



# PLANNING, DEVELOPMENT AND SUSTAINABILITY

PLANNING DIVISION

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## Sensitive Areas Waiver Request

### Application of Requirements

All subdivisions, site plans, grading, and conditional use permits are subject to the Sensitive Areas requirements of section 8:3 of the Johnson County Unified Development Ordinance.

Waiver of a sensitive areas assessment can be requested for subdivisions with 3 or fewer lots and certain conditional use permits that meet one of the conditions listed in 8:3.5.A.6.

### Sensitive Areas Waiver Request

Chapter 8:3.5 of the Johnson County UDO defines nine sensitive areas and outlines identification criteria, development restrictions, and other requirements and provisions. If a project is not eligible for waiver or waiver is denied, a sensitive areas assessment and report, in accordance with chapter 8:3.5., must be submitted at the time of development application. The following table is intended to provide guidance to an applicant for completing a sensitive areas waiver request.

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	<p>All data necessary to review and provide as part of a waiver request can be accessed on the Johnson County Property Information Viewer:</p> <p style="text-align: center;"><a href="https://gis.johnsoncountyiowa.gov/pds/">https://gis.johnsoncountyiowa.gov/pds/</a></p>
<b>Critical Wildlife Habitat</b>	<p>Areas identified as containing any species that are protected and identified by the Endangered Species List published by the United States Fish and Wildlife Service, or the Iowa Threatened and Endangered Species List published by the Iowa Department of Natural Resources.</p>
Assessment and Resources	<ul style="list-style-type: none"> <li>▪ Review aerial photographs to determine if potential habitat, as noted above, is located on the property. Aerials dating back to the 1930's can be accessed on the Johnson County Property Information Viewer. If wooded areas are located on the project site, further assessment will be needed to determine presence of potential bat habitat.</li> <li>▪ Review the USFWS Rusty-Patched Bumble Bee maps, accessible on the Johnson County Property Information Viewer. Both Low and High-Potential Zones are mapped in Johnson County, and it should be determined if the project is located within a high-potential zone.</li> </ul>
Documentation Required	<ul style="list-style-type: none"> <li>▪ Provide documentation, such as aerial photographs, showing the absence of potential habitat (e.g. wooded areas, water, grassy fields, etc.) for Threatened and Endangered species</li> <li>▪ Provide Rusty-Patched Bumble Bee location maps to show where the project is located relative to high- potential zones. If a project site contains any high potential zone and the area is NOT row-cropped, waiver will be denied.</li> <li>▪ If Critical Wildlife Habitat is identified on site or cannot be ruled out based on review of aerial imagery, then waiver will be denied.</li> </ul>
<b>Floodplain and Floodway</b>	<p><b>The floodplain is the land area susceptible to inundation by water as a result of a flood.</b></p> <p><b>The floodway is the channel of a river or stream and those portions of the floodplain joining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.</b></p>
Assessment and Resources	<ul style="list-style-type: none"> <li>▪ Review FEMA maps for 100-year floodplains within the development boundaries. FEMA floodplain maps can be accessed on the FEMA website as well as the Johnson County Property Information Viewer.</li> </ul>
Documentation Required	<ul style="list-style-type: none"> <li>▪ FEMA maps that show the absence of the 100-year floodplain within the project boundary.</li> <li>▪ If the project site overlaps any portion of the 100-year floodplain, then waiver will be denied.</li> </ul>
<b>Historic Properties</b>	<p><b>Areas containing significant information regarding the history or prehistory of the United States of America, the State of Iowa, and/or Johnson County.</b></p>
Assessment and Resources	<ul style="list-style-type: none"> <li>▪ Residential subdivisions that propose no more than one buildable lot and no more than three total lots are exempt from Historic Properties requirements.</li> <li>▪ If the project area is not already completely developed or built-out, determine the need for historic architectural and archaeological surveys by requesting a site review by the Iowa Office of the State Archaeologist (OSA). It should be communicated to OSA that it is for Johnson County sensitive areas purposes. The OSA will determine whether or not a field survey is warranted and will provide a response stating their recommendation.</li> </ul>
Documentation Required	<ul style="list-style-type: none"> <li>▪ The response from the OSA with their recommendation on the need for a field survey.</li> <li>▪ If field survey is recommended, waiver will be denied.</li> </ul>
<b>Prairie and Prairie Remnants</b>	<p><b>An association of native grasses, sedges, and broadleaf plants. It includes areas of at least 0.3 acres in size that have at least 4 prairie grass species and 10 broadleaf plant species (with a coefficient of conservatism of 5 or greater in either Illinois or Missouri).</b></p>

Assessment and Resources	<ul style="list-style-type: none"> <li>Review current and past aerial photographs for evidence of row-cropping or CRP plantings. Aerials dating back to the 1930's can be accessed on the Johnson County Property Information Viewer.</li> <li>If an area is currently or has been row-cropped, prairie remnant can be ruled out.</li> <li>If row-cropping (does not include hay/pasture) is not definitively identified, or an area is not currently row cropped, determine if the area in question is at least 0.3 tenths of an acre. If the area is less than 0.3 tenths of an acre, then the area does not meet the criteria for prairie.</li> </ul>
Documentation Required	<ul style="list-style-type: none"> <li>Aerial photographs showing a history of row-cropping and/or the absence of vegetated areas that measure 0.3 tenths acre or greater in area.</li> <li>If a vegetated area is not or has not been previously row-cropped, as evidenced in aerial photographs, and is 0.3 acres or greater in area then waiver will be denied.</li> </ul>
<b>Savanna and Savanna Remnant</b>	<b>A mixed association of native trees in grassland (originally prairie but may now also have domestic grass). The native trees are open grown and are frequently oaks and hickories. For the purposes of Johnson County ordinance, it includes areas of at least one acre in size.</b>
Assessment and Resources	<ul style="list-style-type: none"> <li>Review aerial photographs to determine if large, open-grown trees are located within the property boundary. Aerials dating back to the 1930's can be accessed on the Johnson County Property Information Viewer.</li> </ul>
Documentation Required	<ul style="list-style-type: none"> <li>Aerial photographs showing the absence of large, open-grown trees within the project boundary.</li> <li>If open-grown trees cannot be ruled out based on aerial photographs, then the trees should be assessed on site.</li> </ul>
<b>Significant Slopes</b>	<b>Landforms that contain slopes that are at high risk to erode, slide, or collapse. This includes protected slopes and critical slopes. Critical Slopes. Those landforms with a grade between twenty five percent (25%) and thirty five percent (35%). Protected Slopes. Those landforms with a grade that exceeds thirty five percent (35%).</b>
Assessment and Resources	<ul style="list-style-type: none"> <li>Review contour maps to determine if any slopes on site exceed 25% and 35% to classify as critical or protected slopes, respectively. Slopes should be measured over 10-feet of vertical rise.</li> </ul>
Documentation Required	<ul style="list-style-type: none"> <li>An exhibit showing contours of the project area and contour labels, and determination of the steepest slopes present.</li> <li>If slopes exceed 25% waiver will be denied.</li> </ul>
<b>Stream Corridors, Watercourse and Surface Water Bodies</b>	<b>A stream corridor is a river, stream or drainageway shown in blue (the blue line) on the most current U.S. Geological Survey Quadrangle Maps, and the area of its delineated floodway. In cases where no floodway is delineated, the blue line will serve as the centerline of a 30-foot wide stream corridor. A watercourse is a river, stream, or drainageway that is not shown as a blue line on a U.S. Geological Survey Quadrangle Map.</b>
Assessment and Resources	<ul style="list-style-type: none"> <li>Review the USGS 7.5 minute quadrangle maps to determine if a blue-line stream is located within the project boundary. Blue line streams can also be viewed on the Johnson County Property Information Viewer. A solid or dashed blue line on these maps represents a blue line stream. If a blue line (solid or dashed) stream is located within the project boundary, then there a stream corridor is present.</li> </ul>
Documentation Required	<ul style="list-style-type: none"> <li>USGS 7.5 minute quadrangle maps or aerial imagery with the outline of the project boundary, showing that no blue line stream exists within the project boundary.</li> <li>If a blue-line stream exists within the project boundary, waiver will be denied.</li> </ul>
<b>Wetlands</b>	<b>Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The diagnostic characteristics of wetlands are vegetation, hydric soils and hydrology.</b>
Assessment and Resources	<ul style="list-style-type: none"> <li>Review the US Fish and Wildlife Service National Wetlands Inventory Wetlands Mapper (accessible on the Johnson County Property Information Viewer) for the absence of NWI-mapped wetlands.</li> <li>Review the USDA-NRCS Web Soil Survey (accessible on the Johnson County Property Information Viewer) to view the hydric rating for soil types within the project boundary. Hydric soils are characteristic of wetlands.</li> <li>Review the contours of the project to determine if there are low spots that might remain saturated or have temporarily ponded water. Contours can be viewed on the Johnson County Property Information Viewer.</li> </ul>

Documentation Required	<p>Combination of the following:</p> <ul style="list-style-type: none"> <li>▪ National Wetlands Inventory (NWI) map showing the absence of wetlands within the project boundary.</li> <li>▪ Hydric soil ratings for the soil types within the project boundary.</li> <li>▪ Contour map showing absence of topographic features conducive to presence of wetlands (i.e. depressions, drainageways, water bodies, etc.).</li> <li>▪ If NWI-mapped wetlands, drainage swales, streams, or potential watercourses, are on site, or combinations of hydric soils with other geographic features (e.g. low-lying areas) are present, waiver will be denied.</li> </ul>
<b>Woodlands</b>	<b>An association of native forest trees such as those listed in Forest Trees of Johnson County by McBride, 1897. It includes areas of at least 2 acres in size.</b>
Assessment and Resources	<ul style="list-style-type: none"> <li>▪ Review aerials for wooded areas within the project boundary, and determine if any wooded area measures 2 acres or greater in area, including contiguous wooded area beyond the project boundary. Aerials can be viewed on the Johnson County Property Information Viewer.</li> </ul>
Documentation Required	<ul style="list-style-type: none"> <li>▪ Aerial photographs showing the absence of wooded areas that measure 2 acres or greater in area, including contiguous, off-site wooded areas.</li> </ul>