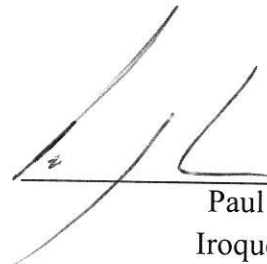


ORDINANCE NO. 2025-1

AN ORDINANCE AMENDING THE IROQUOIS COUNTY SOLAR ENERGY
ORDINANCE

BE IT ORDAINED by the Iroquois County Board of Iroquois County, that the Iroquois County Solar Energy Ordinance be and the same is hereby amended to change Ordinance No. 2017-7, the Iroquois County Solar Energy Ordinance originally adopted by the Iroquois County Board on the 8th day of August, 2017 and subsequently amended by Ordinance No. 2019-6 on September 10, 2019; Ordinance No. 2023-3 on May 24, 2023; and Ordinance No 2023-6 on September 12, 2023. This amendment makes substantial changes throughout the ordinance and changes the name of the Iroquois County Solar Energy Ordinance to Iroquois County Commercial Energy Facility Siting Ordinance.

Dated this 14th day of January, 2025.



Paul Ducat, Chairman
Iroquois County Board

ATTEST:



Ayes 14 Nays 0

Absent 1

IROQUOIS COUNTY COMMERCIAL SOLAR ENERGY FACILITY SITING ORDINANCE

Adopted by: Iroquois County

August 8, 2017

Revised: September 10, 2019

Revised: May 24, 2023

Revised: September 12, 2023

Revised: January 14, 2025

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I. INTRODUCTION

A. Title

This ordinance shall amend the Iroquois Zoning Ordinance and be known, cited and referred to as the Iroquois County Commercial Solar Energy Facility Siting Ordinance.

B. Purpose

This ordinance is adopted for the following purposes:

1. To ensure that any development and production of solar generated electricity in all of Iroquois County is safe and effective.
2. To assure the protection of health, safety, welfare, and property values for all Iroquois County residents and landowners.
3. To facilitate economic opportunities for local residents.
4. To promote the supply of solar energy in support of Illinois statutory goal of increasing energy production from renewable energy sources.
5. To mitigate the impact of a Commercial Solar Energy Facility site on environmental resources such as important agricultural lands, forests, wildlife and other protected resources.

II. DEFINITIONS

A. Abandonment

The cessation of operations and/or maintenance as measured by output of the solar energy facility for six (6) months and without prior communication to the Iroquois County Board plans for its continued use, repurposing, or proper decommissioning.

B. Applicant

The entity or person who submits to Iroquois County, pursuant to Section VI of this Ordinance, an application for a Conditional Use Permit for any Commercial Solar Energy Facility.

C. Commercial Solar Energy Facility (CSEFs)

Any device or assembly of devices that (i) is ground installed and (ii) uses solar energy from the sun for generating utility scaled electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside. It includes the supporting facilities, transmission lines, substations, access roads and equipment as specified in the siting approval application pursuant to Section VI of this Ordinance.

D. Facility Owner

An entity with a direct ownership interest in a CSEF regardless of whether the entity is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, an entity who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the entity will own or operate the facility.

E. Financial Assurance

Cash in escrow deposited in an account that is held by the County Treasurer of Iroquois County as the beneficiary with an insured financial institution.

F. Licensed Illinois Professional Engineer

A qualified individual who is licensed as a professional engineer in Illinois.

G. Nonparticipating Property

Real property that is not a participating property.

H. Nonparticipating Residence

A residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the CSEF is accepted by the County.

I. Operator

The entity responsible for the day-to-day operations and maintenance of the CSEF, including any third-party subcontractors.

J. Participating Property

Real property that is the subject of a written agreement between a CSEF owner and the owner of the real property that provides the Facility Owner an easement, option, lease or license to use the real property for the purpose of constructing a Commercial Solar Energy Facility or supporting facilities. "Participating property" also includes real property that is owned by a Facility Owner for the purpose of constructing a Commercial Solar Energy Facility or supporting facilities.

K. Participating Residence

A residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the Commercial Solar Energy Facility is accepted by the County.

L. Primary Structure

For each property, the structure that one or more persons occupy the majority of

time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, churches, schools and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

M. Private Solar Facility

A solar electric system that is owned by a property owner to provide solar electricity for that property. This ordinance does not apply to private solar systems. Private solar shall be deemed an accessory or permitted use.

N. Protected Lands

Real property that is:

1. Subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or
2. Registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

O. Solar Panel

A panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.

P. Solicitor

Any person intending to solicit a landowner in person for the lease, purchase, or use of property for a portion of a Commercial Solar Energy Facility.

Q. Substation

The apparatus that connects the electrical collection system of the CSEF and increases the voltage for connection with the utility's transmission lines.

R. Supporting Facilities

Includes, but not limited to the transmission lines, substations, access roads, storage containers, and equipment associated with the generation of electricity by the Commercial Solar Energy Facility.

III. APPLICABILITY

This Ordinance governs the siting of a Commercial Solar Energy Facility that generates utility scaled electricity to be sold to wholesale or retail markets, except that owner(s) of a Private Solar Facility with an aggregate generating capacity of 500 KW or less who locate the solar panels on their own property are not subject to this Ordinance. Any regard for a Battery Energy Storage Facility and/or Wind Energy Conversion Facility must be applied for separately using their appropriate application

process.

IV. PROHIBITION

No Commercial Solar Energy Facility nor any component of, governed by Section III of this ordinance shall be constructed, erected, installed, or located within Iroquois County, until the site has been approved by the Iroquois County Board through issuance of a Conditional Use Permit and a Building Permit.

V. SOLICITATION

- A. Any person intending to solicit a landowner in person for the lease, purchase or use of property for a portion of Commercial Solar Energy Facility shall obtain a Solicitor Permit from the Zoning Administrator prior to contacting any property owner or owners' representative regarding the lease, purchase, or use of said property. At the time of application, the Applicant shall remit a processing fee for the application in the amount of \$100 and submit to a criminal background check.
- B. Upon approval by the Zoning Administrator, a Solicitor permit may be issued upon receipt of a \$1,000. permit fee. A Solicitor permit shall be valid for one calendar year from the date of issuance and permits are not transferrable to any other person.

VI. CSEF CONDITIONAL USE APPLICATION PROCESS

To obtain site approval, the Applicant must first submit a Conditional Use Permit Application to the Iroquois County Zoning Administrator. This application must be submitted in English. The Applicant shall submit ten complete copies of the Commercial Solar Energy Facilities Conditional Use Application and the required fee in the form of a cashier's check. One copy shall be submitted as an electronic copy in a DOCX or PDF format. The following fees and information are required to be included with the Conditional Use Permit Application:

A. Application Fees

Prior to processing any Conditional Use Permit Application for a CSEF, the Applicant must submit a cashier's check made payable to Iroquois County for the Conditional Use Permit Application Fee equal to \$20,000 for each of the first 4 megawatts and \$5000 for each additional mw of proposed nameplate generating capacity, up to a maximum fee of \$250,000. These funds shall be placed in an insured money-market account and will be used to cover the County's costs incurred in processing the Conditional Use Permit Application. All fees noted above include but are not limited to those costs corresponding with all direct, indirect, or third-party costs associated with any hearing, permitting, operations, and studies. If the County's expenses exceed the amount of the initial application fee, the Applicant will be billed and shall reimburse the County for said excess

expenses within 30 days of each invoice.

B. Additional Information

The Conditional Use Permit Application shall contain or be accompanied by the following information:

1. The name(s), address(es), phone number(s) and electronic contact information of the Applicant(s), Facility Owner and Operator, and all Participating Property Owner(s), including their respective business structures. The Applicant shall be required to include copies of all leases, easements, licenses, or other ownership interest in the properties.
2. A Commercial Solar Energy Facility project summary, including but not limited to: a description of the project, its approximate total name plate generating capacity in megawatts, the potential equipment manufacturer(s), types of solar panels, number of solar arrays and name plate generating capacity of each array, the location of the project and the project name.
3. Provide certified audited financial statements and other documents to verify that the Applicant, Facility Owner, Company and parent company/companies, have the financial capability to complete the CSEF project as proposed.
4. A site plan for the CSEF Project showing its planned location including legal descriptions, site address (911), and parcel number(s) for the site, the Participating and Non-participating Residences, Occupiable Community Buildings property boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings, a map of the solar arrays and electrical cabling from the solar arrays to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, protected lands, scenic and natural areas within two thousand five hundred (2,500) feet of the proposed CSEF, and the layout of all structures within the geographical boundaries of any applicable setback.
5. The Zoning Administrator shall be responsible for ensuring all required reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance; and including but not limited to DNR, FAA, EPA, U.S. Fish and Wildlife, IDNR and IEPA.
6. The Applicant will supply an EcoCAT study from the Illinois Department of Natural Resources from done within the last 12 months from the date of the application.
7. Any other information normally required by the County as part of its Zoning Ordinance.

C. Floodplain

A CSEF cannot be located less than one-half (1/2) mile from the nearest one

hundred (100) year floodplain, as determined by the most recently issued Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

D. Zoning Districts

1. Commercial Solar Energy Facilities shall be located in A1 or A2 zoning districts and would need a Conditional Use Permit before applying for a CSEF Building Permit.
2. The design standards and bulk regulations listed in A1 or A2 Agriculture Districts of the Iroquois County Code for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all CSEFs and the regulations herein shall apply instead. All other design standards and bulk regulations of the respective districts shall apply.
3. Any CSEF site proposed within one and one half (1½) mile of the corporate limits of any incorporated village or city shall require an approval sign-off by that corporate authority.

E. Utility Agreement

At the time of applying for the Conditional Use Permit, written proof shall be provided that the Applicant has an interconnect agreement with an electric utility company.

F. Existing Conditions

The Applicant shall submit the following:

1. Existing property lines and property lines extending five hundred feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
2. Existing public and private roads, showing widths of the roads and any associated easements.
3. Location and size of any existing and abandoned wells and sewage treatment systems.
4. Existing buildings and any impervious surfaces.
5. Contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
6. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed

fields, grasslands, wooded areas, etc.).

7. Waterways, watercourses, lakes and public water wetlands.
8. Any delineated wetland boundaries.
9. A copy of the current FEMA FIRM map that shows the subject property along with the one hundred (100) year flood elevation showing regulated flood protection elevation.
10. Floodway, flood fringe and/or general flood plain district boundary, if applicable, and not provided on the copy of the current FEMA FIRM map.
11. Mapped soils, according to the Iroquois County Soil Survey.
12. Surface water drainage patterns.
13. A tile survey to identify the location of all subsurface drainage tiles.

G. Coordination with Local Fire Departments

1. The Facility Owner shall submit to the local fire department(s) with jurisdiction over the CSEF and the Eastern Illinois Mutual Aid Association, a copy of the site plan.
2. Upon request by the local fire department, the Facility Owner shall cooperate with the local fire department to develop the fire department's emergency response plan. In addition, at no cost to the local fire department, the Facility Owner shall provide to the local fire department any and all specialized and necessary new rescue or retrieval equipment occasioned by the use of the particular equipment being used at the project (i.e., gurney, body harnesses, PPE, etc.).

In addition, the Facility Owner shall have the requirement to update, at no cost to the local fire department, such equipment in possession of the local fire department as any updates are presented to the Facility Owner in the normal course of business. Failure to comply shall be deemed a default resulting in an immediate shutdown of the CSEF.

3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

H. Consideration for Use of Public Roads

In consideration of use of public roads, a proposed access route map shall be

included with the Conditional Use Permit Application. Also to be included shall be the list of the impacted road authorities complete with the contact information and proof that they were notified of your Conditional Use Permit Application. (Note) Before the issuance of any Building Permits are considered, fully funded and executed Public Road Use Agreements from each road authority shall need to be received by the Tax/Planning/Zoning Committee.

I. Agricultural Impact Agreement

A facility owner must enter into an agricultural impact mitigation agreement with the Illinois Department of Agriculture and property owner(s) prior to the date of the required public hearing.

J. Changes in Information

The Applicant shall notify the Zoning Administrator of any changes to the information provided in the form(s) presented pursuant to Section VI, B, 1 and 2 above that occur while the Conditional Use Permit Application approval is pending. Failure to notify the County Zoning Administrator shall be a default subject to immediate rejection of the application.

K. All Costs to be paid by Facility Owner

In addition to all fees noted above, the Facility Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party cost incurred by the County. These include, but are not limited to, the direct or indirect costs associated with any hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/ or negotiations, during the Conditional Use Permit Application Process and the Building Permit Requirements sections.

L. Application Acceptance

A Conditional Use Application shall be deemed complete when it contains all of the information and documents identified and the requirements and terms of this Ordinance are fulfilled. The date of the acceptance of the application will be established when it is formally accepted by the Tax/Planning/Zoning Committee at its next scheduled meeting.

M. Public Hearing

In accordance with the Illinois Compiled Statutes, at least one public hearing must be held within 45 days of the Application's acceptance. The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the Board and the County but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments. The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The Applicant shall reimburse the county for the fees and costs charged by the facilitator.

N. Material Changes

Material changes to the application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the County Board.

O. Permit Expiration

A Building Permit must be applied for and approved within two years from the date of the Conditional Use Permit's approval by the County Board or the all of the Iroquois County issued permits will no longer be valid.

VII. BUILDING PERMIT REQUIREMENTS

Following the Conditional Use Permit approval by the Iroquois County Board, the Applicant is eligible to apply for a Commercial Solar Energy Facility Building Permit with the following requirements and conditions:

A. All Costs Are Current

All costs for fees and studies required by the Conditional Use Permit Application and during the Building Permit Application process must be current and paid in full.

B. CSEF Building Permit Fee

Prior to the issuance of the Building Permit, the Facility Owner must deposit a CSEF Building Permit fee equating to \$10,000 per megawatt of total nameplate

capacity of the CSEF. The Applicant shall pay the fee in the form of a cashier's check made payable to Iroquois County

C. Site Plan of Proposed Conditions

The Applicant shall submit the following:

1. Location map with the address(es), number, and spacing of solar arrays.
2. Location of access roads and access points.
3. Planned location of underground or overhead electric lines connecting the CSEF to a building, substation or other electrical load.
4. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
5. A description of the method of connecting the arrays to the off-site electrical grid facilities.
6. New electrical equipment other than the existing building or Substation that is to be the connection point for the CSEF.
7. A drawing prepared by an Illinois Licensed Professional Engineer depicting the proposed CSEF and its relationship to structures on adjacent land.

D. Setbacks

The regulations regarding the site of a Commercial Solar Energy Facility, with setback distances measured from the nearest edge of any fence surrounding the facility, notwithstanding any other setbacks pertaining to a companion facility:

1. 150 feet measured from the nearest point of the outside component of the facility to Nonparticipating Properties.
2. 50 feet from the nearest edge of a public road rights-of-way.
3. 50 feet to the nearest point on the property line of a Participating Property.

E. Fully Executed and Funded Public Road Use Agreement

All CSEF Building Permit Applications shall be accompanied by fully funded and executed Public Road Use Agreements from each road authority with infrastructure affected by the CSEF project. The financial assurance funding will be in the form of a cashier's check(s) for the amount required of each of these Road Use Agreements. Completed escrow agreements between the parties.

These Public Road Use Agreements shall include at a minimum:

1. A final map identifying the roads and rights-of-way that will be utilized for the construction, operation, and decommissioning of the CSEF.
2. A list of all of the affected road authorities and contacts shall be included.
3. Other inclusions as specified or required by the Iroquois County Board, Iroquois County Engineer or affected road authorities.
4. The agreement shall contain a Limitation on Liability Clause.
5. Any road damage caused by the transportation, installation, maintenance, or removal of the facility CSEF equipment, must be completely repaired to the reasonable satisfaction of the County Engineer or appropriate local roadway authority. The Iroquois County Engineer may choose to require the remediation of road repair upon completion of the Commercial Solar Energy Facility and is authorized to collect fees for overweight and/or oversized load permits. Further, Financial Assurance shall be provided in an amount to be fixed by the Iroquois County Engineer to ensure the County, that future repairs are completed to reasonable satisfaction. This Financial Assurance is cash in escrow deposited in an account that is held by Iroquois County or the appropriate road authority as the beneficiary with a financial institution.
6. All repairs and improvements to County public roads and roadway appurtenances shall be subject to the prior approval of the County Engineer before being made and shall also be subject to inspection and acceptance by the Iroquois County Highway Engineer after such repairs and improvements are completed. The County's Public Road Use Agreement, and any further agreements contemplated therein, regarding the maintenance and repair of public roads and highways, must be approved by the Iroquois County Highway Engineer prior to the approval of any Commercial Solar Energy Facility Building Permit applications related to the construction of the proposed CSEF.

F. Decommissioning Plan

The Applicant must submit a completed and fully funded decommissioning plan including a breakdown of the cost estimates of the decommissioning to ensure

that the CSEF shall be properly decommissioned. (See Section XI for more details)

G. Design and Installation.

Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.

H. Foundations

A Licensed Illinois Structural Engineer hired by Iroquois County with the cost invoiced to the Facility Owner, shall review and verify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

I. Other Standards and Codes

The CSEF shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), or an equivalent third party. All CSEF equipment shall be manufactured within the United States of America (made in the USA).

J. Height Limits

The CSEF is to be constructed so that no component of a solar panel has a height of more than 20 feet above ground when the solar energy facility's arrays are at full tilt. Equipment and structures shall not exceed thirty feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.

K. Landscape Plan

1. A landscape plan shall be submitted with the application for review and approval by the Iroquois County Soil and Water Conservation District. This plan must include weed control for the entire property including inside and outside the fenced area. CSEF inspections will be conducted once the facility is planted/seeded and every three years thereafter unless necessitated by

complaints or otherwise shall not replace the triennial inspection requirements. The cost of these inspections done by the Iroquois County Soil and Water Conservation District shall be invoiced to the Facility Owner by the County with payment due 30 days from the invoice date.

2. The equipment and structures shall be fully enclosed and secured by a woven wire or equivalent fence that allows ingress and egress by small animals with a minimum height of eight feet.
3. The entirety of the Commercial Solar Energy Facility shall be enclosed with a living buffer of evergreen trees that must be planted and maintained during construction and will meet or exceed the height of the solar panels and all facility equipment, including fencing. Additionally, the Applicant/ Owner must comply with any screening requirements requested by the Iroquois County Soil and Water Conservation District and must be consistent with state law and this ordinance.

An alternative buffer may also be considered. Earth berms or other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements if they conceal the use from public view and are maintained.

4. The landscape plan shall also incorporate native grasses, flowers and plants which will provide wildlife and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure. This shall not be part of the evergreen screen but shall be for all other areas of the solar farm that will not interfere with the solar arrays.
5. A fire break with a minimum of 15 feet of width, must exist on all interior sides of the facility.
6. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

L. Lighting.

If lighting is provided at the site, the lighting shall be shielded and downcast such that the light does not spill onto adjacent parcels or residences.

M. CSEF Building Permit Approval

Once all of these criteria and standards have been met, the Tax/Planning/Zoning Committee will vote to approve a Building Permit issuance at its next regularly scheduled meeting and construction can proceed.

VIII. CONSTRUCTION STANDARDS

After receiving the Building Permit for the CSEF, the Facility Owner can begin the construction phase of the project. Construction must begin within 12 months of the date of issuance of the Building Permit or it will become invalid. The necessary inspections will be carried out along the way by County employees, contracted individuals, or 3rd party vendors. The Facility Owner is responsible for the cost of these inspections. Expectations and inspections will include but are not limited to the following subject matter:

A. Power and Communication Lines

1. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings within the perimeter of the solar energy development shall be buried according to the National Electric Code (NEC) as adopted by Iroquois County Board at the time of acceptance of the Building Permit Application. All power and communication lines outside the fenced perimeter of the solar energy development shall be buried no less than 6 feet deep. During the installation and before wires and lines are covered there will be an inspection for compliance by an independent inspector hired by Iroquois County with the cost invoiced to the Facility Owner. Failure to make payment to the County within 30 days of the invoice date shall be deemed a default. Exemptions or variances may be granted by the Iroquois County Board in instances where shallow bedrock, water courses, or other elements of the landscape interferes with the ability to bury lines.
2. All power and communication lines shall be geo-located for inclusion on record drawings.
3. The Facility Owner or Operator of the CSEF shall be a member of J.U.L.I.E. and follow their rules and regulations. J.U.L.I.E. shall be contacted before

commencing any excavations.

4. All electrical components of the CSEF shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI, UL and International Electrotechnical Commission).

B. Drainage Tiles

1. All drainage tiles shall be repaired or restored to same or better condition as to when the project began. There will be an inspection for compliance by an independent inspector chosen and hired by Iroquois County with the cost invoiced to the Facility Owner.
2. Local drainage districts shall be contacted prior to beginning development to locate drainage district tiles.

C. Warnings Signs

1. A 911 address sign which conforms to the specifications of the County Ordinance for size, color and reflectivity shall be placed and maintained by the Facility Owner at the entrance to each CSEF or Supporting Facility access road from a public road. A sign or posting no more than four (4) square feet in area shall be placed and maintained in conjunction with, but in a subordinate position of, that same 911 sign, on all sides of the fenced CSEF or Supporting Facilities. The sign(s) shall provide a toll-free telephone number, answered by a person twenty-four hours a day seven days per week, for emergency calls and informational inquiries.
2. A 911 compliant visible warning sign concerning voltage must be placed at all CSEF(s), including the base of all pad-mounted transformers, and Supporting Facilities.
3. Warning signs identifying underground wire locations shall be placed at all road crossings, creek, waterway, and ditch crossings, and at the exits of CSEF(s) and Supporting Facilities.

D. Record Map and Plans.

Prior to the go live date of the Commercial Solar Energy Facility, the Facility Owner shall deliver Record maps and plans, including a final site plan and engineering plans for the Facility that have been signed and stamped by a

licensed Illinois Professional Engineer to the Iroquois County Board for final approval and acceptance to operate.

IX. PRIOR TO GO LIVE APPROVAL

Each Commercial Solar Energy Facility shall be required to have a final inspection by an independent certified inspector, hired by Iroquois County with the cost invoiced to the Facility Owner, at the completion of the construction of the project and prior to receiving approval to begin operations (go live date). This inspection is to verify compliance with the zoning regulations, building permit conditions, landscaping requirements and other applicable regulatory codes such as with the National Electric Code. Also before a “go live” date is determined and approved by the Iroquois County Board, all items within this Ordinance must be complied with, all inspections passed, all Financial Assurances deposited with the County Treasurer and/or appropriate authority and all costs to the County be reimbursed.

X. ONGOING OPERATIONS REQUIREMENTS

The following items must be complied with throughout the lifetime of the project.

A. Semi-annual Report.

The Facility Owner must submit a semi-annual operational report to the Iroquois County Board, based on the date of the project’s completion as established by the initial commercial output. This report shall contain the following information:

1. The monthly electrical output of the facility reported in kWh for the prior 6 months,
2. A general description of any physical repairs, replacements or modification(s) to the facility and/or its infrastructure,
3. Proof of liability insurance,
4. The Facility Owner of the CSEF must submit, on a semi-annual basis, a summary of the operation and maintenance reports to the County Board. In addition, the summary shall include complaints pertaining to setbacks, noise, appearance, safety, lighting and use of any public roads received by the Facility Owner concerning the facility and the resolution of such complaints.

Failure to provide the semi-annual report shall be considered a default of this

Ordinance and subject to all appropriate remedies.

B. Maintenance

1. The site must be maintained to prevent fire hazards and be in compliance with State and Federal environmental regulations. No soil sterilant shall be permitted to be used on the CSEF. There shall be a \$500.00 per day fine for non-compliance of this paragraph.
2. Any physical modification to the CSEF that alters any of the major electrical components so that such modification requires re-certification from the original third-party certifying entity of the CSEF (e.g., UL, etc.), will require the Facility Owner of the CSEF to obtain such re-certification for the affected CSEF components from such third-party entity in accordance with its then-existing design standards and processing times for re-certification certificates. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the Facility Owner shall confer with the County Board to determine whether the physical modification requires re-certification.

C. Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation, maintenance and decommission of the CSEF shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
2. All hazardous materials related to the construction, operation, and maintenance of the CSEF shall be handled, transported and disposed of in accordance with all applicable local, state and federal laws.
3. The outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed. Chemicals and hazardous materials must be kept inside a storage shed. The Zoning Administrator or their designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. All outdoor storage areas shall have at the minimum a gravel surface covering.

D. Noise Levels

Noise levels shall comply with the sound limitations set by the Illinois Pollution

Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910. Noise levels at Non-Participating Properties shall be tested upon request of the County Board by a professional acoustician hired by Iroquois County with the cost invoiced to the Facility Owner. Should the Facility Owner fail to make payment to the County within 30 days of the invoice date, it shall be deemed in default.

E. Inspections

The facility shall be inspected annually for three years following the go live date to verify continued compliance with the Ordinance's requirements. These inspections will include on-site visits from the staff of the local fire departments to insure that that necessary protective equipment is provided. Also, the Iroquois County Soil and Water District will verify that the landscape plan is being followed. Additional inspections necessitated by complaints or otherwise shall not replace annual or triennial inspection requirements. The cost of all inspections shall be invoiced to the Facility Owner by the County with payment due 30 days from the invoice date. Upon completion of inspections, a report shall be prepared and submitted to the County Board and Facility Owner. Should the Facility Owner fail to make payment to the County within 30 days of the invoice date, the said party shall be deemed to be in default.

XI. DECOMMISSIONING PLAN

As part of the Building Permit Application Requirements, the County and the Facility Owner must agree to a Decommissioning Plan that ensures that the CSEF project is properly and completely decommissioned. This plan must also be compliant with any Illinois Department of Agricultural Impact Mitigation Agreement and this Ordinance. Prior to receiving any Building Permits, the Applicant shall provide Financial Assurance in the form of a cashier's check made payable to Iroquois County to cover those decommissioning costs in the event of default or abandonment. Completed escrow agreements shall be necessary. Components and conditions of the plan include:

A. Financial Assurances to Iroquois County to include:

1. A basis formed by a licensed Illinois professional engineer's cost estimate for demolition and removal of the CSEF, repairs to be made to bring roads back to the same condition as they were immediately preceding actual decommissioning and any expenses associated with the cost of clean-up after abandonment. The Licensed Illinois Professional Engineer, hired and

paid by Iroquois County and the cost reimbursed to Iroquois County by the Facility Owner, shall certify and provide the original decommissioning cost estimate prior to the issuance of the Conditional Use Permit. A new cost estimate shall be prepared every three (3) years and the Facility Owner shall reimburse Iroquois County for the engineer's fee. Payment for said engineer's fee to prepare decommissioning cost estimates is not included in the initial Application Fee.

2. A cashier's check made payable to Iroquois County and deposited in accordance with the cost basis of the Illinois Licensed Professional Engineer's cost estimate shall be placed in an escrow account *acceptable to the Iroquois County Board and controlled by the* Treasurer of Iroquois County prior to the issuance of a Building Permit

Any additional financial assurance shall be supplied, if necessary, to bring the total amount of assurance to an amount at least equal to the said Engineer's estimate for demolition and removal without consideration of salvage value, plus road repairs to be made to the same condition as they were immediately preceding actual decommissioning. This assurance shall again, if necessary, be adjusted to reflect the changes in the engineer's estimates as they are adjusted every three years. Any additional assurance shall be made in the form of a cashier's check made payable to Iroquois County and deposited into an escrow account acceptable to the Iroquois County Board and controlled by the Iroquois County Treasurer.

3. Said escrow shall be partially released when the entire facility and associated infrastructures are completely decommissioned and the road repairs are properly completed as determined by the Iroquois County Highway Engineer, all affected public road authorities, and final approval by the Iroquois County Board. A ten percent (10%) holdback of the total escrow amount will be retained and held for one year past the completed initial decommissioning to settle any needs for work completion or repairs.
4. The Decommissioning Plan shall be binding upon the Facility Owner and any Participating Property Owner and any of their successors, assigns or heirs.

5. In the event that the escrow funds are not sufficient to cover the of decommissioning and the Facility Owner is not capable of making up the cost's difference, the shortfall shall fall upon the landowner. In the event that the landowner defaults, then the County shall have the work performed and the decommissioning cost shall be recouped through a lien placed on the landowner's property.
 6. The County shall have a subordinated right to sell any salvage material to reduce the County's expenses related to the decommissioning of any project site and shall be granted access to each site to effect or complete decommissioning.
- B. Decommissioning of the CSEF and related equipment must occur in the event it is not in operation and producing electricity for six (6) consecutive months as indicated in the semi-annual reports. The Facility Owner and/or landowner shall have six months to complete the decommission plan or the County will take the necessary decommissioning steps. The Iroquois County Board has authority by majority vote to extend the time frame to complete repairs causing inoperability upon request from the Facility Owner. This request must include the reasons why an extension is needed and must be received no later than 60 days prior to the deadline for removal. If approved, it can be extended for 6 months intervals.
 - C. The decommissioning plan shall include provisions for removal of all structures including but not limited to: equipment, solar panels, fencing, and access roads, foundations and cabling to a depth of seventy-two (72) inches. Removal and disposal of solar panels must be in accordance with state and federal EPA guidelines and the panels must not be left in any condition or location where hazardous materials may leach into the environment.
 - D. The decommissioning plan shall include a provision for the restoration of the soil surface to the same condition that existed immediately before construction of such facilities.
 - E. There will be a timely inspection for compliance of items B, C and D above, by an inspector hired by Iroquois County with the cost invoiced to the Facility Owner.
 - F. An update to this decommissioning plan shall be prepared by a Licensed Illinois Professional Engineer hired by Iroquois County and invoiced by the County to the Facility Owner. This updated plan is required every three years to address any modifications caused by changes to local, state and/or federal guidelines and include any decommissioning cost changes. In addition, these decommissioning plans must be signed by the parties responsible for decommissioning including the Facility Owner and the Participating Property Owner(s).

- G. If the updated cost to decommission is determined to exceed the amount that was previously deposited with Iroquois County, then the difference must be made to Iroquois County in the form of a cashier's check within 30 days.
- H. The County reserves the right to require additional information of components of the decommissioning plan as the County deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

XII. PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation.

XIII. LIABILITY INSURANCE

The Facility Owner of the CSEF shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$40 million per occurrence and \$40 million in the aggregate. The Facility Owner of the CSEF shall maintain this policy for the lifetime of the Facility and submit a copy of same to the County Board at each renewal. Over time the County may find it necessary to increase or decrease the amount of coverage and the Facility Owner shall be required to make the adjustment at the next renewal. The County of Iroquois and its officials shall be named as additional insureds.

XIV. PUBLIC NUISANCE

Any CSEF declared to be unsafe by the Iroquois County Board by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared a Public Nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in this Ordinance.

XV. CHANGE IN OWNERSHIP

It is the responsibility of the Facility Owner listed in the application and any subsequent Facility Owner to inform the Iroquois County Board of all changes in ownership or operation during the life of the project, including the sale or transfer of the same, at least 30 days prior to the fact.

XVI. DEFAULTS AND REMEDIES

The Applicant's, Facility Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a Default under this Ordinance.

- A. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Facility Owner, setting forth the alleged default(s). Such written notice shall provide the Facility Owner a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- B. Any violation of this ordinance shall be an offense punishable by a fine not to exceed \$5,000 per day or as set by a court of law for each day the infraction exists and/or until each infraction is remedied. Each violation shall be a separate offense. Each day a violation occurs or continues shall be a separate offense. It is the goal of this ordinance to promote structural safety and to protect the public. The court, in setting any appropriate fine shall consider the nature of the offense, the degree of public safety involved, the efforts of the County and responsible Facility Owner to quickly and safely resolve any infraction. It is the intent that any dispute between the parties be resolved promptly and where possible by informal discussions as outlined elsewhere in this Ordinance.
- C. The County reserves the right to hire outside counsel to enforce this Ordinance. The Facility Owner is liable for payment of reasonable attorney's fees to enforce any provision of this Ordinance.
- D. All fees and fines related to a CSEF project shall be remitted to the County in the form of a cashier's check made payable to Iroquois County

XVII. SEVERANCE

If any section, clause, or provision of the Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

XVIII. INDEMNIFICATION

The Applicant, Facility Owner and/or Operator of the CSEF project shall defend, indemnify and hold harmless the County of Iroquois and its officials, employees, committees, volunteers and agents from and against any and all claims, demands, losses, suites, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including attorney's fees, without limitation arising out of acts of omissions of the Applicant, Facility Owner or Operator associated with the

construction, operation, and decommissioning of the CSEF project.

XIX. LASALLE FACTORS

The County Board may approve a Commercial Solar Energy Facility Conditional Use Permit application, if it finds the evidence complies with state and federal law and regulations, and with the standards of this zoning code including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met.

- A. The establishment, maintenance or operation of the Commercial Solar Energy Facility will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. The Commercial Solar Energy Facility will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties.
- C. The establishment of the Commercial Solar Energy Facility will not impede the normal and orderly development and improvement of the surrounding properties.
- D. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.
- E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. The proposed Commercial Solar Energy Facility is not contrary to the objectives of the current comprehensive plan of the County (if any).
- G. The Commercial Solar Energy Facility shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.