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**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 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 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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 _____

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.

“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.

“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.

“NEC” means the National Electric Code.

“NEC” 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

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>

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).

A. 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.

B. 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.

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”.)

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 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 conduct 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. Underground Installation of Utilities. Reasonable efforts shall be made to place all utility connections from 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
 - 1) 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.
- 1) 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.
 - 2) 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.
 - 3) 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.

- 1) 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.
- 1) 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
- 1) 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.
 - 2) 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.
- 1) 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.
 - 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 U-BESS.

- 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.
- 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.