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PALO ALTO COUNTY IOWA

REGULATIONS FOR THE SITING AND OPERATION OF SOLAR ENERGY CONVERSION SYSTEMS

Palo Alto County, IOWA

ORDINANCE NO. 11-13-2025

Adopted November 13, 2025

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ARTICLE I – GENERAL PROVISIONS

- A. Purpose. The purpose of this Ordinance is to establish a set of minimum standards for the siting, placement, construction, installation, operation, maintenance and decommissioning of Solar Energy Conversion Systems in order to protect the public health, safety and community welfare of the residents of Palo Alto County, noting the Comprehensive Plan to promote economic development, promote development of renewable energy, protect the irreplaceable natural resources, and facilitate the provision of required services and facilities to the residents of the county.
- B. Jurisdiction. This Ordinance and all regulations contained therein is a separate county ordinance for Solar Energy Conversion Systems. This Ordinance and all regulations contained therein shall be applicable to all land within unincorporated Palo Alto County, Iowa, and shall exclude all land within the incorporated municipalities located in the County.
1. Whenever a parcel or area of land is annexed by an incorporated municipality, the requirements of this Ordinance shall cease to apply, and the subject parcel or area shall be subject to any and all applicable requirements for a Solar Energy Conversion System imposed by the ordinances of said municipality.
- C. Relation to Other Ordinances and Regulations.
1. Whenever this Ordinance imposes a greater restriction than is imposed or required by another local ordinance, or by state or federal laws, then the provisions of this ordinance shall prevail.
 2. Whenever another local ordinance, state or federal law imposes a greater restriction than is imposed by this Ordinance, then those stricter standards shall prevail.
- D. Exemptions.
1. The regulations contained within this Ordinance shall apply only to Solar Energy Conversion Systems (SECS), as herein defined. Personal Solar Energy Systems remain subject to applicable planning and zoning permits. Unless otherwise specified by the county, no public hearings, or other official County actions shall be required for Personal Solar Energy Systems, as herein defined, or any directly associated structures and equipment.
 2. The regulations contained within this Ordinance shall not apply to the continued operations of any Solar Energy Conversion Systems that lawfully existed prior to the adoption of this Ordinance or any amendment thereto. However, they shall apply to any material modification of any such System to encompass additional properties that were previously considered to be nonparticipating. The Board of Adjustment shall consider granting variances for material modifications of any previously nonparticipating SECS.
- E. Financial Risk and Responsibility. All costs associated with the permitting, construction, installation, operation, maintenance, repair, modification or decommissioning of a Solar Energy Conversion System, shall be entirely the responsibility of the Developer, Owner, and/or Operator of the SECS, and no such costs shall be passed on to Palo Alto County, its taxpayers, or individual landowners in the SECS project area. The Developer, Owner, and/or Operator of

the SECS shall be fully legally responsible for mitigating and correcting any damage to public or private property or any infrastructure caused by the siting, development, construction, operation, maintenance or decommissioning of the SECS. In addition, the Developer, Owner and/or Operator shall be entirely responsible for the cost of any legal actions (including defense and settlement costs) associated with the aforementioned activities regarding a SECS.

- F. Enforcement and Penalties. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a county infraction, as defined by Chapter 331.307 of the *Iowa Code*. Each day that the violation persists shall constitute a separate repeat offense.
1. In accordance with Section 331.307 of the *Iowa Code*, any person or firm that violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than seven-hundred fifty dollars (\$750) for the first offense, and not more than one thousand dollars (\$1,000) for each repeat offense.
 2. Nothing herein contained shall prevent Palo Alto County from taking such other lawful action as is necessary to prevent or remedy any violation.
- G. Severability. Should any section or provision of this Ordinance be declared by the Courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.
- H. Change of Ownership. The Developer or Owner shall submit notification to the Administrator upon change of ownership of all or part of the SECS. The ownership of a SECS shall not be assigned without the written consent of the Board of Supervisors and such consent shall not be unreasonably withheld.
- I. Repeals and Amendments. The following sections of the Zoning Ordinance for Palo Alto County, Iowa are amended:
1. In Article 5, Section 2, a new subsection 2.1.12 is added.
 - a. Setting Forth. The text of the subsection shall read: "Solar Energy Conversion Systems (SECS) and associated structures. Notwithstanding the procedures of this ordinance, all applications for a SECS Siting Plan and Special Zoning Certificate shall exclusively follow the procedures established in the standalone Ordinance no. _____, Regulations for the Siting and Operation of Solar Energy Conversion Systems."
 2. In Article 7, Section 3, subsection 3.1.2 is deleted and replaced with the following:
 - a. To hear and decide upon applications for variations and subject to such standards, principles and procedures provided in this Regulation, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the applicant a reasonable use of his property in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances do not generally exist within the locality or neighborhood concerned; provided, however, that (i) the exceptions shall be in harmony with the general purpose and intent and in accordance with the general or specific

rules contained in the ordinances or regulations; and (ii) all such decisions shall be determined in accordance with applicable law.

3. In Article 7, Section 3, a new subsection 3.1.4 is added.

- a. Setting Forth. The text of the subsection shall read: "To grant special zoning certificates when authorized by ordinance, and to exercise all other lawful powers authorized by the Code of Iowa."

4. In Article 7, Section 4, a new paragraph at the end of Section 4 is added as follows:

- a. The board of supervisors may provide for its review of variances granted by the board of adjustment before their effective date. The board of supervisors may remand a decision to grant a variance to the board of adjustment for further study. If remanded, the effective date of the variance is delayed for thirty days from the date of the remand.

5. In Article 10, Section 14, the word "ten (10)" is struck and replaced with "four (4)" and the words "twenty-five (25)" are struck and replaced by "twenty (20)".

- a. Setting Forth. The text of the section shall now read: "Any regulations or provisions of this regulation may be changed and amended from time to time by the Board of Supervisors, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing."

6. Article 10, Section 16 is hereby repealed.

J. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law and provided for in the Code of Iowa or amendments thereto.

K. Interpretation of Inclusion. The use of the word "including" and similar language shall imply an inclusion without limitation, and any list introduced by similar language is non-exhaustive.

ARTICLE II – DEFINITIONS

A. Word Usage. The specific terms listed in this Article shall be defined as follows whenever those terms are used within the text of this Ordinance.

B. Terms Defined.

ABANDONMENT. The state in which a Solar Energy Conversion System, or portion thereof, has ceased to produce energy for at least three-hundred sixty-five (365) consecutive days.

ADMINISTRATOR. Shall refer to the Zoning Administrator of Palo Alto County, Iowa.

APPLICANT. Shall refer to the person(s) or entity(ies) who submits an Application to Palo Alto County for a Siting Permit for a SECS under this Ordinance. If, at any point, this Ordinance

imposes future obligations or duties upon the Applicant, then such obligations or duties shall be interpreted to any and all future Owners and Operators.

APPLICATION. Shall refer to the written request for a Siting Permit or Special Zoning Certificate for a SECS under this Ordinance, and all supporting documentation, all as required by this Ordinance.

BATTERY ENERGY STORAGE SYSTEM (BESS). See Ordinance no. _____, Regulations for the Siting and Operation of Commercial Battery Energy Storage Systems.

BOARD OF SUPERVISORS or BOARD. Shall refer to the Board of Supervisors of Palo Alto County, Iowa.

CHANGE OF OWNERSHIP. The gift, sale, assignment, or other transfer, whether voluntary or involuntary, of the legal rights to, management of, control over, or possession of a SECS.

CIVIC BUILDING. A building that is regularly used for large public gatherings or services, or the housing of unrelated individuals in a group setting, including schools, daycare facilities, churches and other houses of worship, government offices, hospitals, nursing homes, group homes, and homeless shelters. This term shall not apply to any accessory buildings (garages, sheds, or utility buildings) that are not used for human habitation.

COUNTY. Shall refer to Palo Alto County, Iowa and its governing bodies.

COUNTY ENGINEER. Shall refer to the County Engineer of Palo Alto County, Iowa.

DECOMMISSIONING. The complete removal of all components of a Solar Energy Conversion System, including solar arrays and accessory structures, following the permanent ceasing of operations – either through Abandonment or planned termination at the end of its useful life, all in accordance with Article VII of this Ordinance.

DEVELOPER. The person(s) and/or entity(ies) pursuing the development of a Solar Energy Conversion System, who are responsible for submitting a Siting Permit application and all required attachments necessary for the review and approval thereof by the County.

DRAINAGE DISTRICT. Shall refer to an entity organized and existing pursuant to Iowa Code Chapter 468.

DRAINAGE FACILITY OR DRAINAGE FACILITIES. Shall refer to any part of a natural, private and/or Drainage District system, including surface and subsurface components, which collects and conveys water. The terms “Drainage Facility” or “Drainage Facilities” may refer to a subset of the systems described in this definition as the context of this Ordinance requires.

MAINTENANCE, SOLAR ENERGY CONVERSION SYSTEM. Any activity undertaken by the Operator of a Solar Energy Conversion System during the course of its operational lifespan, for the purpose of making repairs, cleaning the equipment, evaluating its performance, or assessing the condition of individual components.

MAXIMUM HORIZONTAL TILT. The point during the course of a daily rotation (if any) at which the panels of a solar array are the closest to being entirely parallel to the ground surface.

MAXIMUM VERTICAL TILT. The point during the course of a daily rotation (if any) at which the panels of a solar array are the closest to being at a ninety (90)-degree angle to the ground surface.

NON-PARTICIPATING PROPERTY. Any property that is located near a Solar Energy Conversion System but does not physically contain a portion of that System.

OCCUPIED DWELLING. A building that contains one or more dwelling units intended for residential use – whether occupied by the Owner or unrelated individuals paying rent, and which is occupied for year-round or seasonal use by one or more households, or actively marketed for sale or rent at the time a Solar Energy Conversion System is proposed to be built in the nearby vicinity. This term shall not apply to any such building which is vacant year-round and not being actively marketed for sale or rent at the time the System is proposed. It shall also not apply to any accessory buildings such as garages that are not used for human habitation.

OPERATOR. The person(s) and/or entity(ies) responsible for the day-to-day operation and maintenance of a Solar Energy Conversion System, including any third-party subcontractors. This term shall apply to all subsequent Operators of the System, if such responsibility is transferred at any point during its operational lifespan.

ORDINANCE. Shall refer to this SECS Ordinance, no. _____.

OWNER, SOLAR ENERGY CONVERSION SYSTEM. The person(s) and/or entity(ies) that own the structures and equipment comprising a Solar Energy Conversion System, regardless of whether or not they also own the land upon which it is situated. This term shall apply to all subsequent Owners of the System, if ownership is transferred at any point during its operational lifespan.

PARTICIPATING PROPERTY. Any property on which a portion of a Solar Energy Conversion System is physically located. In any instance where a property under common ownership is split into multiple adjacent parcels for taxation purposes (using section, quarter-section, and quarter-quarter lines from the Public Land Survey System), the entire property shall be considered a 'participating property', regardless of whether or not each individual tax parcel physically contains a portion of the SECS.

PERSONAL SOLAR ENERGY SYSTEM (PSES). A SES where the energy produced is primarily intended for consumption on the subject property and/or one or more adjoining properties. Excess energy generated by the System may be sold and distributed to an electrical utility provider serving the general public, but as designed the majority of the energy generated will be consumed on site. This involves a private residential, agricultural, or commercial property where the rooftop or ground-mounted solar panels are owned and maintained by the landowner, and the PSES generates less than 1 MW of nameplate capacity or covers less than ten (10) acres.

PROJECT. Shall refer to a Solar Energy Conversion System.

SITE OR SECS SITE. Shall refer to the entire area containing a Solar Energy Conversion System.

SITING PLAN. The map, documentation, plans, and associated agreements for a SECS. The Siting Plan must be approved by the Board of Supervisors before the Developer may proceed

with the operation of a Solar Energy Conversion System.

SPECIAL ZONING CERTIFICATE. A written certificate that, once approved by the Board of Adjustment, authorizes the Developer to proceed with the construction of a Solar Energy Conversion System and any associated structures and equipment in the applicable district, subject to approval of a Siting Plan by the Board of Supervisors.

SOLAR ENERGY SYSTEM (SES). A system of infrastructure used for the conversion of solar energy from the sun into electricity, using a series of panels designed to collect energy from the rays of the sun.

SOLAR ENERGY CONVERSION SYSTEM (SECS). A utility-scale SES where the energy produced is 1 MW or more in total nameplate capacity and is primarily intended to be distributed to the electrical power grid for use by the public at-large, either within Palo Alto County or elsewhere. Little, if any, of the energy produced will be consumed on the subject property and/or adjoining properties. This typically involves over one hundred (100) acres of private agricultural land, where one or more landowners lease the land to a solar energy company, which owns and maintains the solar equipment.

SOLAR ARRAY. An installation comprised of multiple solar panels grouped together and wired into a single circuit, to be attached either to a ground-mounted post or column, or to the roof of a building or structure. Ground-mounted arrays are typically tilted at an angle from the flat ground surface, which may be adjustable to follow the position of the sun throughout the course of a single day.

CLUSTER OF SOLAR ARRAYS. Shall refer to any grouping of adjacent solar arrays that is not separated from any other grouping of arrays by a roadway, other public right-of-way, utility easement, or greater than fifty (50) feet of open space.

SOLAR PANEL. A photovoltaic device designed to collect energy from the rays of the sun for conversion into electricity, which may either be part of a freestanding utility structure placed directly on the ground surface or attached to the roof of a separate building or structure.

STRUCTURE. Anything constructed or erected with a permanent location on the ground, including dwellings, civic buildings, retail stores, offices, factories, utility stations, wind turbines, freestanding solar arrays, garages, sheds, barns, livestock pens and grain bins.

ARTICLE III – MINIMUM SITING AND DESIGN STANDARDS

A. Proximity to Dwellings, Structures and Other Properties.

1. All distance measurements in this Article III shall be taken in reference to the point at which the other structure, utility line, or boundary line will be closest to any individual solar array within a SECS.
 - a) Measurements shall be taken along a flat horizontal plane between two designated points: the Solar Point and the Setback Point. The chosen points shall be the closest approximate points to each other.

- i. The Setback Point shall be the closest approximate point on the measured dwellings, structures, or properties in relation to the Solar Point in horizontal distance.
- ii. The Solar Point shall be determined by measuring from the solar panel array when the panels are positioned at maximum horizontal tilt. The Solar Point shall be the closest point on the solar panel array to the Setback Point in horizontal distance.
- iii. These distance requirements shall apply to all applicable dwellings, structures, and properties in the vicinity of the Project, regardless of whether they are located within an unincorporated municipality or otherwise within the jurisdiction of this Ordinance.
- iv. Slope distance shall not be used in measuring the Setback to determine permissible distance between the Solar Point and the Setback Point.
- v. Setbacks Defined: Setbacks shall be the horizontal distance between the Setback Point and the Solar Point, measured along a flat horizontal plane. The line should be approximately parallel to a horizontal datum.

2. Setbacks from Public Amenities.

- a) Public Streets and Right of Ways: The setback shall be no less than one hundred fifty (150) feet from the edge of any public or private right-of-way or street. For any roadway that is to be newly constructed or widened as part of a project listed in the State or County Five-Year Program, this Article III shall apply to the planned future right-of-way line for the roadway at the conclusion of the applicable project.
- b) Uncontrolled Intersections: The setback shall be three hundred (300) feet from any uncontrolled intersection. The Setback Point shall be the edge of the right-of-way.
- c) Above Ground Utilities: The setback shall be no less than one hundred fifty (150) feet for any above-ground utility, such as electric lines or substations. The Setback Point shall be any component of the utility structure.
- d) Easements: No portion of any Project shall be constructed within any public right-of-way, utility easement, or other public access easement, unless written permission has been obtained by the intended beneficiary(ies) of that right-of-way or easement and provided to the Board of Supervisors prior to the final public hearing.

3. Setbacks from Certain Property.

- a) Occupied Dwelling: The setback shall be no less than one thousand five hundred (1,500) feet from any Occupied Dwelling unless written permission is granted by the affected property owner(s). The Setback Point shall be any part of the structure of the residential dwelling.

- b) Property Lines: The setback shall be no less than three hundred (300) feet from any adjacent existing property line unless written permission is granted by the affected property owner(s). The Setback Point shall be the perimeter boundary of the property line.
- c) Permanent Non-Residential Structures on Non-Participating Property: The setback shall be no less than three hundred (300) feet from any Permanent Non-Residential Structure unless written permission is granted by the affected property owner(s). The Setback Point shall be any part of the structure of the Non-Residential building. Such structures shall include, and are not limited to, detached garages, sheds, or livestock confinement buildings.
- d) Permanent Non-Residential Structures on Participating Property: The setback shall be no less than seventy-five (75) feet from any Permanent Non-Residential Structure on Participating Property. The Setback Point shall be any part of the structure of the Non-Residential building.
- e) Cemeteries: The setback shall be no less than three hundred (300) feet. The Setback Point shall be the perimeter boundary of the cemetery.

4. Setbacks from Municipal Boundaries and Public Lands

- a) City Limits: The setback shall be no less than one thousand five hundred (1,500) feet from the city limits of any incorporated municipality within Palo Alto County unless the incorporated municipality waives the required setback in writing.
- b) Public Lands or Waterways: The setback shall be no less than one thousand five hundred (1,500) feet from any public lands and public waterways whether they are owned by the County, State or Federal government. For public waterways, the Setback Point shall be the edge of the meander line. For public lands, the Setback point shall be the property line of the public land. The Applicant shall obtain a preliminary review of the proposed Project with the Iowa Department of Natural Resources ("IDNR") and the Palo Alto County Conservation Board early in the planning stages of the Project. This review will allow the IDNR and the Palo Alto County Conservation Board to identify sensitive environmental and wildlife habitat concerns near such public lands and waterways. The Applicant shall address in the Application the measures taken to minimize impacts to sensitive environmental areas, including the specific setbacks to be used.

B. Visual Impacts: Height Restrictions. All measurements shall be taken from the highest point on a panel when it is positioned at Maximum Vertical Tilt. The height is measured as the length of the line perpendicular to the ground that intersects the highest point.

- 1. The height of any solar array within a SECS shall not exceed twenty-five (25) feet.
- 2. The Applicant shall demonstrate through Project siting and proposed mitigation, if necessary, that the SECS minimizes impact on the visual character of features including, but not limited to, scenic landscapes, state scenic rivers, state rural historic

districts, scenic vistas, or scenic corridors, schools, churches and structures with documented historic significance.

- C. Maintenance of Soil Health. In order to ensure that the underlying soil on the properties comprising a SECS will remain viable for productive farming operations following its decommissioning, the following standards shall be complied with during and after construction of a SECS.
1. Topsoils shall not be removed during development, except in any instance where necessary to remediate chemicals or hazardous substances from a prior use of the property.
 2. Apart from paved or gravel driveways necessary to transport vehicles and equipment around the SECS during regular maintenance work, all areas of soils that underly and surround clusters of solar arrays shall be planted and maintained in perennial vegetation, in order to prevent erosion, manage stormwater runoff, and maintain overall soil health.
 - a) Seed mixes and maintenance practices for vegetation shall be consistent with recommendations made by qualified natural resource professionals (such as those at the Iowa Department of Natural Resources, Natural Resources Conservation Service (NRCS) and the local Soil and Water Conservation District).
 - b) Seeds should include a mix of grasses and wildflowers, ideally native to the Northwest or North Central Iowa region, which will result in a short stature prairie surrounding the clusters of solar arrays.
 3. During the course of operations for a SECS, all chemicals or solvents used to clean solar panels shall minimize the use of volatile organic compounds, and the Operator shall use recyclable or biodegradable products to the greatest extent possible.
 4. Once a SECS has commenced operations, surface-level soil samples shall be taken at regular intervals (no less than once every 5 years), to test for the presence of any of the eight (8) metals identified by the Resource Conservation and Recovery Act (RCRA), including arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver. Operator shall submit all test results to the Board of Supervisors within ninety (90) days following the date on which the soil samples were submitted to the certified soil testing laboratory.
 - a) Samples shall be taken at a rate of one sample for every five (5) acres of land, evenly distributed throughout the SECS.
 - b) Soil sampling shall be conducted in accordance with SW-846 ('Test Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium'), from the U.S. Environmental Protection Agency (EPA). Tests shall be completed by a certified soil testing laboratory that meets the quality standards of the Iowa Department of Agriculture and Land Stewardship.
 - c) Baseline samples shall be taken prior to the initial construction of the SECS, to be used as a reference for future samples taken during the course of its operation. The coordinates at which the baseline samples are collected must be identified using GPS and reported to the Board of Supervisors. All

subsequent soil samples taken during the operation of the SECS shall be taken from the same coordinates as reported to the Board of Supervisors.

- d) In the event that contamination from any of the eight (8) RCRA metals is identified, and the amount exceeds that which was observed in the baseline sample, the SECS Operator shall notify the Board of Supervisors and provide an action plan to address the issue. This plan shall specify what efforts will be undertaken to remove the existing contamination, and to prevent further contamination from occurring in the future.
- D. Screening. If deemed necessary, the Board of Supervisors may require that a row of vegetative screening be planted outside the perimeter of the SECS, in instances where one or more homes or civic buildings on nonparticipating properties are located in close proximity.
- E. Electric Lines. All electric lines used to transfer energy from a SECS to the nearest substation shall be placed underground, apart from those within a public road right-of-way or an existing overhead electric easement, or as required by the Iowa Utilities Commission.
- F. Lighting and Reflection.
 - 1. Any lighting that is installed on the premises of a SECS shall be shielded and downcast to the extent that the light does not project directly onto any adjoining properties. Exceptions shall be made only when such lighting is necessary to comply with requirements of the Federal Aviation Administration.
 - 2. A SECS shall be designed and positioned in such a manner as to prevent reflective glare toward any nearby occupied dwellings, civic buildings, roadways, or airport runways.
- G. Access and Security. All components of a SECS shall be sufficiently secured to prevent any safety hazards to the general public.
 - 1. An SECS shall be fully surrounded with fencing that meets the minimum height and design standards of the National Electrical Code (NEC), and an entrance that is locked at all times outside the occurrence of maintenance activities.
 - 2. All locked entry points shall be accompanied by signage which prohibits trespassing, warns of any applicable risk of high voltage or other safety hazard, and provides contact information for the Owner or Operator in case of emergency.
- H. Signs.
 - 1. No signs shall be installed on the premises of a SECS if they are visible from a public street, apart from Owner or manufacturer identification signs and any applicable warning signs outlined in Section G(2) of this article.
 - 2. No solar array or other structure associated with a SECS shall be used to advertise or promote any product or service.
- I. Density or Spacing; Aggregate Capacity; Total Acres. Developer, Owner and Operator of the SECS shall follow all manufacturer recommendations for density/spacing of the solar facilities and shall supply a copy of same to the Board of Supervisors. The Developer, Owner and Operator shall also consider the public interest and the natural environment and maintain the intent and purpose of this Ordinance in determining density/spacing. The total acreage of a

SECS shall include the total land area occupied by all components and associated infrastructure of the Project, including but not limited to solar arrays, inverter stations, collector substations, access roads, fencing, drainage improvements, and any co-located Battery Energy Storage System (BESS) or similar energy storage facilities, regardless of whether those facilities are also subject to a separate County ordinance governing BESS. No SECS shall be constructed or erected that causes the total name-plate production generating capacity in Palo Alto County to exceed 250 megawatts ("MW"). No SECS shall be constructed or erected that causes the total number of acres utilized for SECS in Palo Alto County to exceed 1,750 acres.

- J. Code Compliance. A SECS shall comply with all applicable State of Iowa construction and electrical codes, and the National Electrical Code.
- K. Utility Notification and Interconnection. A SECS that is intended to connect to an electric utility shall comply with all local, State of Iowa and Federal regulations regarding the interconnection of energy generation facilities.
- L. Ground Water Monitoring. Ground water monitoring to assess the level of groundwater contamination from heavy metals and other chemicals that are present in the SECS' solar panel arrays and foundations shall take place prior to, during, and upon completion of construction of the SECS throughout the area of the SECS. Ground water monitoring shall take place in June of every year of the operation of the SECS, and upon completion of Decommissioning. Results from said monitoring shall be delivered to the Board of Supervisors. The costs of such monitoring shall be paid by the Developer or subsequent Owner.
- M. Electronic Interference. Developer shall take all reasonable steps to prevent or remedy any substantial electronic interference by the SECS with electronic devices that existed in the vicinity of the SECS prior to submittal of its Application. Interference shall include, but not be limited to, interference with local broadcasts and radio waves, or other personal communication systems.
- N. Underground Construction Permit. Developer shall obtain an underground construction permit prior to commencing construction of the SECS underground electrical wiring system (if any) if such construction activity is planned to cross organized drainage districts tile systems within the unincorporated areas of Palo Alto County. A request for an underground construction permit shall be initiated by filing an application with the Palo Alto County Auditor upon forms prescribed for these purposes and available upon request from the County Auditor or as a download from the Palo Alto County website. Within 60 days of its receipt of a completed application for an underground construction permit from the Auditor, the Board of Supervisors shall vote on the application at a special meeting or one of its regularly scheduled meetings. The underground construction permit shall be subject to the requirements set out in Article V this Ordinance. The Board of Supervisors may prescribe additional appropriate conditions and safeguards as part of the underground construction permit, in conformity with this Ordinance and the ordinances of Palo Alto County. Approval of the underground construction permit shall be valid for a period of three (3) years from the date such permit is granted unless the Board specifically grants a longer term for good cause shown.
- O. Composition of Solar Panels. Developer shall provide the chemical composition of the Solar Panels proposed to be used in the SECS, including a list of all chemicals and metals utilized therein, along with a certification by the manufacturer of the solar panels that use of such chemicals and metals in solar panels has been approved by the U.S. Environmental Protection Agency.

ARTICLE IV – PERMITTING AND REVIEW PROCEDURE

A. Administrator. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

1. The Palo Alto County Engineer shall assist in the administration and enforcement of this Ordinance as it pertains to the matter of roadway maintenance and the Road Use Agreement outlined in Article V of this Ordinance.

B. Pre-Application Process.

1. Pre-Application Agency Notifications and Reports. Prior to submitting an Application, the Applicant shall meet with the Administrator to determine which of the following governmental and community agencies may have an interest in the proposed Project:

- All Palo Alto County municipalities within two (2) miles of any of the Project boundaries
- Palo Alto County Board of Adjustment
- Palo Alto County Board of Supervisors
- Palo Alto County Drainage District Trustees
- Federal Aviation Administration
- Federal Communications Commission
- Iowa Department of Transportation
- Iowa Department of Natural Resources
- Iowa Utilities Commission
- Office of State Archaeologist
- Palo Alto County Engineer's Office
- Palo Alto County Conservation Board
- Palo Alto County Board of Health
- Palo Alto County Emergency Management Coordinator
- Palo Alto County Planning and Zoning Commission
- U.S. Department of Agriculture (Local NRCS)
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- Any other governmental or community agency identified by the Administrator

Thereafter, the Applicant shall notify each identified agency about the Project, request that each agency conduct a preliminary review the proposed Project in light of the agency's area of expertise and, if the agency so desires, provide the Applicant with a written report identifying any concerns or recommendations within sixty (60) days of the date of the notice to the agency. Any agency concerns or recommendations should be addressed by the Applicant during the Informational Meeting conducted pursuant to Section B(2) of Article IV of this Ordinance and the Application should address each such report. The Board, in its sole discretion, will determine whether and to what extent affirmative action should be taken by the Board or the Applicant to address any concern or recommendation made by any agency. In the event that an agency does not provide the requested report, it will be assumed that the agency has no concerns about or

recommendations for the Project.

2. **Pre-Application Public Informational Meeting and Required Notices.** Prior to submitting an Application, but not more than 90 days prior, the Applicant shall convene an informational meeting to provide the general public and affected property owners with information concerning the proposed Project. Notice of the meeting shall be published in the official newspaper(s) of Palo Alto County and in a newspaper published within the vicinity of the Project Site no less than four (4) nor more than twenty (20) days prior to the scheduled informational meeting. The notice shall include at a minimum the name of the proposed Project, contact information for the Applicant's designated contact person for the Project, the location of the Project, the date, time and place of the meeting, and a description of the proposed Project activities. The Applicant shall also give notice by ordinary U.S. mail to all owners of property within one-mile (5,280 feet) of the Project boundaries, such notice to be post-marked not less than four (4) days prior to the scheduled informational meeting. The Applicant shall be responsible for all meeting arrangements shall provide documentation to the Administrator that the requirements of this Section B(2) of Article IV have been satisfied prior to submitting an Application.

C. **Siting Plans and Required Documents.** Prior to the construction, erection, or installation of a Solar Energy Conversion System within unincorporated Palo Alto County, the Developer shall obtain a Special Zoning Certificate and an approved Siting Plan from the County.

D. **Siting Plan.** In total, the Developer shall provide all of the following to the Administrator when applying for a Siting Plan:

1. A completed application form for a SECS Siting Plan, using forms supplied by the County, which shall conform to the preparation and submittal requirements for preliminary plats set forth in Article 10 of the Palo Alto County Zoning Ordinance and shall include the following information:
 - a) The location of the proposed SECS and the size of its total physical extent.
 - b) The number of participating properties associated with the SECS.
 - c) The height and size dimensions of the solar arrays and other structures that comprise the SECS, including the height of arrays at Maximum Vertical Tilt, and their width at Maximum Horizontal Tilt.
 - d) The length of the anticipated timeframe for implementation of the project, including the construction and placement of all structures and equipment that comprise the SECS.
 - e) Information regarding the location and extent of properties to be served by the energy generated on site.
 - f) Contact information for all representatives of the Developer that will be involved in the permitting and review process and identification of any Owner or Operator other than Applicant.
2. A proposed Siting Plan for the SECS, comprised of a map and any associated diagrams or illustrations, which contains all of the following information:
 - a) The location of all structures that comprise the SECS, including solar arrays as well as any accessory structures and equipment, including utility lines, whether

above or below-ground.

- b) Lines marking a radius of three hundred (300) feet surrounding each cluster of solar arrays (measured when the panels are at Maximum Horizontal Tilt).
- c) Property lines and setbacks in conformity with Article III Section A of this Ordinance.
- d) The location of all utility lines, sanitary systems, public surface drainage ditches, public surface drainage tile networks, and any associated easements, regardless of whether they are currently being utilized.
- e) The locations of all driveway entrances for obtaining access to any portion of the SECS, as well as any other private entrances to the public roadway system within one thousand (1,000) feet of each, measured along the road right-of-way line.
- f) The locations of any vegetative screening areas as required in Article III, Section D of this Ordinance.
- g) The location and extent of any floodplains, if applicable.
- h) Location of any other SECS of similar purpose and size within ten (10) miles of the Site.
- i) Fencing as required by Article III Section G of this Ordinance.
- j) FAA Request for No Hazard Determination (if applicable) and proposed FAA obstruction and marking plan (if applicable).
- k) Additional drainage information as required by Article VI of this Ordinance.

3. A report from a licensed structural engineer containing the following information:

- a) A description of the proposed solar arrays or substation, in terms of functional design characteristics, appearance, dimensions, etc.
- b) Photographs and/or elevation drawings providing a visual depiction of the proposed solar arrays or substation.
- c) A line-of-sight analysis showing the potential visual impact on residential properties within three hundred (300) feet.
- d) Documentation to establish that the proposed solar arrays or substation have sufficient structural integrity for the proposed use and location and comply with all applicable industry standards in terms of safety and performance.
- e) Calculations for the approximate total and average energy to be generated by each individual cluster of solar arrays, as well as in aggregate for the SECS, as anticipated.

4. A Soil Health Maintenance Plan, which describes the vegetation planting and other soil maintenance practices to be used on the premises of a SECS during and after construction, in order to demonstrate compliance with the requirements of Article III, Section C of this Ordinance.

- a) This plan shall include references to any and all outreach conducted with qualified natural resource professionals such as the Iowa DNR and NRCS,

either for this particular SECS or a previous, similar project in Palo Alto County or another community with similar climate and soil conditions.

- b) This plan shall include references to the methods used to control weeds, pests, and other potential hazards to adjoining agricultural properties.
 - c) This plan shall include a description of any chemicals or solvents that will be used for the routine cleaning of solar panels, and details on the method and location of storage if any of these will be regularly stored on site.
 - d) Photographs and illustrations of the proposed practices, including examples from previous projects in similar communities, are strongly encouraged.
- 5. Drainage Plan. The Site Plan for any Project that impacts land drainage systems and land drainage rights shall include a plan for mitigation of drainage issues and for allowing for the repair, replacement, and maintenance of drainage systems, all as addressed in Article VI of this Ordinance.
 - 6. Groundwater Monitoring Plan. The Application shall include a Groundwater Monitoring Plan as required by Section L of Article III of this Ordinance.
 - 7. A Stormwater Management Plan, prepared by a licensed engineer, which details the measures to be taken during and after construction of the SECS, to minimize any increase in the volume of stormwater runoff that is a direct result of its construction and ongoing operations.
 - 8. Intended Use of Energy. The Application shall include information concerning the intended disposition of the electrical energy to be produced by the SECS, including information concerning any power purchase agreement(s).
 - 9. Projects within the Jurisdiction of the Iowa Utilities Commission. Projects of 25 MW or more fall within the siting jurisdiction of the Iowa Utilities Commission ("IUC") in addition to being subject to this Ordinance. To the extent that the Applicant is required to obtain a certificate of public convenience and necessity from the IUC, Applicant may submit a copy of its IUC application as part of the Application required by this Ordinance, reference those portions of the IUC application that satisfy the requirements for its Application under this Ordinance, and supplement it with additional information required by this Ordinance.
 - 10. Formal documentation of any agreements signed between the Developer and participating property owners, such as leases and waivers for the minimum distance requirements in Article III, Section A of this Ordinance.
 - 11. Formal documentation of agreements with any electric company for the interconnection of the SECS with their power grid.
 - 12. Documentation of any and all applicable permits issued by other permitting agencies at the Federal, State or Local level, which confirms compliance with any applicable requirements from those agencies.
 - a) This shall include documentation of an approved National Pollutant Discharge Elimination System (NPDES) permit from the Iowa Department of Natural Resources, along with the associated Erosion and Sediment Control Plan, which outlines the specific control practices to be utilized during construction of the SECS.

- b) This shall also include any applicable permits from the Federal Aviation Administration (FAA), concerning the reflective glint and glare generated by solar panels in the vicinity of airport runways.
 - 13. Liability Insurance. Prior to approval of the Siting Plan, the Applicant shall provide proof of adequate liability insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation of the SECS as determined by the Board of Supervisors.
 - 14. Payment of the outside assistance retainer fee(s) and other fees as required under Section F of this Article IV and the required administrative fee, as stated in Section I of this Article IV.
 - 15. A Special Zoning Certificate for the proposed SECS approved by the Board of Adjustment, including all information and documentation required under Section E of this Article IV.
- E. Special Zoning Certificate. In total, the Developer shall provide all of the following to the Administrator when applying for a Special Zoning Certificate, which shall comprise the conditions and scope of the Board of Adjustment's review:
- 1. A completed application form for an SECS Special Zoning Certificate, using forms supplied by the County.
 - 2. A map and description of all County roadway segments to be used for accessing the SECS during its construction, and for regular operations and maintenance.
 - a) This map shall be accompanied by plans for any necessary traffic control activities and detours for local motorists accessing properties within the project area.
 - 3. An Operations and Maintenance Plan, which contains the following:
 - a) A description of how the SECS will be regularly operated and maintained, including references to any subcontractors or associated firms that will be directly involved.
 - b) The expected frequency and duration of on-site visits and inspections by operations and maintenance personnel.
 - c) The procedures for keeping the individual components of a SECS locked and secured outside of regular operations and maintenance visits.
 - 4. A Road Use Agreement, as outlined in Article V of this Ordinance, along with a financial security which guarantees payment for all costs associated with the repair of roads and other infrastructure following the construction of the SECS.
 - 5. A Decommissioning Plan and Agreement, as outlined in Article VII of this Ordinance, along with a financial security which guarantees payment for all costs associated with the decommissioning of the SECS.
 - 6. An Emergency Response Plan, which contains response procedures to be followed in the event of a fire, collapse, personal injury, or other emergency related to a SECS.
 - a) Prior to its submittal to the Board of Adjustment, the Emergency Response Plan shall be reviewed and approved by Palo Alto County Emergency

Management and the applicable Fire Department(s) serving the SECS project area.

7. Documentation of Agency Notifications and Public Information Meeting. Documentation showing compliance with Sections B(1) and B(2) of Article IV of this Ordinance.
8. Community Impact Assessment. An assessment of the impact on the immediate vicinity of the proposed Project as well as the greater Palo Alto County community, to be prepared by a professional acting within his or her competency to be selected by agreement of the Applicant and the Board of Adjustment; provided that if agreement cannot be reached, the Board of Adjustment shall select the professional. Any fees associated with performance of this assessment shall be paid by the Applicant.

The Assessment should include the following information:

- a) Anticipated direct revenues to the County from real estate and personal property taxes.
- b) An assessment of the short- and long-term economic impact of the proposed Project. If the Project is replacing an existing enterprise, including agriculture, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise.
- c) An assessment of employment opportunities to be created by the proposed Project.
- d) Fire, rescue, and law enforcement requirements as compared to existing capacities and facilities.
- e) Water, sewer and stormwater management needs as compared to existing capacities and facilities.
- f) Adequacy of existing utilities, water, sewer, public services and public facilities in the vicinity of the Project.
- g) Public and private improvements both offsite and onsite that are proposed for construction and a cost estimate for providing these improvements.
- h) Other public and quasi-public facility and service impacts including refuse collection and disposal systems intended to serve the Project.
- i) Socioeconomic changes and impacts to result from the proposed Project.
- j) The costs in both capital and operating funds of providing services to the proposed Project.
- k) The efforts, if any, are proposed to mitigate the service demands or costs to the County.

F. Reimbursement of Fees for Outside Assistance for County Review.

1. The Board of Supervisors may choose to utilize the services of outside counsel and/or any third-party technical consultant ("Outside Assistance") to review and analyze an application for a Siting Plan and Special Zoning Certificate, including, without limitation, any correspondence, transactional agreements, compliance and/or technical documents or information submitted as part of the Application or as appendices thereto and required by this Ordinance. For purposes of this Section, "Outside Counsel" shall be deemed to include the Palo Alto County Attorney, Assistant County Attorney, and any attorney under contract to provide legal services to Palo Alto County.
2. Outside Assistance may be engaged to assist with preparation of the County's response and correspondence with the Developer on behalf of the County and other work as necessary to assist the County in its review of the Siting Permit and Special Zoning Certificate application. The County shall provide written notice to the Developer if Outside Assistance will be engaged and the name, address and contact information for each individual or entity engaged as Outside Assistance.
3. The Developer shall be solely responsible for all reasonable fees, costs, and expenses actually incurred by the County in connection with the engagement of such Outside Assistance as follows:
 - a. Outside Counsel Fees: Upon receipt of written notice from the County it intends to engage Outside Counsel to assist with the Application for a Siting Permit, the Developer shall provide a check made payable to the trust account for the firm identified as Outside Counsel in the amount of the retainer identified by the Board in consultation with Outside Counsel. Outside Counsel shall hold such funds in a designated trust account and shall only draw upon such funds as its fees are approved by the County. In the event the retainer is drawn down to less than fifty percent (50%) of the original amount, the County may request the Developer replenish the retainer to the original amount if review and assistance in connection with the Application for the Siting Permit is ongoing. Upon completion of its services, Outside Counsel shall refund any unapplied retainer amount to the Developer.
 - b. Outside Consultant Fees: Upon receipt of written notice from the County that the Board of Supervisors intends to engage any Outside Consultant to assist with the Application for a Siting Permit or a Special Zoning Certificate, the Developer shall promptly pay the invoices submitted by the Outside Consultant to the County or the County may, in its discretion, pay such invoices and request reimbursement from the Developer. The Developer shall have thirty (30) days to reimburse the County.

G. Application Procedure.

1. Within sixty (60) days of receiving a complete Special Zoning Certificate Application with all required documents thereunder, the Board of Adjustment shall schedule a public hearing regarding the proposed SECS.
 - a) Notification of the date, time and place of the public hearing shall be given by the Board of Adjustment not less than four (4) days nor more than twenty (20) days prior to the public hearing. Notice shall be by publication in the official newspaper of Palo Alto County and in a newspaper published within the

vicinity of the SECS Site. In addition, the Board of Adjustment shall give written notice by ordinary U.S. mail to all property owners located within one (1) mile (5,280 feet) of any solar array, or substation comprising the proposed SECS, such notice to be post-marked not less than four (4) days prior to the public hearing.

- b) Within thirty (30) days following the conclusion of the public hearing, the Board of Adjustment shall vote on whether to approve or deny the Special Zoning Certificate. In deciding whether to approve or deny the Special Zoning Certificate, the Board of Adjustment shall consider the following:
 - i. The probable effects of the proposed SECS;
 - ii. The comprehensive plan for Palo Alto County;
 - iii. The public interest; and
 - iv. The feedback gathered at the public hearing.
2. Within thirty (30) days of receiving a complete Siting Plan Application with all required documents thereunder, the Board of Supervisors shall schedule a public hearing regarding the proposed SECS.
- a) Notification of the date, time and place of the public hearing shall be given by the Board of Supervisors not less than four (4) days nor more than twenty (20) days prior to the public hearing. Notice shall be by publication in the official newspaper of Palo Alto County and in a newspaper published within the vicinity of the SECS Site. In addition, the Board of Supervisors shall give written notice by ordinary U.S. mail to all property owners located within one (1) mile (5,280 feet) of any solar array, or substation comprising the proposed SECS, such notice to be post-marked not less than four (4) days prior to the public hearing.
 - b) Following the conclusion of the first public hearing, the Board may require an additional hearing if it is felt that further information is necessary to make a determination on the proposed SECS, or to adequately inform the general public and individual property Owners of the impact of the SECS.
 - c) Within thirty (30) days following the conclusion of the final public hearing, the Board shall vote on whether to approve or deny the Siting Plan.
 - (i) The Board may attach additional conditions to the approval of a Siting Plan, which shall be limited to anything deemed necessary to protect the public health, safety and community welfare.
 - (ii) The Board may request additional information deemed necessary to properly evaluate the Siting Plan.
 - (iii) If the permit request is denied, the Board shall clearly state the reason(s) for doing so and provide the Developer with a copy of a written statement attesting to the same.
 - (iv) Approval of a Siting Plan shall be contingent on the payment of all fees required under this Ordinance and submission of all documentation and agreements required under this Article IV, and all associated

requirements as listed in Articles V and VII of this Ordinance.

- d) Notification of the Board of Supervisors' final decision shall be mailed to the Owners and occupants of all properties within one (1) mile of each solar array or substation comprising the proposed SECS.

H. Validity of Permits. An approved Siting Plan shall be valid for two (2) years following approval by the Board of Supervisors.

1. If requested by the Developer, an extension may be granted by the Board of Supervisors, provided that sufficient evidence is supplied that demonstrates the ongoing viability of the Project as first proposed.
2. A previously approved Siting Plan or Special Zoning Certificate may be revoked by the issuing board if it determines that a violation has occurred, and all permitted activities shall cease until a new or revised Siting Plan or Special Zoning Certificate has been approved using the procedures outlined in this Article. The Owner or Operator shall be provided with written notice of the violation giving rise to potential revocation and shall be given ten (10) days to cure such violation. Upon the Owner or Operator's showing of reasonable grounds, the issuing board may extend the curative period to thirty (30) days or such time deemed necessary to expediently cure the violation.
3. The issuance of the Siting Plan or Special Zoning Certificate under this Ordinance shall not relieve the Applicant or any subsequent Owner or Operator from compliance with all other legal requirements applicable to the SECS, nor shall it relieve them of any liability for any damage or loss resulting from the construction, operation or maintenance of the SECS. Palo Alto County assumes no liability whatsoever by virtue of the issuance of a Siting Plan or Special Zoning Certificate for a SECS.

I. Fee Structure. All applications for a Siting Permit shall be accompanied by the payment of an administrative fee to compensate County staff and officials for the application review process.

1. For a SECS of two hundred (200) acres or less in total size, the fee shall be five-thousand dollars (\$5,000).
2. For a SECS of greater than two hundred (200) acres in total size, the fee shall be twenty-five hundred dollars (\$2,500) for every one hundred (100) acres of land, rounded to the nearest one hundred (100) acres.
3. For purposes of calculating the fee, the total size of a SECS shall include the sum total of all participating properties comprising the SECS Site, including land occupied by buildings, row crops, and open space on those properties.
 - a) If any specific portion of a participating property is not covered by the lease or easement agreement with the SECS Operator, then that portion shall be removed from the total size of the SECS, when calculating the fee.

ARTICLE V – ROAD USE AND MITIGATION OF DAMAGES

A. Purpose. The transport of heavy, oversized equipment during the construction of a Solar Energy Conversion System is likely to cause substantial traffic disruptions along public roadways in the project area. It is also likely to cause serious damage to or deterioration of

County roadways and other associated infrastructure.

Therefore, it is necessary to ensure that local residents and officials are fully prepared for the anticipated traffic disruptions, and that adequate mitigation efforts are undertaken for the damages incurred, without the placement of any financial burden on the County and its taxpayers.

- B. Road Use Agreement. The Developer of a Solar Energy Conversion System shall prepare a Road Use Agreement with the Palo Alto County Secondary Roads Department, and submit documentation of such agreement to the Administrator, once approved by both parties.
1. The Road Use Agreement shall clearly outline the roles and responsibilities regarding the use of County roadways during the construction of the SECS, as well as the repair of any such roadways that are damaged as a result of the construction activity.
 2. The agreement shall be accompanied by an estimate of the total cost for the repair of roadways and other infrastructure that are likely to be damaged during the construction of the SECS.
- C. Cost Estimate. The following requirements shall apply to the cost estimate supplied by the Developer, as stipulated in Section B(2) of this Article V.
1. At the Developer's expense, the cost estimate shall be prepared by a professional engineer licensed in the State of Iowa.
 2. A baseline survey shall be conducted, in order to assess and evaluate existing roadway conditions prior to construction of the SECS.
 3. The baseline survey shall factor in the presence and condition of any other infrastructure that may be damaged as a result of the construction of the SECS, including above or below-ground utility lines, drainage tile networks, private driveway entrances, or the components of a levee and drainage system.
 4. The cost estimate shall encompass the total cost of any and all repairs necessary to return the roadway and all other impacted infrastructure to the condition observed in the baseline survey.
 5. The cost estimate shall also include the cost of providing liability insurance coverage to the County, at an amount deemed acceptable by the Board of Supervisors, in the event that the Developer's liability insurance coverage lapses for any reason.
 6. At their own expense, the Developer shall obtain an independent third-party review of the supplied cost estimate, to be conducted by an individual or firm of the County's choosing.
 - a) If the third-party review does not support the estimate supplied by the Developer, the Developer shall supply the County with an explanation of the discrepancy, obtained either through further consultation with their engineer, the third-party reviewer, and/or other licensed professional(s).
 - b) Approval of the Siting Permit shall be contingent on the submittal of a revised cost estimate that is supported by the third-party reviewer.
- D. Financial Security. Any and all costs associated with the repair of roadways and other

infrastructure damaged as a result of the construction of the SECS shall be paid for entirely by the Developer, without any assistance from the County.

1. Prior to the approval of a Siting Permit for a SECS, the Developer shall provide the Board of Supervisors with a surety bond, or another form of financial security deemed acceptable to the Board.
2. The financial security shall cover no less than three (3) times the total cost identified in Section C of this Article.
3. The financial security shall only be released when the County Engineer determines, following inspection, that the roadways and associated infrastructure have been repaired to their pre-construction condition.

E. Construction – Notification of Local Officials. Prior to the commencement of construction for a SECS, a set of detailed plans for roadway usage, traffic control, and the timing and duration of operations shall be provided to the Administrator, as well as Palo Alto County Secondary Roads, Palo Alto County Emergency Management, Des Moines County Sheriff's Department, and Fire Department(s) serving the project area.

1. The Administrator and the other aforementioned entities shall be notified in the event that any substantial delays in the completion of construction will be necessary, and the details shall be provided regarding the revised timeframe and duration of the project.

F. Construction – Notification of Property Owners. Prior to the commencement of construction for a SECS, the Developer shall, at their own expense, provide mailed notification to the owners of all property within one and one-quarter (1.25) miles of any public roadway segment to be utilized for the transport of solar equipment.

1. This notification shall identify the roadway segments to be utilized, any necessary detours or other traffic control plans, and the anticipated timing and duration of the activities, with specific dates identified whenever possible.
2. In order for the County to confirm compliance with this requirement, a copy of the notification letter shall be provided to the Administrator, along with a list and/or map of the property Owners that were contacted.

G. Construction Monitoring and Emergency Repairs. The Administrator and County Engineer shall monitor the construction process and notify the Developer if any major damages to County roadways or utility infrastructure have occurred as a result of these activities, rendering those roads or utilities unusable without immediate repair.

1. If deemed necessary to ensure the safe and efficient movement of traffic on the County Roadway system, the Administrator may require the Developer to cease with the continued transport of solar energy equipment until the area of major damage has been rectified.
 - a) The use of detours as a result of such unforeseen damages shall not be implemented until the Developer has notified the Administrator and County Engineer of any additional roadways to be used in transporting the equipment.
 - b) The costs for completing such emergency repairs shall be borne entirely by the Developer, the same as any other repair activities after construction is complete, as outlined in Section D of this Article.

ARTICLE VI – DRAINAGE REQUIREMENTS

- A. Protection of Drainage Rights Paramount. The drainage rights of the County and Landowners established by Iowa Code Chapter 468 or private written agreements shall be fully preserved and protected during the service life of a Project, commencing with its construction and not ending until the Project is fully Decommissioned and all related financial security is released.
- B. "Landowner" defined. For purposes of this Article VI, "Landowner" shall mean any person or entity who owns land: (i) on which a Project Site is located in whole or in part; (ii) which drains or could drain onto a Project Site naturally, by an existing or future Drainage District and/or by existing or future privately constructed Drainage Facilities; or (iii) which lies in the watershed of natural streams, Drainage District facilities, and/or privately constructed Drainage Facilities which receive surface and/or subsurface runoff from land on which a Project is constructed.
- C. Requirements for Maintenance of Existing Drainage Facilities on the Project Site. Existing Drainage Facilities that flow onto or across the Project Site shall be preserved, protected, and maintained by the Applicant or subsequent Owner across the entirety of the Project Site as follows:
1. If a subsurface Drainage Facility, over its entire route on the Project Site, was installed after January 1, 1990, or if an Iowa-licensed professional engineer determines that the Drainage Facility has a service life of fifty (50) years or more, and in either case that the Drainage Facility has a minimum design gravity flow capacity of 0.02 cubic feet per second per acre of watershed service area along its route, then an obstacle-free drainage work corridor at least 120 feet wide and centered upon the entire route of the subsurface Drainage Facility on the Project Site shall be provided and be shown on the site plan. All older subsurface Drainage Facilities or subsurface Drainage Facilities with less capacity shall require an obstacle-free drainage work corridor at least 240 feet wide centered upon the existing subsurface Drainage Facilities to provide adequate area for construction of future additional or replacement Drainage Facilities. Tree and brush growth in the drainage work corridor shall be prevented and strictly controlled with regular spraying or other effective methods approved by the County in writing.
 2. An existing constructed open ditch, surface drain, or waterway Drainage Facility located on the Project Site which receives runoff from off-site land shall be periodically maintained by Applicant as needed within an obstacle-free drainage work corridor over the entire route across the Project Site. The obstacle-free drainage work corridor shall be at least three times as wide as the average top width of the drain on the local farm(s), but no less than 180 feet in width, centered on the drain, and shall be shown on the site plan. Tree and brush growth in the drainage work corridor shall be prevented and be strictly controlled with regular spraying or other effective methods approved by the County in writing. The normal flow areas of permanently vegetated waterways shall be mowed by Applicant annually in the first half of May and in August.
 3. To the extent Applicant proposes to install an underground wire or cable or any other solar farm facility that crosses a Drainage Facility, such solar farm facilities shall be installed underneath the existing or anticipated Drainage Facility and maintain a minimum distance of at least five (5) feet from such Drainage Facility and shall be at least five (5) feet below the ground surface or the surface of a maintained open ditch, surface drain or waterway across the entire drainage work corridor.

D. Relocation, Replacement and/or Improvement of Drainage Facilities by Applicant on a Site. Applicant or subsequent Owner may elect to relocate, replace or improve existing Drainage Facilities on a Site at the time the Project is built or thereafter, subject to the following:

1. Plans for relocation, replacement and improvements to existing Drainage Facilities shall be prepared and certified by an Iowa-licensed professional engineer, designed in accordance with the current Iowa State University Extension and Outreach Iowa Drainage Guide, and submitted to the County for review.
2. The plans shall also assess the adequacy of the existing outlet(s) located downstream from the Site where the relocated, replaced or improved Drainage Facilities are located.
3. If a relocated, replaced or improved Drainage Facility is located in a Drainage District, then its design and impact on downstream Drainage Facilities shall be subject to review, revision and approval by the Drainage District prior to its construction. Applicant or subsequent Owner shall reimburse the Drainage District for the costs of review and for the costs of the relocation, replacement and/or improvement of the drainage district facility as may be determined in the drainage district procedure.
4. If a relocated, replaced or improved Drainage Facility is not located in a Drainage District, then its design and impact on downstream Drainage Facilities shall be reviewed by an Iowa-licensed professional engineer appointed by the Board. Applicant or subsequent Owner shall reimburse the County for the costs of review. The provisions of Iowa Code Chapter 468, Subchapter V, Individual Drainage Rights, Sections 468.600-634, shall be used to establish jurisdiction in the board of supervisors, in determining the relocation, replacement and/or improvement to be constructed and the damage to be paid to the owners of the land on which the work will be done. Applicant or Subsequent Owner shall be responsible for all of the costs of this procedure including the construction costs.
5. Relocated, replaced and improved Drainage Facilities shall be subject to the obstacle-free drainage work corridor requirements of Article VI Section C.
6. The cost of relocating, replacing and/or improving such Drainage Facilities shall be the responsibility of the Applicant or its successor, subject to any cost share agreements that Applicant or subsequent Owner may have with other benefited Landowners.

E. Comprehensive Drainage Plans. As an alternative to Article VI Sections C and D, the Applicant or Subsequent Owner may propose a complete drainage plan for the entire site, prepared by an Iowa-licensed professional engineer and subject to Board approval. In all circumstances under this subsection all Subsurface facilities of the solar farm which cross a drainage work corridor shall be installed at least five (5) feet below the ground surface, the subsurface drain, or the surface of a maintained surface drain. Applicant or Subsequent Owner shall be responsible for all of the costs of this procedure including the construction costs. Applicant's proposed drainage plan must include all of the following:

1. If an adequate outlet is not available on the Site, a new or improved surface or subsurface outlet main running from the Site to an adequate outlet may be proposed. This outlet may be conceptually designed if access to intervening land for an engineering survey is not available. The plan shall describe how this Drainage Facility will be established and constructed and must either:
 - a. Document agreements with all affected Landowners to construct the new outlet privately, including whether and to what extent costs will be shared; or

- b. Document that the required number of qualified Landowners will petition for *either*: (x) the establishment of a new Drainage District or subdrainage district to construct the new outlet; *or* (y) the construction of an improvement to an existing Drainage District Drainage Facility; or
 - c. Document that Applicant or Subsequent Owner will be submit an application under the procedures provided in Iowa Code Chapter 468, Subchapter V, Individual Drainage Rights, Sections 468.600-634, so as to establish jurisdiction in the Board, to determine the outlet to be constructed and to determine the damages to be paid to the owners of the land upon which the work will be done.
 - 2. New subsurface lateral drains to provide outlets with adequate depth and capacity to the edges of the Site for the drainage of all subareas of all cropped areas adjoining the Site which drain into the Site.
 - 3. Other new subsurface lateral drains which drain at least two separate properties on the Site and which Applicant intends to be Drainage Facilities of the Drainage District required to be established under Section G of this Article VI.
 - 4. The subsurface drains constructed under Sections E (2) and (3) of this Article VI shall be designed and constructed in accordance with the provisions of Iowa State University Extension and Outreach Iowa Drainage Guide. Applicant may propose obstacle-free drainage work corridor widths that differ from the provisions of Section C, with justification, for consideration by the County.
 - 5. If an open ditch, surface drain or waterway is proposed in the plan it shall be designed and constructed in accordance with the provisions of Iowa State University Extension and Outreach Iowa Drainage Guide. Applicant may propose obstacle free drainage work corridor widths that differ from the provisions of Section C, with justification, for consideration by the County.
 - 6. The facilities constructed under Section E shall be either constructed as Drainage Facilities of a Drainage District or be constructed by Applicant or its successor and turned over to one or more Drainage Districts for continued maintenance.
 - 7. Plans submitted under Section E shall include a plan and schedule for how the Drainage Facilities are to be constructed and conveyed to the management of a Drainage District, including a statement of what financial assurances will be provided for the establishment of a Drainage District as may be necessary, and what financial incentive if any will be provided in support of the Drainage District. Applicant or its successor must also provide copies of the drainage assessment allocation agreements made with the Owners of the land comprising the Project Site.
- F. Protection of Potential Drainage Corridors. Where an area adjoining the Project Site is cropped or could be cropped and the natural outlet for surface or potential subsurface drainage from this area is onto the Project Site, and no subsurface drainage outlet exists but the adjoining land would materially benefit, as determined by the County, from the installation of said outlet drain, an obstacle- free drainage work corridor at least one hundred twenty feet (120') wide and centered upon the best route for the drain on the Site and running to an adequate outlet on or at the edge of the Site on the outlet side, shall be provided.

- G. Transfer of Ownership and Control of Drainage Facility Improvements. Where it is feasible to transfer ownership and control of Drainage Facility improvements in good repair, constructed privately before the establishment of the Site or constructed by Applicant or its successor on the Site with or without adjoining landowner participation, to a receiving Drainage District established to construct, own and manage the main drain in and/or downstream from the Site, the Board for good cause shown will support eligible landowner petitions to transfer some or all of these facilities to the ownership and control of the receiving Drainage District.
- H. Additional Application Requirements Relating to Drainage. The following information shall be required to be included in the Application for any Project that implicates drainage issues:
1. The Site plan shall be provided on a 1-inch equals 400 feet scale. It shall include detailed locations of all existing cross-Site subsurface and surface Drainage Facilities. The subsurface Drainage Facility centerlines shall be marked with several GPS coordinate points and also show the pipe flowline elevation, pipe material and pipe condition. These GPS points shall include all locations where the subsurface Drainage Facilities cross property lines on the Project Site. The obstacle-free drainage work corridors shall also be shown. The map shall provide elevation contours at 2 feet intervals.
 2. The Site plan shall also show potential drainage corridors as required in Section F of this Article VI.
 3. Plan and profile drawings, 1-inch equals 200 feet scale, are required for all proposed new surface and subsurface Drainage Facilities.
 4. Engineer's reports must be prepared by an Iowa-certified professional engineer.
 5. Applicant shall secure and submit with the Application proof of all written agreements with Landowners of the lands across which Drainage Facilities pass regarding the division of costs for maintenance of said drains.

ARTICLE VII – DECOMMISSIONING AND ABANDONMENT

- A. Purpose. Given that the infrastructure associated with a Solar Energy Conversion System has a useful life of limited duration, it is necessary to ensure that the SECS and all of its components are safely removed from the site, and that such removal activities do not place any financial obligation on the County and its taxpayers.
- B. Decommissioning Plan and Agreement. The Applicant shall submit a Decommissioning Plan to the Administrator for approval by the Board in conjunction with the issuance of the Permit. The purpose of the Decommissioning Plan is to specify the procedure by which the Applicant or subsequent Owner will remove the Project after the end of its useful life, or upon Abandonment, and to restore the property for its original uses. Prior to the issuance of the Permit, the County and the Applicant shall enter into a separate Decommissioning Agreement, which shall clearly lay out the rights and obligations of the County and the Applicant and its successor with respect to the management and Decommissioning of the Project at the end of its serviceable life or upon Abandonment. In the event of a conflict between this Ordinance and the Decommissioning Agreement, this Ordinance shall control.
- C. Decommissioning Cost Estimate. The Decommissioning Plan shall include a Decommissioning cost estimate prepared by an Iowa-licensed professional engineer.

1. The cost estimate shall provide the gross estimated cost to Decommission the Solar Project in accordance with the Decommissioning Plan and these conditions. The Decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the Project equipment and materials.
2. The Applicant or subsequent Owner shall reimburse the County for an independent review and analysis by an Iowa-licensed engineer of the initial Decommissioning cost estimate.
3. The Applicant, or subsequent Owner, will update the Decommissioning cost estimate every five (5) years and reimburse the County for an independent review and analysis by an Iowa-licensed engineer of each Decommissioning cost estimate revision.

D. Financial Security.

1. Prior to the County's approval of the Siting Permit, the Board shall require the Applicant to provide Decommissioning financial security. Such security shall be in the form of, at the County's sole option to choose, cash in the full amount of the Decommissioning cost estimate, a cash sinking fund, a letter of credit or a bond, the type and details of which shall be set out in the Decommissioning Agreement.
2. Upon the receipt of the first revised Decommissioning cost estimate (following the 5th anniversary), any increase or decrease in the Decommissioning security shall be funded by the Applicant or subsequent Owner within ninety (90) days and will be similarly trued up for every subsequent five-year updated Decommissioning cost estimate.
3. The Decommissioning security must be received prior to the issuance of the Permit and must stay in force for the duration of the life span of the Project and until all Decommissioning is completed. If the Board receives notice or reasonably believes that any form of security has been or may be revoked, the County may revoke the Permit and shall be entitled to take all action to obtain the rights to the form of security. In the event that the County reasonably believes that a specified form of security is no longer sufficient to cover the Decommissioning cost estimate, the County shall require the Applicant or subsequent Owner to provide a different form of security that will be sufficient to cover the Decommissioning cost estimate, in the County's reasonable judgment.

- E. Applicant/Successor Obligation. Within six (6) months after the end of the useful life of the Project for electrical power generation or transmission, or after Abandonment, the Applicant or subsequent Owner, at its sole cost and expense, shall commence to Decommission the Project in accordance with the Decommissioning Plan and Agreement approved by the Board and complete the Decommissioning within six (6) months thereafter. If the Applicant or subsequent Owner fails to commence Decommissioning within six (6) months, the underlying property owners shall commence Decommissioning activities in accordance with the Decommissioning Plan within six (6) months after being notified by the County of the Applicant's failure or refusal to Decommission the Project and shall complete the Decommissioning within six (6) months. Following the completion of Decommissioning of the entire Project arising out of a default by the Applicant or subsequent Owner, the security funds held by the County shall be distributed to the underlying property owners to reimburse them for the actual costs incurred by them to Decommission the Project. In the event that any funds remain in the security fund after the property owners have been reimbursed for their actual Decommissioning costs, such remaining funds shall become the property of the County.

- F. Applicant Reporting Requirements. The Applicant or subsequent Owner shall notify the County in writing within thirty (30) days of the end of the useful life of the Project or of its Abandonment of the Project. In addition, the Applicant shall provide the County with a copy of the Replacement Tax Return filed with the Iowa Department of Revenue during each year of operation of the Project. Said copy shall be provided to the County within fourteen (14) days of filing.
- G. Applicant/Property Owner Default; Decommissioning by the County.
1. If the Applicant or subsequent Owner or the underlying property owners fail to Decommission the Project as required by Section E of this Article VII, the County shall have the right to exercise all legal remedies available to it to enforce the Decommissioning obligations of the Applicant, subsequent Owner, and the underlying property owners. The County shall also have the right, but not the obligation, at its option, to commence Decommissioning activities and shall have access to the property, shall own the full amount of the Decommissioning security, and the rights to the Project equipment and materials on the property whether or not the County opts to Decommission the Project.
 2. Prior to the issuance of the Permit, the Applicant and the underlying property owners shall deliver a legal instrument to the Administrator granting the County (1) the right to access the property, and (2) an interest in the Project equipment and materials to complete the Decommissioning upon the Applicant's and property owner's default and (3) an interest in the Decommissioning security fund. Such instrument(s) shall bind the Applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the Applicant or subsequent Owner, including under the County's zoning powers.
- H. Equipment/Building Removal. All physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, shall be removed in their entirety unless the property Owner consents in writing to a different removal depth. The soil grade will also be restored following disturbance caused in the removal process. Perimeter fencing will be removed and recycled or reused. Where the current or future landowner prefers to retain the fencing, these portions of fence shall be left in place.
- I. Infrastructure Removal. All access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material would be upon written request from the current or future landowner to leave all or a portion of these facilities in place for use by that landowner. Access roads will be removed within areas that were previously used for agricultural purposes and topsoil will be redistributed to provide substantially similar growing media as was present within the areas prior to site disturbance.
- J. Partial Decommissioning. If Decommissioning is triggered for a portion, but not the entire Project, then the Applicant or subsequent Owner will commence and complete Decommissioning, in accordance with the Decommissioning Plan, for the applicable portion of the Project; the remaining portion of the Project would continue to be subject to the Decommissioning Plan. Any reference to Decommissioning the Project shall include the obligation to Decommission all or a portion of the Project whichever is applicable with respect to a particular situation.

ARTICLE VIII – CONSTRUCTION MONITORING

- A. Civil Engineer. For purposes of this Article VIII, a “Civil Engineer” means an independent licensed professional engineer licensed in the State of Iowa who specializes in civil, electrical, or structural engineering, meeting the following qualifications to the extent relevant to the scope of their engagement with the County: (a) knowledge and experience with applicable electrical codes; (b) familiarity with agricultural land restoration standards, water drainage standards, and agricultural tile construction and maintenance; (c) experience in environmental inspection practices; (d) capable of monitoring solar energy construction activities; and (e) capable of reporting findings to the Board of Supervisors and Administrator as provided herein.
- B. Construction Monitoring. During the construction process, the County may retain one or more, in the County’s discretion, Civil Engineer(s) to monitor and inspect the Project’s construction activities, including but not limited to the Project’s compliance with the approved Siting Plan, Code Compliance under Article III, and Drainage Facility requirements under Article VI. The Civil Engineer(s) shall verify compliance with applicable building and structure standards (including wind, snow, and seismic load requirements) and ensure coordination with electrical engineers for compliance with National Electric Code grounding, conduit, and clearance requirements. The Civil Engineer(s) shall provide weekly written progress reports to the Board of Supervisors and the Administrator, detailing site progress, compliance issues, if any, and any observed deviations from the approved Siting Plan. The Developer shall fully cooperate with the County’s Civil Engineer(s), including providing reasonable site access, copies of construction schedules, and as-built data upon request.
- C. Reimbursement of Fees for Civil Engineer(s). The Developer shall be solely responsible for all reasonable fees, costs, and expenses actually incurred by the County in connection with the engagement of such Civil Engineer(s). Upon receipt of written notice from the County that the Board of Supervisors intends to engage any Civil Engineer(s) to monitor the construction of a SECS, the Developer shall promptly pay the invoices submitted by the Civil Engineer(s) to the County or the County may, in its discretion, pay such invoices and request reimbursement from the Developer. The Developer shall have thirty (30) days to reimburse the County.

ADOPTION

Supervisor Ron Graettinger introduced the above Ordinance No. 11-13-2025 and it was placed on file and read for the first time on September 4, 2025.

Furthermore, the second reading of Ordinance No. 11-13-2025 was held on November 13, 2025.

Supervisor Ron Graettinger therefore moves for the approval and passing of the Ordinance. Supervisor Craig Merrill seconded the motion to adopt the Ordinance.

THE RECORDED VOICE VOTE WAS MADE:

Keith Wirtz	<u>Aye</u>
Ron Graettinger	<u>Aye</u>
Roger Faulstick	<u>Aye</u>
Craig Merrill	<u>Aye</u>
Linus Solberg	<u>Aye</u>

Passed and approved this 13 day of November, 2025.

MOTION CARRIED RESOLUTION ADOPTED.



Roger Faulstick, Chairperson, Palo Alto County Board of Supervisors

Attest:



Carmen Moser, Palo Alto County Auditor

I hereby certify that on the following dates the foregoing was published as Ordinance 11-13-2025 in Palo Alto County, Iowa.

September 4, 2025_____

November 13, 2025_____