

ORDINANCE NO. 07-22-21-02

**AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT
ORDINANCE TO UPDATE AND MODIFY CERTAIN DEFINITIONS AND REQUIREMENTS
FOR SENSITIVE AREAS**

Section I. Purpose. The Purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County by updating and modifying certain definitions and requirements for sensitive areas.

Section II. Amendments.

- A. Article 8:3.4.B.20 is hereby amended by replacing the words “to on-site sensitive areas” with the words “on a site”.
- B. Article 8:3.4.B.38 is hereby amended by adding the word “the” before the word “earth’s” and adding the words “naturally occurring and” before the word “exposed”.
- C. Article 8:3.5.A.6 is hereby amended by replacing the word “represented” with the word “representative”.
- D. Article 8:3.5.A.6.c is hereby amended by adding the words “For conditionally permitted uses:” before the words “the duration” and deleting the words “or development” after the words “proposed use”.
- E. Article 8:3.5.B.3 is hereby amended by adding subsections 8:3.5.B.3.b, 8:3.5.B.3.c, and 8:3.5.B.3.d , to read as follows:
 - b. Projects for which authorized impacts to sensitive areas are within five percent (5%) of a mitigation threshold, a survey of the actual impact boundary and calculated impact area must be submitted by the applicant prior to receiving final plat approval or issuance of Certificate of Occupancy for any building permit on property subject to Site Plan requirements.
 - c. If authorized impacts on any site have been exceeded, a revised sensitive areas exhibit must be completed, reviewed, and recorded showing the actual impacts.
 - d. If unauthorized impacts on any site have exceeded the mitigation threshold, then the site must be brought into compliance by completing and implementing an approved mitigation plan.
- F. Article 8:3.5.B.4.e.i is hereby amended by deleting the words “monitoring, and reporting” after the words “appropriate management,” and replacing them with the words “with annual monitoring and reporting”.
- G. Article 8:3.5.B.4.e.i is hereby amended by adding subsection 8:3.5.B.4.e.i.a, to read as follows:
 - a) Monitoring and reporting shall be on an annual basis for a minimum of 10 years, after which point reduced frequency can be requested, and approved at the discretion of the Zoning Administrator.
- H. Article 8:3.5.B.5.a.vi is hereby amended by deleting the word “Public”.
- I. Article 8:3.5.F.1.a is hereby amended by deleting 8:3.5.F.1.a.i in its entirety and replacing it with the following:

- i. If it is clear that the property has ever been in row crop production, or if it is or was in the Conservation Reserve Program, the existence of prairie remnant can be ruled out.
- J. Article 8:3.5.H.2.a.i is hereby amended by adding the sentence “Impact in excess of thirty five percent (35%) may be exceeded for installation of essential municipal utilities.” after the word “infrastructure.”
- K. Article 8:3.5.H.2.a.ii is hereby amended by adding the words “, essential municipal utilities, and accepted stabilization practices,” after the word “facilities”.
- L. Article 8:3.5.I.2.b is hereby amended by deleting subsection 8:3.5.I.2.b.i in its entirety and replacing it with the following:
 - i. Stream Corridors. Impact only allowed for stream crossings such as bridges and culverts in accordance with crossing standards, installation of essential municipal utilities, and stormwater management facility outfalls. All other development activities are prohibited.
- M. Article 8:3.5.I.2.b.ii is hereby amended by replacing the words “, the stream corridor can be impacted for crossings or for installation of required stormwater management facilities” with the words “and a definite direction of flow, stream corridor and watercourse impact restrictions shall not apply.”
- N. Article 8:3.5.I.2.b.iii is hereby amended by deleting the words, “crossings and required stormwater management facilities.” and replacing them with the words “crossings, required stormwater management facilities, and installation of essential municipal utilities.”
- O. Article 8:3.5.J.2 is hereby amended by deleting 8:3.5.J.2.b and replacing it with the following (said deletion does not include any subsections within subsection 8:3.5.J.2.b):
 - b. Impact. Developments shall be designed to avoid and minimize impact to wetland to the greatest extent possible. Unless the applicant can demonstrate that leaving the area undisturbed is unreasonable, the area shall be left undisturbed except for management activities necessary for restoration and maintenance. Impact to wetland is only allowed in accordance with the following:
- P. Article 8:3.5.J.2.c.ii.c is hereby amended by deleting the following words, “Mitigation plans shall include provisions for long-term protection and management, monitoring, and reporting to the County.”
- Q. Article 8:3.5.K.2.c is hereby amended by deleting subsection 8:3.5.K.2.c.i and 8:3.5.K.2.c.ii in their entirety and replacing them with the following:
 - i. Mitigation Ratios. The required area of mitigation shall be determined using the following table:

Percent of total woodland impacted for general development	Percent of total woodland impacted including stormwater facilities	Mitigation Ratio, woodland preservation	Mitigation Ratio, on- or off-site woodland reconstruction
0% – 15%	not to exceed 25%	none	none
15.1% – 30%	not to exceed 40%	1:1	2:1
30.1% – 50%	not to exceed 60%	2:1	4:1
50.1% – 75%	not to exceed 85%	4:1	8:1
75.1% – 100%	n/a	8:1	16:1

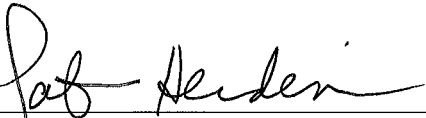
- a) The required level of mitigation shall be determined based on the highest category of impact the proposed development falls into. If the proposed impact exceeds the general development or the stormwater management impact threshold the proposed development shall mitigate at the higher ratio.
- ii. Mitigation Plan. A detailed mitigation plan shall be completed by a qualified professional. The plan shall identify a site protection instrument to ensure long-term protection of the mitigation site, performance standards, baseline information for both the impact and mitigation sites, a maintenance plan, an adaptive management plan, and provisions for long-term protection and management, monitoring, and reporting to the County.
 - a) Reconstruction. Reconstructed woodland shall be in a similar topographic setting and planted with a mixture of native plants resembling that found at the woodland that is proposed for impact. Tree species shall be planted in the same proportions and spacing as the mature trees on the woodland that is proposed for impact.
 - b) Preservation. A preservation mitigation site must be at least of the same condition and quality as the impact site. An impact site that is characterized as a bottomland community can be mitigated with either bottomland or upland woodland communities. An impact site that is characterized as an upland woodland community must be mitigated with an upland woodland community.

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

Section IV. Savings Clause. If any section, provision, or part of this ordinance shall be adjudged invalid, illegal, 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, illegal or unconstitutional.

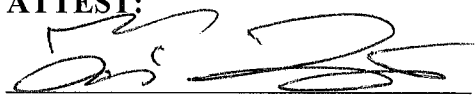
Section V. Effective Date. This ordinance shall be in effect after its final passage and publication as part of the proceeding of the Board of Supervisors.

Date of publication: August 5, 2021



Pat Heiden, Chairperson
Board of Supervisors
7/22/21

Date

ATTEST:


Travis Weipert, Auditor
Johnson County, Iowa