shall be stored on the premises outside of battery enclosures, with the exception of batteries stored for future use, and any such used for future use shall be stored to NFPA 855 standards.
- T. Ownership Changes. If the owner of the U-BESS changes or the owner of the property changes, the conditional use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the conditional use permit, site plan approval, and decommissioning plan. A new owner or operator of the U-BESS shall notify the Story County Planning and Development Department in writing of such changes in ownership or operations within sixty (60) days of the change.
- 7) The conditional use permit and all other local approvals for the U-BESS may be considered void if a new owner or operator fails to provide written notification to the Story County Planning and Development Department within the required timeframe. Reinstatement of a void conditional use permit will be subject to the same review and approval processes for new conditional use permits.
- U. Third-Party Reviewer
- 8) The County may seek the services of a third-party reviewer with expertise in the U-BESS technology field to assist with the following services (if the conditional use permit is approved by the County).
 - a. Review of the site and architectural plan, battery technology, compliance with NFPA 855, and with other applicable regulatory standards and codes not specifically identified in these regulations.
 - b. Assist with the review of the ERP, completed noise study, decommissioning plan and review of decommissioning financial security agreement.
 - 9) The County shall make their best effort so that the Third-Party Review does not unreasonably delay the project's zoning permitting or construction process. The Owner shall be responsible for reimbursing the County for the commercially reasonable costs incurred for the services of said Third-Party Reviewer. Said costs shall be mutually agreed upon by the County and Owner prior to the County's commencement of plan review for the zoning permit.
- V. Avoidance and Mitigation of Damages to Public Infrastructure.
- 10) Roads. Applicant shall identify all roads to be used for the purpose of transporting components and/or equipment for construction, operation or maintenance of the U-BESS and obtain applicable weight and size permits from the impacted road authority prior to construction.
 - 11) Existing Road Conditions. Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority to determine existing road conditions. The pre-construction survey shall include photographs and a written agreement to document the condition of the roads and applicable public facilities. The applicant is responsible for on-going road maintenance and dust control measures identified by the Story County Engineer during all phases of construction.
 - 12) Drainage System. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of the U-BESS.

- 13) Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the roads and bridges to preconstruction conditions. Financial assurance mechanisms in the form of a performance bond and/or other security approved by the Story County Attorney's Office shall be submitted to the Planning and Development Department covering 130 percent of the costs of all required improvements prior to final issuance of the conditional use permit by the Board of Adjustment. This requirement may be waived by the Board of Adjustment upon recommendation from the Story County Engineer.
- W. Submittal Requirements. All U-BESS applications must submit the following information in addition to submittal requirements defined for conditional use permit applications.
- 1) The names of the project applicants.
 - 2) The names of the project owners.
 - 3) The legal description and address of the project.
 - 4) The names of the landowners.
 - 5) Pre-construction survey and proposed routes.
 - 6) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - 7) A detailed site plan drawing showing the layout of the U-BESS facility on the property including the battery enclosures/containers, inverters and electrical equipment, transformers, access roads, parking or turnaround areas for maintenance vehicles, proposed fencing and gates, landscape buffers (if any), and setback distances from property lines and existing structures, and identifying any adjacent uses (homes, public roads, etc.), floodplain, rights-of-way and zoning district designations. For co-located U-BESS at a solar/wind farm, the U-BESS components should be clearly identified on the overall project site plan as defined in Section 90.08.6 Commercial WECS (C-WECS) and 90.08.8 Commercial Solar Energy Systems (C-SES).
 - 8) Project Narrative and Specification Sheets describing the U-BESS project, including the type of battery technology (e.g. lithium-ion, flow battery, etc.), the nameplate energy capacity (in MW and MWh), the intended charge/discharge regime (e.g. daily cycling, emergency backup), and whether the system is stand-alone or tied to a generation facility. The applicant should provide manufacturer's spec sheets for the battery units and associated equipment, to verify dimensions and compliance with safety standards (such as UL listings).
 - 9) Statements of Compliance with Applicable Codes and Certifications.
 - 10) Emergency Response Plan.
 - 11) Site Safety and Security Plan: A detailed plan outlining on-site safety features such as thermal monitoring systems, ventilation and explosion-proof construction features and describing how the site will be secured against unauthorized access like fencing, locking cabinets, lighting, alarms, etc.
 - 12) Project development timeline.
 - 13) Existing Resources Inventory as defined in [Chapter 85](#).
 - 14) Documentation of actual or prospective access and traffic control of the project site.
 - 15) Operation and maintenance plan of the U-BESS, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.
 - 16) Proof of liability insurance.
 - 17) Applicable Fee

- 18) Decommissioning plan without salvage value calculated into the security bond amount.
- 19) Acknowledgement of Third-Party Reviewer process and potential costs.

12 Cryptocurrency Mining or Production Installations Associated with a Data Center (CDC); Data Centers (DC)

- A. The requirements of the Ordinance shall apply to all CDC or DC proposed after the effective date of the Ordinance.
- B. Maximum Height. Building height shall not exceed forty (40) feet and shall not include any additional rooftop equipment, which may not exceed a maximum height of thirty (30) feet.
 - 1) Any mechanical rooftop equipment, including but not limited to heating, air conditioning, ventilation, generators, and other similar equipment, shall be screened with a parapet wall, false roof, or other building elements that shall provide one hundred (100) percent screening of mechanical equipment from the adjacent roadways, properties, and waterways.
 - a. The parapet wall, false roof, or building element shall be constructed of the same materials used in the construction of the principal building or structure and shall be designed to be architecturally integrated with the building's overall design.
 - b. No screening shall be required for renewable energy infrastructure equipment, including but not limited to solar energy systems, wind energy systems, and other power generation equipment.
 - c. No screening shall be required for any green infrastructure, including but not limited to green roofs, rooftop cisterns, and other bioretention equipment.
- C. Setbacks
 - 1) All principal buildings, accessory structures, and Data Center Electric Utility Substations shall be set back at least two hundred (200) feet from all property lines or not exceeding 60dB(A).
 - 2) If located on the ground, any equipment for cooling, ventilating, or otherwise operating the facility, including any power generator or other power supply equipment, must either be:
 - a. Located at least one hundred (100) feet or not exceed 60 dB(A) from the lot line of a property with a residential zoning classification or an existing dwelling; or
 - b. Separated from the lot line of a property with a residential zoning classification or an existing dwelling by the principal data center building.
- D. Site Layout. Buildings shall be sited and oriented to:
 - 1) Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Receptor areas.
 - 2) Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.
 - 3) Accommodate parking area.
 - 4) Minimize impacts to natural resources.
 - 5) Incorporate appropriate stormwater management practices.
- E. Utility Connections: Reasonable efforts shall be made to place all utility connections from CDC or DC facilities underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements. Any above ground utility lines require an engineer's signed statement and explanation as to why buried utilities are not feasible.
- F. Screening
 - 1) Substations, electrical yards, mechanical yards, and any other exposed equipment shall not be located between the building and a publicly accessible road or right-of-way and shall be screened from any adjacent publicly available accessible street, private street, trail, or park.

- 2) All cooling, ventilation, and other electrical equipment used to operate the facility shall not be located between the building and publicly accessible rights-of-way.
 - 3) CDC or DC must be visually screened from the public right-of-way and from any Sensitive Receptors located within 100' of the CDC or DC. A landscape buffer is required to be installed and maintained during the life of the operation. The following plant unit percentages apply to each property line where the buffer is required:
 - a. A maximum of twenty (20) percent of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.
 - b. A minimum of forty (40) percent and a maximum of seventy (70) percent of the required plant units must be evergreen trees that are a minimum of eight (8) feet in height at the time of planting.
 - c. A maximum of thirty (30) percent of the required plant units may be small deciduous trees.
 - d. A maximum of thirty (30) percent of the required plant units may be large deciduous trees.
 - e. Buffer Substitution Using Topography and Vegetation. Use of the natural topography and preservation of non-invasive existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements if determined by the Story County Board of Adjustment to provide screening at the density, depth, and height equivalent to that outlined above.
- G. Signage: Each CDC or DC operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include company name, owner/representative name, telephone number, and corresponding local power company and telephone number. All additional signage must adhere to the requirements in Chapter 89.
- H. Lighting: Exterior lighting, including any security lighting, shall be the minimum necessary for safety and security, downward directed, and shielded from adjacent properties and comply with the requirements of Section 88.09, Site Lighting.
- I. Noise/Vibration
- 1) The CNEL at the boundary of the property containing a Sensitive Receptor shall not exceed 55 dB(A) within three hundred (300) feet.
 - 2) The CNEL at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 70 dB(A).
 - 3) Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to 10 dB(A).
 - 4) In the event audible noise operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth shall be reduced by 5 dB(A).
 - 5) The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.
 - 6) A noise reduction barrier or device may be required at the discretion of the Board of Adjustment when it is inconclusive that noise level tests do not conform to acceptable noise levels.
 - 7) The limitations of this section shall not apply to any Sensitive Receptor that is established adjacent to the CDC or DC after the date of issuance of a final zoning permit for the applicant's operation.
 - 8) In the event the noise levels resulting from CDC or DC operations exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following has been accomplished.

- a. Written waiver from the affected property owners has been obtained stating that they are aware of the CDC or DC and the noise limitations imposed by these Regulations, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and,
 - b. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Story County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that the noise levels in excess of those permitted by these Regulations may exist on or at the burdened property.
 - c. Any generators on the property shall comply with the U.S. Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) of at least Tier 4 emissions. Testing for these generators shall not exceed ten (10) hours per month unless a power outage occurs. Generators shall be enclosed by a sound attenuation for noise reduction and to reduce pollution.
 - d. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.
- J. Foundation. All structures shall have concrete foundations.
- 1) Foundations shall not be defective, decayed, or corroded.
 - 2) The use of cargo containers, railroad cars, semi-truck trailers, and other similar storage containers for any component of the operation are prohibited.
- K. Cooling Systems. CDC or DC shall be required to have a liquid cooling system.
- 1) A closed loop cooling system is required.
 - 2) The application shall include an estimate of annual water consumption for the site to include an assessment for annual replacement or replenishment of water in the closed loop.
 - 3) The application shall include a description of the intended source of water for the development, and documentation from the Iowa Department of Natural Resources along with Story County Environmental Health affirming sufficient water resources exist to serve the site.
 - 4) All necessary permits must be obtained from Story County Environmental Health and the Iowa Department of Natural Resources.
- L. Equipment. All servers, computers, processors, materials, and equipment must be enclosed within buildings.
- M. Electrical Power. The applicant shall provide written verification from the power provider that the applicant has calculated the maximum potential electrical consumption of the proposed use and has verified the utility supply equipment and related electrical infrastructure is sufficiently sized and can safely accommodate the proposed use during the power provider's peak consumption hours.
- N. Hazardous Materials and Environmental Protection.
- 1) The CDC or DC shall comply with all applicable hazardous materials handling and reporting laws.
 - 2) All CDC or DC must comply with the County's stormwater and erosion control ordinance.
 - 3) On parcels containing more than 50 percent of the gross acreage as lands identified with areas designated Natural Resource Areas on the Cornerstone to Capstone (C2C) Comprehensive Plan, the conditional use permit shall not be approved unless conditions protecting the identified areas are attached to the request, either split zoned with conservation or conservation easements.
 - 4) CDC or DC shall not be located in the Special Flood Hazard Area.

O. Ice Mitigation Report: All CDC or DC shall ensure that the amount of heat that is dissipated by the mining activity shall be monitored when the average daily temperature is 40 degrees Fahrenheit or less to ensure that there is no buildup of ice on neighboring properties and roadways.

- 1) In the instance that condensation and ice occur, there shall be an agreement between the facility's operational contact, owners of neighboring properties (to mitigate ice buildup on dwellings), and the County Engineer to mitigate ice on public right of way.

P. Safety.

- 1) The equipment used in any CDC or DC operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.
- 2) Any CDC or DC using **proposing proposed** battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with NFPA Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
- 3) A clean agent fire protection system must be provided and maintained in good working order within any structure which contains a server farm. High sensitivity smoke detectors shall be installed and operational in order to activate the clean agent fire suppression system.

Q. Power Lines and Electric Utility Substations.

- 1) CDC or DC Electric Utility Substations must include year-round opaque landscaping or a screen wall a minimum of eight (8) feet in height to minimize visual impact.
- 2) Electric Utility Substations on the same property as the CDC or DC they serve must be located on the side or rear of a principal building so they are screened from public view and must not be in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- 3) Burying power lines serving the property is required. On-site power lines of 34.5 kV and below must be buried. Any above ground utility lines require an engineer's signed statement and explanation as to why buried utilities are not feasible.
- 4) The CDC or DC Electric Utility Substation shall be subject to applicable zoning district setback requirements. Setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

R. Emergency Contact Information.

- 1) Each CDC or DC operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

S. Compliance with Applicable Codes and Certifications. Statements of Compliance with Applicable Codes and Certifications below **is are** required at the time of submittal for a conditional use permit.

- 1) State Building Code. All CDC or DC shall comply with all requirements of the current State Building Code.
- 2) National Electrical Code (NEC). All CDC or DC shall comply with the National Electrical Code, current edition.
- 3) Certification that all battery units meet national safety standards (e.g. UL 1973 for battery modules, and UL 9540 for the entire storage system).

- T. Commissioning Plan and Report. Prior to issuance of a zoning permit, CDC or DC Applicants shall submit a commissioning plan that demonstrates:
- 1) An electrical diagram detailing the configuration, associated components, and electrical interconnection methods, compliant with applicable state or local electrical codes, including NEC and NESC.
 - 2) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the CDC or DC. Such information of the final system installer shall be submitted prior to the issuance of final zoning permit.
- U. Discontinuation and Decommissioning. CDC or DC shall be considered discontinued after twelve (12) months without active and continuous use unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the CDC or DC to service.
- 1) Removal Requirements. Any CDC or DC which has reached the end of its useful life or has been determined to be discontinued pursuant to this section shall be decommissioned and removed within one-hundred eighty (180) days of the discontinuation of use.
 - 2) Decommissioning shall consist of:
 - a. Physical removal of all above-surface facilities and infrastructure that have no ongoing purpose from the site. All CDC and DC and accessory facilities shall be removed to four (4) feet below ground level within one-hundred eighty (180) days of the discontinuation of use.
 - b. Disposal of all solid and hazardous waste in accordance with local, State, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Director may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - 3) Decommissioning Plan and Financial Surety.
 - a. The CDC or DC shall have a decommissioning plan outlining the anticipated means and costs of removing the CDC or DC at the end of its serviceable life or upon becoming discontinued.
 - b. The decommissioning plan shall identify financial resources that will be available to pay for decommissioning and removal of a CDC or DC.
 - c. The applicant must continuously maintain a financial assurance mechanism in the form of a performance bond and/or other security approved by the County Attorney, for the period of the life of the facility. The required amount of the security shall be 130 percent of the total decommissioning cost identified in the decommissioning plan, excluding any salvage value. The financial assurance mechanism must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, the bond issuing company must be agreed upon by both the applicant and County. All decommissioning, removal and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mechanism of financial assurance.
 - d. Property Owner Affidavit. The applicant shall submit a copy of the decommissioning plan to all property owners within the boundaries of the Conditional Use Permit area. The property owners shall provide the County with a signed affidavit acknowledging receipt of the plan and their responsibility for decommissioning costs.

- e. Every three (3) years from the first date of operations, or on the written request of the County, the Owner shall review and update the Decommissioning Plan and all appendices and provide the updated plan and appendices to the County on or before the date of each three-year anniversary of the first date of operations. As part of this review process, the Owner shall recalculate the total decommissioning cost and the decommissioning guaranty amount; and the financial assurance required shall be modified accordingly.
- V. Monitoring and Maintenance. The owner or operator of a CDC or DC shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Internal circulation drives shall be maintained by the owner or operator to a level acceptable to the applicable fire chief and Story County Emergency Management Agency. The owner or operator shall be solely responsible for the cost of maintaining the CDC or DC and any internal access roads.
- W. Ownership Changes. If the owner of the CDC or DC changes or the owner of the property changes, the conditional use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the conditional use permit, site plan approval, and decommissioning plan. A new owner or operator of the CDC or DC shall notify the Story County Planning and Development Department in writing of such changes in ownership or operations within sixty (60) days of the change.
 - 1) The conditional use permit and all other local approvals for the CDC or DC may be considered void if a new owner or operator fails to provide written notification to the Story County Planning and Development Department within the required timeframe. Reinstatement of a void conditional use permit will be subject to the same review and approval processes for new conditional use permits.
- X. Third-Party Reviewer.
 - 1) The County may seek the services of a third-party reviewer with expertise in the CDC or DC field to assist with the following services (if the conditional use permit is approved by the County).
 - a. Review of the site and architectural plan, battery technology, compliance with state and federal regulations, and with other applicable regulatory standards and codes not specifically identified in these regulations.
 - b. Assist with the review of the ERP, completed noise study, decommissioning plan and review of decommissioning financial security agreement.
 - 2) The County shall make their best effort that the Third-Party Review does not unreasonably delay the project's zoning permitting or construction process. The Owner shall be responsible for reimbursing the County for the commercially reasonable costs incurred for the services of said Third-Party Reviewer. Said costs shall be mutually agreed upon by the County and Owner prior to the County's commencement of plan review for the zoning permit.
- Y. Avoidance and Mitigation of Damages to Public Infrastructure.
 - 1) Roads. Applicants shall identify all roads to be used for the purpose of transporting components and/or equipment for construction, operation or maintenance of the CDC or DC and obtain applicable weight and size permits from the impacted road authority prior to construction.
 - 2) Existing Road Conditions. Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority to determine existing road conditions. The pre-construction survey shall include photographs and a written agreement to document the condition of the roads and applicable public facilities. The applicant is responsible for on-going road maintenance and dust control measures identified by the Story County Engineer during all phases of construction.

- 3) Drainage System. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of the CDC or DC.
 - 4) Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the roads and bridges to preconstruction conditions. Financial assurance mechanisms in the form of a performance bond and/or other security approved by the Story County Attorney's Office shall be submitted to the Planning and Development Department covering 130 percent of the costs of all required improvements prior to final issuance of the conditional use permit by the Board of Adjustment. This requirement may be waived by the Board of Adjustment upon recommendation from the Story County Engineer.
- Z. Submittal Requirements. All CDC or DC applications must submit the following information in addition to submittal requirements defined for conditional use permit applications.
- 1) The names of the project applicants.
 - 2) The names of the project owners.
 - 3) The legal description and address of the project.
 - 4) The names of the landowners.
 - 5) Pre-construction survey and proposed routes.
 - 6) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - 7) A detailed site plan drawing showing the layout of the CDC or DC on the property including structures, access roads, parking or turnaround areas for maintenance vehicles, proposed fencing and gates, landscape buffers (if any), and setback distances from property lines and existing structures, also identification of any adjacent uses (homes, public roads, etc.).
 - 8) Project Narrative and Specification Sheets describing the CDC or DC project.
 - 9) Statements of Compliance with Applicable Codes and Certifications.
 - 10) Emergency Response Plan.
 - 11) Site Safety and Security Plan: A detailed plan outlining on-site safety features such as thermal monitoring systems, ventilation and explosion-proof construction features and describing how the site will be secured against unauthorized access like fencing, locking cabinets, lighting, alarms, etc.
 - 12) Project development timeline.
 - 13) Existing Resources Inventory as defined in [Chapter 85](#).
 - 14) Documentation of actual or prospective access and traffic control of the project site.
 - 15) Operation and maintenance plan of the CDC or DC, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.
 - 16) Proof of liability insurance.
 - 17) Application Fee.
 - 18) Decommissioning plan without salvage value calculated into the security bond amount.
 - 19) Acknowledgement of Third-Party Reviewer process and potential costs.
 - 20) Landscaping plan to be approved by Story County Conservation.

February 24, 2026

Story County Board of Supervisors

900 Sixth Street

Nevada, IA 50201

Dear Supervisors,

Minerva Valley Telephone Co., Inc. provides voice, video and broadband services to the residents in northeast Story County including Zearing and McCallsburg. We also serve the Clemons and St. Anthony areas in Marshall County.

In 2019 we were awarded funding in the Federal Government Alternate Connect America Cost Model (A-CAM II). The funds from this program have enabled us to put fiber to the premise in place for every one of our Incumbent Local Exchange Carrier (ILEC) subscribers, which we accomplished in 2020 and 2021. Our customers in the McCallsburg area are not included in our ILEC. We installed fiber to the premise to the town of McCallsburg in 2014 using out-of-pocket funds. Minerva Valley has been applying for funding for several years to bring high-quality broadband service to the people living in rural McCallsburg only to see the funding go to out-of-state wireless providers who have failed to live up to their service promises. The recent BEAD offerings were not feasible due to the eligible locations being too few and too far between to warrant fiber placement.

With funding possibilities dwindling we have decided to bring Minerva Valley fixed wireless to the area. We have made an agreement with IRUA to rent space on the McCallsburg water tower and plan to provide broadband speeds beginning at 100 MBPS. Our packages will be:

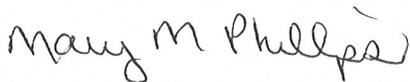
- 100 Mbps \$ 55.00/month
- 300 Mbps \$ 75.00/month
- 500 Mbps \$105.00/month

We will do site test before installing service to determine what speed is possible at each location. If 100Mbps is not attainable but a lower speed is, we will work with the customer on a price point that is agreeable.

We have had some delays in getting this up and running. These delays have resulted in cost increases from our original plan...including IRUA deciding to double the monthly rent on the very last draft of the agreement. While our goal is to bring high-quality, affordable service to our neighbors we also need to make it financially responsible for our company.

I understand that Story County may have some money available to be used for broadband deployment. I am writing to request \$5000.00 - \$10,000.00 to help Minerva Valley out with this project. While the exact date of equipment installation on the tower has not been set, our project manager assures me it will be the first week in March. When that is complete, we will begin connecting customers. If you would like more information or have questions, please contact me. We are grateful for your time and consideration of this request.

Sincerely,



Mary M. Phillips, General Manager

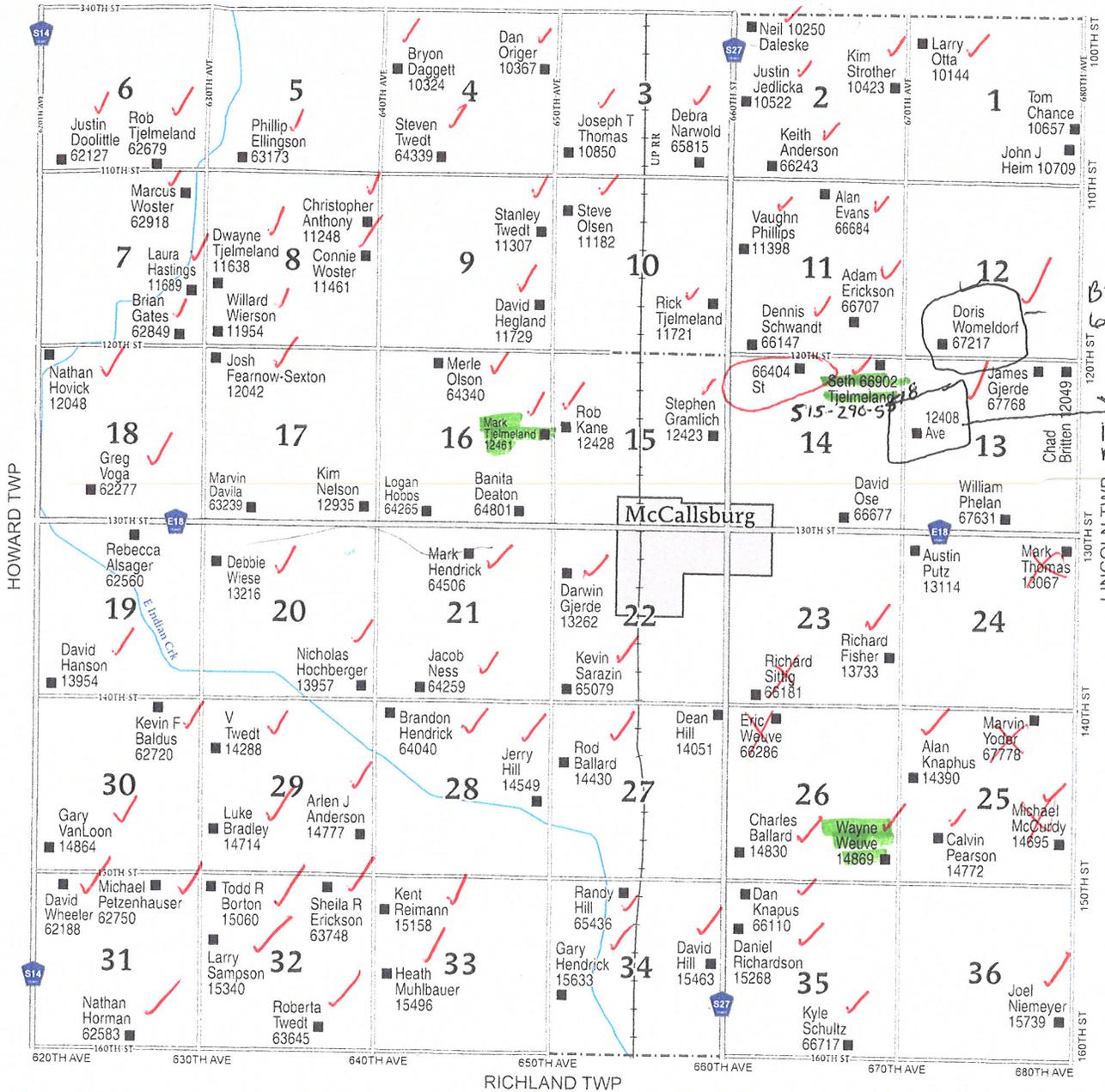
Minerva Valley Telephone Co., Inc.

641-487-7399

mary@minervavalley.net

(Residents - Owners or Renters)

HARDIN CO

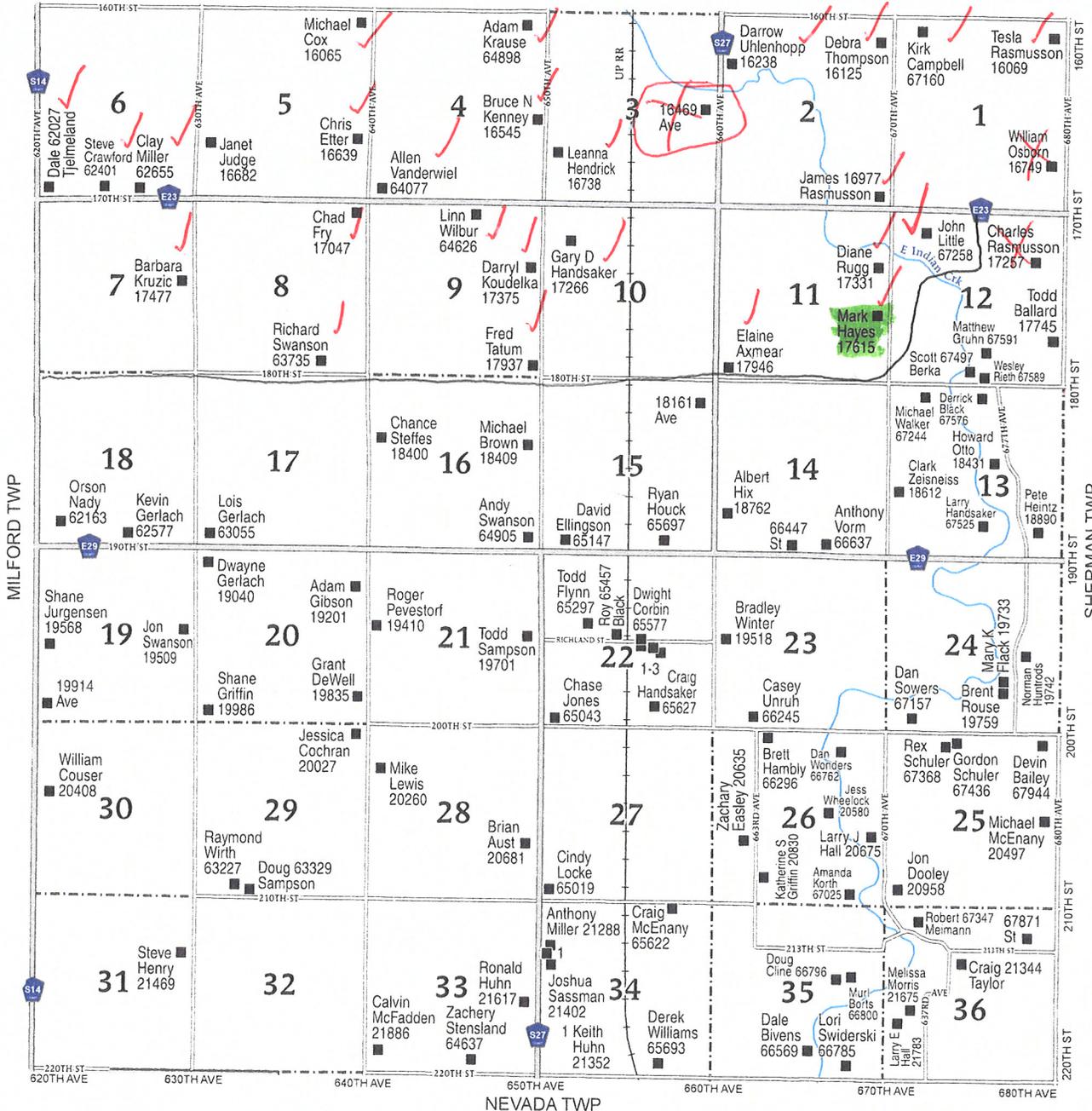


Bret Womeldorf
67217 120th St
McCallsburg

Martin Roeben
12408 120th St
McCallsburg

(Residents - Owners or Renters)

WARREN TWP



RICHLAND TOWNSHIP

SECTION 22

- 1 JOHNSON, GRANT 65604
- 2 MILLER, MATTHEW 65746
- 3 MILLER, DONALD 65840