Article VII, Sec. 107-131. Districts and district boundaries, §(b).

(b) *Establishment of districts and overlay zones.* In order to carry out the purpose and intent of this chapter, the unincorporated territory of the county is hereby divided into the following zoning districts and overlay zones:

(18) EU-2 Exclusive Use-Two, Nuclear Energy Generating Facility and Nuclear Waste Storage District.

Article VII, Sec. 107-149. Renewable Energy Overlay District, §(b).

(b) *Geographic location.* The Renewable Energy Overlay District shall be geographically located in those areas currently zoned AG (Agricultural), CNR (Critical Natural Resources), or EU-2 (Exclusive Use-Two).

Article VII, Sec. 107-150. EU-2 Exclusive Use - Two, Nuclear Energy Generating Facility and Nuclear Waste Storage District.

(a) *Purpose*. The Linn County Board of Supervisors (Board) recognizes that the regulation of nuclear energy generation and the storage of nuclear waste is primarily governed by federal agencies, including the U.S. Nuclear Regulatory Commission (NRC), and that significant aspects of these activities are subject to federal preemption. The Board also recognizes that, within the scope allowed by state and federal law and in accordance with an adopted Comprehensive Plan, counties may establish land use regulations to protect public health, safety, welfare, and the long-term economic interests of their residents.

The Board further recognizes that Iowa Code Chapter 15A identifies economic development as a public purpose of counties, including the creation of high-quality jobs, infrastructure investment, and support for industries that contribute to Iowa's economic resilience. Nuclear energy facilities and related infrastructure represent an opportunity for Linn County to attract long-term investment and high-skilled employment while ensuring local planning and emergency response capabilities are adequate to address the scale and nature of these facilities.

Linn County will be responsible for providing continuous public safety and emergency response support throughout the operational life of nuclear energy and waste storage facilities. This includes maintaining adequate resources, infrastructure, training, and coordination to respond effectively to incidents or hazards that may arise. Land use regulations must therefore reflect the County's interest in ensuring that these responsibilities are acknowledged and supported as part of any project approval.

Therefore, the Board finds it necessary and advisable to adopt land use standards, in alignment with the Linn County Comprehensive Plan, that balance the potential benefits of nuclear energy development with the need to protect public safety, preserve environmental quality, promote long term economic development, and ensure compatibility with surrounding land uses.

(b) *General intent.* The primary purpose and objective of this zone is to provide an exclusive-use zone for the siting and operation of nuclear power generation facilities and nuclear waste storage facilities. Specific objectives of this zoning district include:

(1) Protect public health and safety by ensuring that land use decisions account for the county's capacity to respond to potential incidents, and that siting, access, and supporting infrastructure are compatible with local emergency services.

(2) Respect federal preemption by regulating only those aspects of nuclear energy generation and waste storage that are clearly within the county's authority, such as land use

compatibility, local infrastructure planning, emergency response coordination, and the negotiation of host community agreements.

(3) Ensure compatibility with adjacent uses by requiring adequate setbacks and careful review of accessory uses.

(4) Support economic development by enabling responsible and sustainable nuclear energy investment that creates high-quality jobs, expands the tax base, and positions Linn County as a leader in innovative, sustainable energy infrastructure.

(c) *Other applicable state and federal laws and administrative code requirements.* Other state and federal laws and administrative code requirements may apply to a person submitting a nuclear energy generating facility or a nuclear waste storage application, including, but not limited to laws and rules related to the issuance or renewal of permits.

(d) *Applicability.* The requirements as herein provided shall apply to all nuclear energy generating facilities that begin generating nuclear energy following adoption of this ordinance, and all new nuclear waste storage facilities. The requirements herein provided shall not reapply where an operating facility that has already been subject to the requirements herein receives an amendment or renewal of a federal license.

(e) *Principal permitted uses.*

(1) Nuclear energy generating facilities.

(2) Nuclear waste storage facilities.

(f) *Accessory uses.*

(1) Agricultural uses.

(2) Permitted uses under Sec. 107-149. – Renewable Energy Overlay District.

(3) Administrative and maintenance buildings.

(4) Security support infrastructure, including security training facilities, and buildings.

(g) *Site and structure requirements.*

(1) Minimum lot area. There shall be no minimum lot area requirement, except that a site must be of sufficient size to accommodate the use.

(2) Minimum lot width. None.

(3) Minimum setbacks. Principal permitted uses, including all activities related to operation of the principal permitted use, shall meet the following minimum setback requirements:

a. Front yard setback, 200 feet.

b. Rear yard setback, 200 feet.

c. Side yard setback, 200 feet.

d. Corner side yard setback, 200 feet.

e. Setbacks may be reduced to zero when property abuts another property used for a use permitted in this district as described in this section or if overlapping with existing equipment, facilities, or structures utilized or formerly utilized by a nuclear energy generating facility.

f. Setbacks may be reduced to zero where an intake or outfall structure, utility connection, interconnection facility, transmission line, or other infrastructure

component must be located at or near the property boundary to serve the operational needs of the facility, such as access to a river, pipeline, or grid interconnection.

(4) Accessory uses, buildings and/or structures. All accessory uses, buildings and/or structures, shall meet the same site and structure requirements as principal permitted uses and shall require building permits where applicable.

a. Accessory uses permitted under Sec. 107-149, Renewable Energy Overlay District, shall follow the established use-specific setbacks.

(5) Lighting. Lighting shall meet all applicable federal and state standards, and shall be downcast wherever possible.

(h) *Application. A separate application shall be required for each of the following: nuclear energy generating facility, nuclear waste storage siting, and EU-2 zoning district reclassification.* A completed application includes the following:

(1) A completed application form. The application must be on forms provided by the department, and shall include a description and narrative of the project. The application form must be signed by the owners of the property as such and, if applicable, the entity seeking the reclassification as applicant. However, in the event that the applicant is a public entity and cannot procure the owner's signature, proof of notification to the owner(s) of intent to submit an application for zoning reclassification and local siting approval for the owner's property shall be submitted.

(2) The application fee, as authorized by the board of supervisors by resolution, for the specific review and processing of the rezoning reclassification.

(3) The applicant shall demonstrate notice to the Iowa Utilities Commission (IUC) and NRC that the local approval process has been initiated.

(4) Completed economic development plan. The applicant shall submit an economic development plan outlining how the proposed facility is anticipated to contribute to the local and regional economy. The plan should describe potential direct and indirect economic impacts, including but not limited to job creation, local contracting and procurement opportunities, workforce training or development, and any anticipated community investments or benefit agreements. The plan should also address the applicant’s approach to engaging local labor, recognizing the importance of high-quality jobs and workforce standards to the community.

(5) As a condition of EU-2 zoning, every approval for a nuclear facility shall require the applicantto enter into a legally binding Host Community Agreement (HCA) with Linn County, which shall become effective upon such nuclear energy generating facility generating electricity. In addition to any payment established in the HCA, the applicant shall reimburse the County and all relevant agencies for verified costs for person-hours incurred as a direct result of pre-operational activities undertaken pursuant to a federally approved emergency response plan from the time the rezoning is approved until the nuclear energy generating facility becomes operational.

The HCA shall establish a fixed annual payment to the County to support a broad range of governmental functions and public services associated with hosting a nuclear facility. These may include but are not limited to emergency preparedness and response, public safety, infrastructure maintenance, environmental monitoring and oversight, intergovernmental coordination, community outreach, economic development, and long-range planning. The initial payment amount shall be based on an analysis of the County’s anticipated service

needs and costs, prepared in consultation with relevant local agencies. The annual payment shall include a fixed annual escalator to account for inflation and long-term service demands.

The HCA shall remain in effect until such time as the notice of certification to the NRC that fuel has been permanently removed from the reactor vessel, under 10 C.F.R. 50.82(a)(a)(ii) or similar, has been provided to the County.

The HCA shall be binding on the applicant and any future owner or operator, and any transfer of ownership or operational control shall require prior written notice to Linn County, which includes acknowledgement by the successor entity of acceptance of all terms and obligations of the HCA.

If additional nuclear facilities are approved in Linn County in the future, those facilities shall also be subject to a Host Community Agreement. The annual payment may be reduced for existing facilities subject to HCAs and for subsequent facilities to reflect the county's lower marginal cost of serving additional facilities.

(6) A Major Site Plan shall be required in accordance with Section 107-71(3).

(j) *Performance agreement and proof of financial surety.* At the time of rezoning , the applicant, facility owner, or site operator shall commit to filing notice with the County, prior to commercial operation of the nuclear energy generating facility, demonstrating the existence of an account, in the form of a trust, other mechanism, or combination thereof acceptable to the NRC under 10 C.F.R. 50.75, funded sufficiently to meet applicable NRC decommissioning funding requirements, the sufficiency of which is determined solely by the NRC. The trust, other acceptable mechanism, or combination of mechanisms, shall be maintained as required by federal law. The applicant, facility owner, or site operator shall thereafter provide the County with any update provided to the NRC pursuant to 10 CFR 50.75(f)(1) or similar.

Article IX, Sec. 107-180 Definitions.

Nuclear energy generating facility means any facility designed or used for the generation of electricity or power through nuclear fission or fusion. This includes but is not limited to commercial nuclear power plants, Small Modular Reactors (SMRs), and any associated reactors, modules, support structures, cooling systems, control buildings, electrical interconnection infrastructure, including but not limited to transmission lines, and safety or containment systems. It also includes the on-site handling, processing, or temporary storage of nuclear fuel and byproduct materials, provided such activities are conducted in compliance with applicable federal and state regulatory requirements, including those administered by the U.S. Nuclear Regulatory Commission (NRC) or its authorized representatives.

Nuclear waste storage means a facility or designated area located on or adjacent to the site of a nuclear power generation facility, used for the storage of spent nuclear fuel or high-level radioactive waste produced by that facility. This includes Independent Spent Fuel Storage Installations (ISFSIs) licensed by the U.S. Nuclear Regulatory Commission (NRC) under 10 CFR Part 72, provided they store only waste generated in Linn County. This definition does not include Consolidated Interim Storage Facilities (CISFs) designed to accept waste from multiple non-local sources.

Small Modular Reactor (SMR) means a nuclear fission reactor that is designed to generate electric power on a smaller scale than traditional nuclear power reactors, typically producing 300 megawatts electric (MWe) or less per unit. SMRs are characterized by modular construction, advanced safety features, and the ability to be deployed individually or as a series of units. SMRs must be licensed and regulated by the NRC or its duly authorized successor.