

**MEMORANDUM OF UNDERSTANDING
CONCERNING AMENDMENTS TO THE PAGE COUNTY
UTILITY SCALE SOLAR ZONING REQUIREMENTS**

This Memorandum of Understanding (“MOU”) is effective as of the _____ day of September 2026 by and between the Board of Supervisors of Page County, Iowa (“the County”) and MidAmerican Energy Company, an Iowa corporation (“the Company”), which may be individually referred to as “Party” and collectively referred to as “Parties.”

WHEREAS, the County has adopted Ordinance No. 2024-1, a zoning ordinance regulating solar energy systems on property located in the unincorporated areas of the County (“the Ordinance”); and

WHEREAS, the Company has been since 2020 developing a 50-megawatt photovoltaic electric generating facility known as the Nodaway Solar Project in Page County, Iowa (“the Project”), for which the Company filed an application for a certificate of public convenience, use and necessity pursuant to chapter 476A of the Iowa Code (“generating certificate”) for the Project with the Iowa Utilities Commission (“the IUC”) indicating the requirements of the Ordinance make it infeasible to obtain a conditional use permit thereunder from the County, which is currently pending before the IUC in Docket No. GCU-2026-0006; and

WHEREAS, the County is amenable to amending the Ordinance’s requirements to facilitate the issuance of a conditional use permit for the Project under the Ordinance and the Company is amenable to withdrawing its request that the IUC invoke its authority under Iowa Code sections 476A.5(3) and 476A.8 in issuing the generating certificate for the Project provided that it can lawfully obtain a conditional use permit for the Project under the Ordinance.

NOW THEREFORE, the Parties wish to memorialize their understanding of acceptable revisions to the zoning requirements established in the Ordinance and of each Party’s intent to undertake certain actions in furtherance thereof.

1. **Preliminary Agreement Regarding Requirements.** The Parties agree that the following statements express their joint understanding regarding the zoning requirements that will apply to utility-scale solar energy systems in the County once the Ordinance has been amended:
 - a. That such a solar facility should be sited in compliance with the following setbacks as measured from the nearest above-ground component thereof excluding fencing:
 - (1) 50 feet from the property line of any immediately adjacent, contiguous parcel owned by a non-participating property owner, unless a written contract waiving this requirement has been executed by the property owner and recorded with the Page County Recorder;

- (2) 50 feet from state and county road rights-of-way, including any road rights-of-way located between participating and non-participating parcels;
 - (3) 300 feet from the nearest occupied dwelling owned by a non-participating property owner, unless a written contract waiving this requirement has been executed by the property owner and recorded with the Page County Recorder;
 - (4) 2,640 feet from the conservation areas specifically identified by name in the existing Ordinance, unless the County passes a resolution waiving such setback; and
 - (5) 500 feet from the incorporated limits of any municipality in the County, unless the City Council of such municipality passes a resolution waiving such setback.
 - (6) As used herein, a parcel is not “immediately adjacent” and “contiguous” to the solar facility if it borders a state or county road right-of-way that lies between the parcel and the solar facility.
- b. That no such solar facility shall be constructed on land currently enrolled in the Conservation Reserve Program administered by the U.S. Department of Agriculture’s Farm Service Agency.
 - c. That such a solar facility should not generate hourly average sound levels in excess of 45 A-weighted decibels (45 dBA L_{eq} 1-hour) as measured from the nearest exterior wall of any occupied dwelling, unless a written contract waiving this requirement has been executed by the owner thereof and a memorandum thereof has been recorded with the Page County Recorder.
 - d. That the solar panels and inverter stations associated with such a solar facility should not exceed 20 feet in height.
 - e. That underground cabling associated with such a solar facility shall be installed at a minimum depth of 4 feet below grade and all solar facility components shall be removed to the same minimum depth upon decommissioning.
 - f. That a landscape buffering plan shall be submitted with the conditional use permit application for a solar facility, and the Board of Adjustment may either approve such plan as written or require the facility owner to offer the owners of each residence located within 300 feet of the proposed facility on a non-participating parcel payment sufficient to cover the installation of landscape buffering along their property line to eliminate any anticipated sightlines between the facility and such residence. Such payments shall be offered in an amount equal to \$75 per linear foot of landscape buffering, with such payment to be made prior to the start of construction.
 - g. That a solar facility should be designed to avoid glare toward adjacent roadways and inhabited buildings on adjacent properties and the facility owner may demonstrate compliance with this requirement by submitting with the

conditional use permit application a glare analysis prepared by an independent consultant using the Solar Glare Hazard Analysis Tool (“SGHAT”) methodology, which is the methodology that was formerly required to be used for airport glare analyses submitted to the FAA before the FAA stopped requiring the submission of such analyses.

- h. That no land evaluation site assessment (“LESA”) shall serve as the basis for denying a conditional use permit application or imposing any condition on a conditional use permit issued for a solar facility.
- i. That an emergency response plan for the solar facility shall be provided to each local fire protection district or department whose jurisdiction includes any portion of the area to be included within the fence line of the proposed facility prior to the start of construction, and that such emergency response plan shall include an updated site plan showing the planned storage location of any chemical(s) or solvent(s) to be maintained on site following the completion of construction and the corresponding Material Safety Data Sheet(s) for the same.
- j. That the facility owner must offer emergency response training to all emergency response organizations whose jurisdiction includes any portion of the area to be included within the fence line of the proposed facility approximately six months prior to the anticipated operations of the facility and annually thereafter for the life of the facility, in connection with which the facility owner shall affirm in writing that each such offer has been made to the Zoning Administrator.
- k. That an agricultural impact mitigation plan prepared by an independent consultant shall be submitted with a conditional use permit application for a solar facility confirming that the following practices and methods will be employed to protect and preserve topsoil during construction:
 - (1) The avoidance of topsoil removal;
 - (2) The segregation, stockpiling, and respreading of any existing topsoil that must be temporarily removed during construction;
 - (3) The general procedures to be followed to locate, avoid, and maintain known or publicly listed underground drainage tile prior to the start of construction, as well as confirmation that all drainage tile damaged during construction will be repaired in accordance with the requirements of Iowa Code § 468.186 (for public drainage tile) or the applicable agreement between the facility owner and the participating landowner (for private drainage tile);
 - (4) The securing of permit coverage under the National Pollutant Discharge Elimination System (“NPDES”) General Permit No. 2 from the Iowa Department of Natural Resources (“Iowa DNR”) prior to the start of construction, as well as the preparation and implementation of an associated stormwater pollution prevention plan (“SWPPP”) detailing temporary and permanent best management practices to be employed to

- ensure proper drainage and provide erosion and sediment control throughout the facility area, prevent damage to local roads and adjacent properties, and prevent sediment-laden runoff from reaching local waterways prior to the start of construction as required pursuant thereto;
- (5) The completion of all inspections required pursuant to NPDES General Permit No. 2 and the associated SWPPP throughout construction, including both inspections by onsite personnel and Iowa DNR.
- l. That a conditional use permit application for a solar facility shall include written confirmation from the facility owner that an environmental review for natural resources was conducted by Iowa DNR.
- m. That any financial security required to ensure funds are available to decommission a solar facility owned by a public utility whose rates are regulated by the IUC pursuant to chapter 476 of the Iowa Code may be provided in the form of a corporate guarantee.
- n. That the conditional use permit application fee for a solar facility shall not exceed \$200 per megawatt of nameplate generating capacity.
- o. That replacement of a majority of the above-ground components of a solar facility due to damage or repowering shall require obtaining a building permit from the Zoning Administrator, the issuance of which shall not be unreasonably withheld, delayed, or denied upon a demonstration that the facility shall remain in compliance with the Ordinance as amended in compliance with this MOU.
- p. That an application for a building permit for a solar facility or any portion thereof shall include the following to the extent applicable:
- (1) The planned locations of all solar facility structures to be constructed under the authority of the building permit sought, including solar racking and panels, inverter stations, and substation or transmission infrastructure;
 - (2) The locations of existing residences, buildings, and property lines, with non-participating and participating parcels indicated;
 - (3) The locations and voltages of any existing transmission lines;
 - (4) The locations of any known wells, sanitary infrastructure, or underground drainage tile; and
 - (5) The locations of any existing wetlands, including any areas located within a regulated floodplain.

2. **Agreed-Upon Timelines.** The Parties agree that time is of the essence with respect to this MOU and the respective undertakings of the Parties set forth below and agree to meet the deadlines set forth herein.

3. **Undertakings by the County.** The County states its intent to undertake the following acts pursuant to this MOU:
- a. To review and consider proposed amendments to the Ordinance consistent with the intent of the Parties as expressed in this MOU, including potential amendments to the Ordinance proposed by the Company.
 - b. To refer such amendments to the County's Planning and Zoning Commission for a report and recommendation, as provided in Iowa Code chapter 335, with such report and recommendation to be issued thereby on or before October 1, 2026.
 - c. To consider and approve such amendments to the Ordinance upon receipt of the report and recommendation of the Planning and Zoning Commission on or before October 21, 2026, provided that all statutory procedures applicable to zoning amendments must be observed.
 - d. To instruct the Zoning Administrator to schedule a hearing before the Board of Adjustment on the Company's application for a conditional use permit for the Project under the amended Ordinance to be held no later than November 31, 2026.
 - e. To instruct the Zoning Administrator and County Engineer to issue all ministerial permits required to construct and operate the Project within 10 days of receipt of an application therefore from the Company, provided that such application is substantially in the form customarily approved thereby, including but not necessarily limited to building permits, utility permits, entrance permits, right-of-way permits, and oversize/overweight load permits.
4. **Undertakings by the Company.** The Company states its intent to undertake the following acts pursuant to this MOU:
- a. To identify in writing any concerns with any amendments to the Ordinance under consideration by the County, including amendments proposed by the Planning and Zoning Commission in its report and recommendation as described in this MOU.
 - b. To apply for a conditional use permit for the Project from the Page County Board of Adjustment within ten (10) days following the amendment of the Ordinance as described in this MOU.
 - c. To construct and operate the Project in compliance with the Ordinance as amended consistent with this MOU.

5. **Joint Undertakings of the Parties.** The Parties state their shared intent to submit the following joint filings to the IUC:
- a. A filing on or prior to the settlement deadline of October 6, 2026 established in the IUC order accepting the generating certificate application and setting the associated procedural schedule and hearing date to (a) inform the IUC that the parties have entered into this MOU, (b) confirm that the siting of the Project is consistent with anticipated amendments to the Ordinance that are currently under consideration by the County, (c) confirm that the County does not oppose the issuance of a generating certificate for the Project or seek an evidentiary hearing in the associated docket, (d) request that the IUC cancel the hearing currently scheduled in this docket, and (e) request that the IUC refrain from issuing a final order on the generating certificate application for the Project until on or after December 15, 2026 in order to allow the Parties time to effectuate their intentions as set forth in this MOU.
 - b. A filing within ten (10) days following the issuance of a conditional use permit for the Project under the amended Ordinance to (a) confirm that the County has enacted an amendment to the Ordinance, (b) confirm that the Company has obtained a conditional use permit under the amended Ordinance, (c) provide a copy of the amended Ordinance and conditional use permit, (d) withdraw the request that the IUC refrain from issuing a final order on the generating certificate for the Project; (e) withdraw the Company's request that the IUC issue the generating certificate for the Project pursuant to Iowa Code sections 476A.5(3) and 476A.8; (f) affirm that the Company will obtain the building permit(s) and other ministerial local permits required to authorize construction or operation of the Project, provided that approval thereof is not unreasonably withheld, delayed, or denied; and (g) propose condition language for the generating certificate for the Project addressing the building permit(s) and other ministerial local permits required for the Project that is acceptable to the Parties and consistent with this MOU.
6. **Effect of Agreement.** The Parties agree and acknowledge that this MOU is intended solely as an expression of their mutual intent and shall not be construed as binding either Party hereto or creating any cause of action, in law, equity, or otherwise, for enforcement of any term thereof or breach of any obligation or duty described therein. Each Party hereby agrees and acknowledges that its sole recourse regarding the subject matter of this MOU shall be to negotiate in good faith with the other Party and that no Party shall be entitled to any legal or equitable remedy, including without limitation damages, specific performance, or injunctive relief, arising out of or relating to the performance or non-performance of any obligation described in this MOU.

IN WITNESS WHEREOF, the Parties have entered into this MOU of the date first above stated.

COMPANY

MIDAMERICAN ENERGY

By:

COUNTY

PAGE COUNTY BOARD OF SUPERVISORS

By: Judy Clark, Chairperson

