March 31, 2018

The Ogle County Board, at their regular meeting held on Wednesday, March 21, 2018, Janes presents #2-18 SPECIAL USE - Kenneth Oltmanns, 1233 Lost Nation Rd., Dixon, IL for a Special Use Permit to allow a boarding house in the AG-1 Agricultural District on property described as follows and owned by the petitioner: Part of Island Ten (10) in the Rock River lying in that part of Sections 12 & 13, Township 22N, R9E of the 3rd P.M., described as follows: the North 500 feet of the Island lying West of the original West bank of the Rock River and East of the bank of Mill Race along said West Bank, situated in Township of Grand Detour, County of Ogle and State of Illinois - P.I.N.: 21-13-200-003 & 21-12-400-018 - Common Location: 8081 S. IL Rte. 2

Janes moves to approve O-2018-0301 as presented, Fritz seconds.

Reising stated that he would be abstaining from voting due to the fact that the party was a client of his office and Oltmanns commented that due to no conflict of interest he would be voting and the motion carries. (Placed on file)
AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY LOCATED AT 8081 S. IL ROUTE 2 IN GRAND DETOUR TOWNSHIP

WHEREAS, Kenneth Oltmanns, 1233 Lost Nation Rd., Dixon, IL has filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 2-18SU) to allow a boarding house on property located at 8081 S. IL Route 2 in Grand Detour Township and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on March 1, 2018 at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, no member(s) of the public spoke in favor of the petition, and no member(s) of the public spoke in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use Permit be granted as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated March 1, 2018, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Special Use Permit be granted; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning & Zoning Committee, and has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 2-18SU) to allow a boarding house would be consistent with the requirements established by Section 16-9-8C of the Ogle County Amendatory Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit “B” attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.
SECTION TWO: Based on the findings of fact set forth above, the petition of Kenneth Oltmanns, 1233 Lost Nation Rd., Dixon, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 2-18SU) to allow a boarding house on property located at 8081 S. IL Route 2 in Grand Detour Township and legally described as shown in Exhibit “A” attached hereto, is hereby approved subject to the following conditions:

1. All proposals and representations made by the applicant shall be conditions of the Special Use Permit.
2. Manual fire extinguishing equipment of appropriate classification and in sufficient number and location shall be provided for the safety of those utilizing the dwelling. For reference see NFPA 10 - Standards for the Installation of Portable Fire Extinguishers.
3. All combustibles or flammable liquids shall be stored in approved containers. No combustible storage shall occur in or under stairways.
4. All hallways and stairways shall be adequately lighted.
5. A complete floor plan of the establishment shall be submitted to the local fire protection district.
6. Smoke detectors and carbon monoxide (CO) detectors shall be provided pursuant to the Illinois Smoke Detector Act and Illinois Carbon Monoxide Alarm Detector Act.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the Ogle County Amended Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 21ST DAY OF MARCH 2018 A.D.

Kim P. Gouker, Chairman of the Ogle County Board

ATTEST: Laura J. Cook, Ogle County Clerk and Ex Officio Clerk of the Ogle County Board
EXHIBIT “A”

LEGAL DESCRIPTION

Part of Island Ten (10) in the Rock River lying in that part of Sections 12 and 13, Township 22N, R9E of the 4th P.M. and described as follows: the North 500 feet of the Island lying West of the original West bank of the Rock River and East of the bank of the Mill Race along said West Bank, situated in the Township of Grand Detour, County of Ogle, State of Illinois

Property Identification Numbers (PINs): 21-13-200-003 and 21-12-400-018
Common Location: 8081 S. IL Route 2
EXHIBIT “B”

FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION
OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Kenneth Oltmanns, 1233 Lost Nation Rd., Dixon, IL in case #2-18SU. The applicant is requesting a Special Use Permit in the AG-1 Agricultural District to allow a boarding house on Parcel Identification Nos. 21-13-200-003 and 21-12-400-018, an approximately 1.6-acre parcel that is part of Island Ten (10) in the Rock River lying in that part of Sections 12 and 13, Township 22N, R9E of the 4th P.M. and described as follows: the North 500 feet of the Island lying West of the original West bank of the Rock River and East of the bank of the Mill Race along said West Bank, situated in the Township of Grand Detour, County of Ogle, State of Illinois and commonly known as 8081 S. IL Route 2.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on March 1, 2018 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 16-9-8C (Standards for Special Use Permits) of the Ogle County Amendatory Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. The site is isolated (being on an island in the Rock River), and is adjacent to an existing commercial campground with which it is compatible. STANDARD MET.

2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

a. The location, nature and height of building, structures, walls and fences on the site; and,

b. The nature and extent of proposed landscaping and screening on the proposed site.

The existing site conditions will remain unchanged, and the proposed use is compatible with the existing commercial campground located adjacent to the site. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.
4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. Adequate utilities, ingress/egress to the site from S. IL Route 2, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.

5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. The proposed use is in an isolated area, is compatible with other recreational uses in the vicinity, and is deemed essential and desirable for Ogle County. STANDARD MET.

6. That the proposed special use complies with all provisions of the applicable district regulations. The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 6-9-8C of the Ogle County Amendatory Zoning Ordinance.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the AG-1 Agricultural District be granted to allow a boarding house SUBJECT TO THE FOLLOWING CONDITIONS:

1. All proposals and representations made by the applicant and/or representative shall be conditions of the Special Use Permit.

2. Manual fire extinguishing equipment of appropriate classification and in sufficient number and location shall be provided for the safety of those utilizing the dwelling. For reference see NFPA 10 - Standards for the Installation of Portable Fire Extinguishers.

3. All combustibles or flammable liquids shall be stored in approved containers. No combustible storage shall occur in or under stairways.

4. All hallways and stairways shall be adequately lighted.

5. A complete floor plan of the establishment shall be submitted to the local fire protection district.

6. Smoke detectors and carbon monoxide (CO) detectors shall be provided pursuant to the Illinois Smoke Detector Act and Illinois Carbon Monoxide Alarm Detector Act.

ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 1st day of March 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
David Williams
Cody Considine
James Reed

Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary
March 31, 2018

The Ogle County Board, at their regular meeting held on Wednesday, March 21, 2018, Janes presents #8-17 SPECIAL USE - Elkhorn Solar, LLC, % Geoff Fallon, 601-A W. Main St., Carrboro, NC; Rodney Wubbena, 11129 Abbotsford Pl., Belvidere, IL; and Joan L. Wubbena, Trustee, JL Wubbena Trust, 7891 S. Tampan Dr., Dixon, IL for a Special Use Permit to allow a Solar Farm in the AG-1 Agricultural District on property described as follows, being leased by Elkhorn Solar, LLC and owned by Rodney Wubbena and Joan L. Wubbena, Trust: East Half (E1/2) of G.L.2 and G.L.1 of Northeast Quarter (NE1/4) of Fractional Section 5, Township 24 North, Range 8 East of the 4th P.M.; and G.L.1 and part of G.L.2 of the Northwest Quarter (NW1/4) of Fractional Section 4, Township 24 North, Range 8 East of the 4th P.M.; and part of G.L.1 and part of G.L.2 of Northeast Quarter (NE1/4) Fractional Section 4, Township 24 North, Range 8 East of the 4th P.M.; all in Lincoln Township, Ogle County, IL, 359.5 acres, more or less. P.I.N.: 07-05-200-002; 07-04-100-003; 07-04-200-001; and 07-04-200-003 - Common Location: 6974 N. IL Rte. 26

Janes took the time to comment on the procedure that was followed in the process of getting this ordinance to the County Board. Janes wanted to make sure that the process that has been set up has been set up for the sake of making sure that all parties involved have their freedom to express their concerns and ask questions because not all issues are going to affect everyone in the same manner.

Chairman Gouker expressed that he has sent emails to all of the board members and asked that they handle the information that was provided in a way that a jury would. He stressed that all votes should be based only on the information that was provided by the ZBA sworn testimony.

Janes moves to approve O-2018-0301 as presented and Hopkins seconds.

Meyers asked for a Roll Call vote.

Kenney shared that he is having a difficult time trying to understand the negative impact that this will have on the Village of Forreston. Due to that feeling Kenney stated he will be voting for this project.

Colson reiterated that Solar Farms are listed as one of the special uses under the Agricultural section of the Village of Forreston’s Comprehensive Plan.

Hopkins stated that after reading all of the findings and the facts he felt that there was too much voting from the heart and not necessarily from the head of what the laws and stuff that have been set up for this process. He feels that all the findings and facts have been met.

Saunders stated she agrees with Hopkins that all the findings have been met. As much as she thinks they are ugly; she also doesn’t feel that she has any right to tell her neighbor what they can put on their
ground either. Saunders stated that she voted for the wind turbines and those are certainly much more intrusive than solar farms are so she will be voting in favor.

Chairman Gouker shared his one issue he has is that generically he is in favor of the Solar Farm but there is a process that has been set in place. Chairman Gouker also shared that Vice-chairman Finfrock and he attended a UCCI meeting and the Illinois Power Agencies Director was there and talked about a lot of the regulation process that is going on. Chairman Gouker shared that there is a lot going on all over the State of Illinois. It seems that the Solar Farm push has come about due to Exelon’s legislation that passed to save their two nuclear plants. In order to do that they created these green power energy credits and that is what is bringing them in. This is happening all over the County and State and we will probably be getting several more.

Roll call vote is called:

YES: Smith, Sparrow, Typer, Whalen, Bolin, Colbert, Colson, Fritz, Griffin, Gronewold, Heuer, Hopkins, Kenney, McKinney, Meyers, Oltmanns, Reising, and Saunders
NO: Janes, Nordman, and Gouker
ABSENT: Bowers, Finfrock, and Williams

Motion carries on roll call vote.

Laura J. Cook
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.
STATE OF ILLINOIS
)    ) SS
COUNTY OF OGLE )

ORDINANCE NO. 2018-0302

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY
LOCATED AT 6974 N. IL ROUTE 26 IN LINCOLN TOWNSHIP

WHEREAS, Elkhorn Solar, LLC, % Geoff Fallon, 601-A W. Main St., Carrboro, NC; Rodney Wubbena, 11129 Abbotsford Pl., Belvidere, IL; and Joan L. Wubbena, Trustee, JL Wubbena Trust, 7891 S. Tampam Dr., Dixon, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 8-17SU) to allow a Solar Farm on property located at 6974 N. IL Route 26 in Lincoln Township and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on November 30, 2017, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, three members of the public spoke in favor of the petition, and four members of the public spoke in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use Permit be denied as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated November 30, 2017, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Special Use Permit be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Supervisor of Assessments and Planning & Zoning Committee, and has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 8-17SU) to allow a Solar Farm on property located at 6974 N. IL Route 26 in Lincoln Township and legally described as shown in Exhibit “A” attached hereto would be consistent with the requirements established by Section 16-9-8C of the Ogle County Amendatory Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit “B” attached hereto, is hereby rejected and the findings set forth therein are hereby not adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: The Ogle County Board hereby finds and concludes that all standards pursuant to Section 16-9-8C of the Ogle County Amendatory Zoning Ordinance are met. The Zoning Board of Appeals found Standards 3, 4 and 6 to be met, which the Ogle County Board concurs with. The Zoning Board of Appeals found Standards 1, 2 and 5 to be not met, which the Ogle County Board does not concur with.

The Ogle County Board hereby finds that Standard 1 is met as the petitioner has adequately demonstrated through unrefuted expert testimony and evidence that a solar farm will not be unreasonably detrimental to the value of other property in the vicinity, and has adequately demonstrated that a solar farm will not be detrimental to the public health, safety, morals, comfort or general welfare at large.

The Ogle County Board hereby finds that Standard 2 is met as the proposed solar farm will maintain a low profile on the landscape at approximately 7 feet in height, will be enclosed by a security fence, and will be well buffered from near-by residential uses by being set back 350 feet from Town Line Road, and 150 feet from the residential parcel south of Town Line Road. The proposed solar farm is adequately buffered from adjacent agricultural uses, and will not adversely impact agricultural uses on adjacent properties or other properties in the vicinity.

The Ogle County Board hereby finds that Standard 5 is met as the applicant has adequately demonstrated that the proposed solar farm will not adversely affect development and use of other properties in the vicinity, as it will not generate noise, odors, pollution, environmental contamination or traffic. The proposed solar farm will be visually compatible with the area, as it will maintain a low profile on the landscape; and, it is deemed essential and desirable to preserve and promote the public health, safety and general welfare of Ogle County.

SECTION THREE: Based on the findings of fact set forth above, the petition of Elkhorn Solar, LLC, % Geoff Fallon, 601-A W. Main St., Carrboro, NC; Rodney Wubbena, 11129 Abbotsford Pl., Belvidere, IL; and Joan L. Wubbena, Trustee, JL Wubbena Trust, 7891 S. Tampan Dr., Dixon, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 8-17SU) to allow a Solar Farm on property located at 6974 N. IL Route 26 in Lincoln Township and legally described as shown in Exhibit “A” attached hereto, is hereby approved subject to the following conditions:

1. General Provisions:

   All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.

2. Development Standards

   The following standards shall apply:
A. Height: No aspect of a solar farm shall exceed 25 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.

B. Setbacks: All aspects and components of a solar farm shall be set back a minimum 40 feet from the right-of-way line of a township jurisdiction road, a minimum of 60 feet from the right-of-way line of a county jurisdiction road, and a minimum of 80 feet from a state/federal jurisdiction road.

C. Yard Area Requirements: All aspects and components of a solar farm shall maintain the following yard areas:

1) Rear yard: Minimum 50 feet.

2) Side yards: Minimum 30 feet.

D. Approved Solar Components:

1) Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).

2) Building and electrical plans for the solar farm shall be in compliance with all required building and electrical codes for the State of Illinois.

E. Lighting: Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.

F. Stormwater Management: Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm. A Drainage Permits will be required to be issued by the Ogle County Engineer for compliance with the Ogle County Stormwater Management Ordinance.

G. Vegetative Cover, Vegetative Maintenance and Weed Control: All areas occupied by the solar farm that are not utilized for access to operate and maintain the solar farm shall be planted and maintained with native warm-season grass(es) and/or other vegetation for the purpose of soil stabilization or other methods approved by the Planning & Zoning Administrator and/or County Engineer.

The solar farm owner/operator shall provide for weed control in a manner that prevents the spread of weeds onto agricultural land affected by the construction, operation or decommissioning of the solar farm. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.
The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.

H. Zoning Certificate and Occupancy Certificate: Prior to construction of the solar farm, a Zoning Certificate (permit) shall be issued by the Planning & Zoning Department. All aspects and components of a solar farm shall require engineering certified by a registered engineer or other certified professional. Upon completion of construction of the solar farm and prior to placing into service, an Occupancy Certificate shall be issued by the Planning & Zoning Department. A "certificate of inspection" from a qualified inspector as defined pursuant to 20 ILCS 3105/10.09-1 is required to be submitted before an Occupancy Certificate will be issued.

I. Utility Notification: Unless the applicant is a public utility, no Zoning Certificate to construct a solar farm shall be issued until evidence has been provided to the Planning & Zoning Department that the applicant has entered into a power purchase agreement (PPA).

J. Decommissioning:

1) The owner or operator of a solar farm shall completely decommission the solar farm within eighteen (18) months if any of the following conditions ("decommissioning triggers") exist:

   a. The solar farm ceases to generate electricity for a continuous period of twelve (12) consecutive months;
   b. The land lease ends, expires or is terminated;
   c. The solar farm is damaged and will not be repaired or replaced.

   This period may be extended by the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.

2) Decommissioning shall include:

   a. The removal all equipment, cables, wires, conduits, structures, fencing, and foundations to a depth of at least 42 inches below grade.
   b. The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.
   c. Restoration of the land to a condition reasonably similar to its condition prior to the solar farm development, including replacement of top soil removed or eroded.
d. Re-vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.

3) As a condition of issuance of a Zoning Certificate authorizing the construction of the Solar Farm, Applicant shall submit to the Ogle County Planning & Zoning Department an estimate of decommissioning costs prepared by a qualified engineer. Ogle County may, at Applicant's expense, hire its own qualified consultant to verify the accuracy of Applicant's estimate of decommissioning costs.

4) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of the solar farm by natural or man-made causes, the solar farm owner and/or operator shall obtain and deliver to the County of Ogle ("County") a letter of credit or performance bond, or similar financial assurance, in form and substance reasonably satisfactory to the County, securing the solar farm owner and/or operator obligation to remove the solar farm ("Decommissioning Security").

The Decommissioning Security shall be equal to or greater than the estimated amount by which the cost of decommissioning the solar farm exceeds the salvage value of the solar farm. By its terms, the Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator of the solar farm or other termination of the owner and/or operator of the solar farm's existence or its legal obligations. Once it is in place, the owner and/or operator of the solar farm shall maintain the Decommissioning Security, and cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.

When any of the identified decommissioning triggers exist, if the owner and/or operator of the solar farm has not complied with its decommissioning and related obligations, the County shall be entitled to make a claim against the Decommissioning Security for its costs to decommission the solar farm, net of any salvage value the County actually realizes.

Decommissioning costs shall be re-valuated once every five (5) years from the date of substantial completion of the solar farm to ensure sufficient funds for decommissioning and, if the parties agree at that time that the decommissioning costs need to be modified, the amount of the Decommissioning Security shall be adjusted accordingly.
K. Materials Handling, Storage and Disposal

1) All solid wastes related to the construction, operation and maintenance of the Solar Farm 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 Solar Farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

L. Points of Contact

The Solar Farm Owner/Operator shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. Any changes shall be reported immediately or as soon as possible.

M. Coordination with Local Fire Protection District(s)

1) The Applicant, Owner or Operator shall submit to the local fire protection district(s) a copy of the site plan.

2) Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire protection district's emergency response plan. The Solar Farm Owner/Operator shall cooperate with any and all local rescue authorities to provide training (at Owner's and/or Operator's expense) to personnel who can assist with a rescue from a Solar Farm.

3) Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

N. Miscellaneous Provisions:

1) The facility shall provide approval for access points and change in access use from the road authority having jurisdiction.

2) The perimeter of the solar farm shall be secured through the use of security fencing of at least six (6) feet in height.

3) The owner or operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

4) The owner of the solar farm shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to commencement of construction of the solar farm.
SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FIVE: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 21ST DAY OF MARCH 2018 A.D.

Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:

Laura J. Cook, Ogle County Clerk and Ex Officio Clerk of the Ogle County Board
EXHIBIT “A”
LEGAL DESCRIPTION

Commencing at a point two (2) chains and sixty-seven (67) links West of the North quarter corner of Section Four (4) in Township Twenty-four (24) North, Range Eight (8) East of the Fourth Principal Meridian, and running thence West seventeen (17) chains and eighty (80) links, thence South forty (40) chains and eighty-four (84) links, thence East nineteen (19) chains and four (4) links and thence North 1 degree 40 minutes West forty (40) chains and eighty and one-half (80 ½) links, to the point of beginning; also, commencing at a point two (2) chains and sixty-seven (67) links West, of the North quarter corner of said Section Four (4) in Township twenty-four (24) North, Range Eight (8) East of the Fourth Principal Meridian, and running thence East twenty-nine (29) chains and seventy-seven (77) links to a point fifty (50) feet West of the center of said railroad track forty (40) chains and thence North 1 degree 40 minutes West forty (40) chains and eighty and one-half (80 ½) links to the point of beginning, situated in Ogle County, State of Illinois.

AND

All of the original 200 foot Wide right-of-way of the Illinois Central Gulf Railroad Company's Abandoned Amboy District situated in the East ½ of the North East 1/4 of Section 4, Township 24 North, Range 8 East, Ogle County, Illinois, and extending Northerly approximately 2,640 feet as measured along the center of said 200 foot strip, from the South line of the South East 1/4 of the North East 1/4 to the North line of the North East 1/4 of the North East 1/4.

AND

The West One-Half (½) of the Northwest Quarter (1/4) of Section 4; the East One-Half (½) of the Northeast Quarter (1/4) of Section 5; All in Township 24 North, Range 8 East of the 4th P.M., in Ogle County, Illinois, EXCEPTING THEREFROM a tract of land located in a part of the West Half of the Northwest Quarter of Section 4, Township 24 North, Range 8 East of the Fourth Principal Meridian, Lincoln Township, Ogle County, Illinois, the boundary of said tract being more particularly described as follows: Commencing at the Northwest Corner of Section 4, Township 24 North, Range 8 East of the Fourth Principal Meridian; thence North 90°00'00" East, along the North Line of the Northwest Quarter of said Section 4, a distance of 992.68 feet to the point of beginning; thence continuing North 90°00'00" East, along said North Line, a distance of 363.27 feet to the Northeast Corner of the West Half of the Northwest Quarter of said Section 4; thence South 00°01'38" West, along the East Line of the West Half of the Northwest Quarter of said Section 4, a distance of 600.00 feet; thence South 90°00'00" West, 363.27 feet; thence North 00°01'38" East, 600.00 feet to the point of beginning, said tract containing 5.00 acres, more or less, subject to any and all recorded easements and right-of-ways, all being situated in Lincoln Township, Ogle County, Illinois.

Property Identification Number (PIN): 07-04-200-001; 07-04-200-003; 07-04-100-003; 07-05-200-002
Common Location: 6974 N. IL Route 26
EXHIBIT “B”

FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS
This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Elkhorn Solar, LLC, % Geoff Fallon, 601-A W. Main St., Carrboro, NC; Rodney Wubbena, 11129 Abbotsford Pl., Belvidere, IL; and Joan L. Wubbena, Trustee, JL Wubbena Trust, 7891 S. Tampan Dr., Dixon, IL in case #8-17SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow a solar farm on Parcel Identification Nos. 07-05-200-002, 07-04-100-003, 07-04-200-001, and 07-04-200-003, a 359.5-acre parcel located in part of the East Half (E1/2) of G.L.2 and G.L.1 of Northeast Quarter (NE1/4) of Fractional Section 5, Township 24 North, Range 8 East of the 4th P.M.; and G.L.1 and part of G.L.2 of the Northwest Quarter (NW1/4) of Fractional Section 4, Township 24 North, Range 8 East of the 4th P.M.; and part of G.L.1 and part of G.L.2 of Northeast Quarter (NE1/4) Fractional Section 4, Township 24 North, Range 8 East of the 4th P.M.; all in Lincoln Township, Ogle County, IL at the common location of 6974 N. IL Rte. 26.

After due notice, as required by law, the Zoning Board of Appeals conducted a public hearing in this case on October 26, 2017 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 16-9-8C (Standards for Special Use Permits) of the Ogle County Amendatory Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. Based on the evidence presented, it appears that a solar farm may be unreasonably detrimental to the value of other properties in the neighborhood, and to the public health, safety, morals, comfort and general welfare at large. STANDARD NOT MET.

2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

a. The location, nature and height of building, structures, walls and fences on the site; and,

b. The nature and extent of proposed landscaping and screening on the proposed site.

The proposed use, due to its location within approximately 1,343 feet of the Village of Forreston and proximity to residential uses, the amount of land area involved in the proposed solar farm, and the location of the proposed solar farm along the main highway entering the Village of Forreston, will dominate the immediate neighborhood so as to prevent development and use of neighboring property. STANDARD NOT MET.
3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.

4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. Adequate utilities, ingress/egress to the site from N. IL Route 26, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.

5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. The establishment of a solar farm in the AG-1 zoning district may be detrimental to existing agricultural operations and established residential uses in the immediate area. The proposed special use is not essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. STANDARD NOT MET.

6. That the proposed special use complies with all provisions of the applicable district regulations. The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application does not meet all the standards as found in Section 6-9-8C of the Ogle County Amendatory Zoning Ordinance.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the AG-1 Agricultural District to allow a solar farm be denied.

ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend denial, 1 opposed.

Respectfully submitted this 30th day of November 2017 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
David Williams
Paul Soderholm
Mark Hayes
James Reed

[Signature]
Randy Ocken, Chairman

ATTEST:

[Signature]
Michael Reibel, Secretary
**GENERAL INFORMATION:**

| Applicant: | Elkhorn Solar, LLC, % Geoff Fallon, 601-A W. Main St., Carrboro, NC; Rodney Wubbena, 11129 Abbotsford Pl., Belvidere, IL; and Joan L. Wubbena, Trustee, JL Wubbena Trust, 7891 S. Tampan Dr., Dixon, IL |
| Status of Applicant: | Elkhorn Solar, LLC = Lessee  
Rodney Wubbena = Owner  
JL Wubbena Trust (Joan Wubbena) = Owner |
| Requested Action: | Special Use Permit in the AG-1 Agricultural District |
| Purpose: | Solar farm |
| Location: | East Half (E1/2) of G.L.2 and G.L.1 of Northeast Quarter (NE1/4) of Fractional Section 5, Township 24 North, Range 8 East of the 4th P.M.; and G.L.1 and part of G.L.2 of the Northwest Quarter (NW1/4) of Fractional Section 4, Township 24 North, Range 8 East of the 4th P.M.; and part of G.L.1 and part of G.L.2 of Northeast Quarter (NE1/4) Fractional Section 4, Township 24 North, Range 8 East of the 4th P.M.; all in Lincoln Township, Ogle County, IL, 359.5 acres, more or less (site is located at the intersection of N. IL Route 26 and W. Townline Road, on the south side of W. Townline Road extending easterly approximately 2,135 feet from IL Route 26 and extending westerly approximately 3,843 feet from IL Route 26). Property Identification Numbers: 07-05-200-002; 07-04-100-003; 07-04-200-001; and 07-04-200-003  
Common Location: 6974 N. IL Rte. 26 |
| Size: | 359.5 acres |
| Existing Land Use: | Agriculture (row crop production). |
**Applicant:** Elkhorn Solar, LLC, % Geoff Fallon, 601-A W. Main St., Carrboro, NC; Rodney Wubbena, 11129 Abbotsford Pl., Belvidere, IL; and Joan L. Wubbena, Trustee, JL Wubbena Trust, 7891 S. Tampan Dr., Dixon, IL

**Surrounding Land Use and Zoning:** Land adjacent to the east, west and south of the site is in agricultural use and is zoned AG-1. Land adjacent to the north of the site contains a mixture of agricultural and rural residential uses. Land to the north of the site, north of Townline Road is zoned R-2 Single Family Residence District (approximately 2,609 feet west of IL Route 26 and approximately 1,059 feet east of IL Route 26), AG-1 Agricultural District (west of the land zoned R-2 that is west of IL Route 26) and I-1 Industrial District (east of the land zoned R-2 that is east of IL Route 26).

**Comprehensive Plan:** The site is located within approximately 1,343 feet of the southern boundary of the Village of Forreston. The Village of Forreston has an adopted comprehensive plan (Village of Forreston, Illinois 2005 Comprehensive Plan). The site is located within Lincoln Township, which does not have a township planning commission. For land located within 1.5 miles of a city or village that has adopted a comprehensive plan, the Ogle County Amended Comprehensive Plan defers to the applicable city or village comprehensive plan.

The Village of Forreston, Illinois 2005 Comprehensive Plan designates land south of Townline Road for continued agricultural use, with the areas within waterways designated as recreational/open space uses. Land north of Townline Road and directly south of the Village of Forreston is designated for residential uses. All other land north of Townline Road and south of White Oak Road outside the Village of Forreston is designated for continued agricultural use and recreational/open space use (land within waterways and stream corridors).

**Zoning History:** None.
<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Elkhorn Solar, LLC, % Geoff Fallon, 601-A W. Main St., Carrboro, NC; Rodney Wubbena, 11129 Abbotsford Pl., Belvidere, IL; and Joan L. Wubbena, Trustee, JL Wubbena Trust, 7891 S. Tampan Dr., Dixon, IL.</th>
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<tr>
<td>Applicable Regulations:</td>
<td>“Solar farm” is a listed Special Use within the AG-1 Agricultural District regulations. Applicable definitions from the Zoning Ordinance are as follows:</td>
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<tr>
<td>SOLAR COLLECTOR:</td>
<td>A device, structure or part of a device or structure (i.e. array, panel, etc.) installed for the purpose of transforming solar energy into thermal, mechanical, chemical or electrical energy.</td>
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<tr>
<td>SOLAR ENERGY:</td>
<td>Radiant energy received from the sun that is collected in the form of heat or light by a solar collector.</td>
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<tr>
<td>SOLAR FARM:</td>
<td>A use of land where a series of solar collectors are placed in an area for the purpose of converting solar energy into electrical power for interconnection with the power grid primarily for off-site energy consumption. The term includes any associated cabling, devices, equipment, and structures located on site that are associated with the operation of a solar farm. The use of solar collectors for residential or business consumption that occurs on-site is not considered a solar farm.</td>
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</table>
**SPECIAL INFORMATION:**

**Public Utilities:**
The proposed use does not require public utilities; however, Village of Forreston water supply and sanitary sewer are located approximately 1,350 feet north of the site.

**Transportation:**
N. IL Route 26 is a state-maintained highway functionally classified as a “principal arterial” highway. W. Townline Road west of IL Route 26 is a seal coat surfaced road under the jurisdiction of Forreston Township to a point approximately 2,590 feet west of IL Route 26, and from thereon westerly it is under the jurisdiction of Lincoln Township. W. Townline Road east of IL Route 26 is a gravel surfaced road under the jurisdiction of Forreston Township. W. Townline Road, both east and west of IL Route 26, is functionally classified as a “local road”.

**Physical Characteristics:**
The site is part of an upland ridge top/side slope system. The highest elevation on the site (960 feet above mean sea level [MSL]) appears to be approximately 700 feet south of Townline Road and approximately 550 feet east of IL Route 26. The lowest elevation on the site (852 feet above MSL) appears to be along the western boundary approximately 890 feet north of the northwest corner of the site. There are no mapped wetlands or Special Flood Hazard Areas on the site. There are no perennial streams on the site, although there are three distinct waterways in the western half of the site.

According to the Ogle County Digital Soil Survey there are sixteen different soil types identified on the site, which have the following selected characteristics:

- 64.2% are classified as “Prime farmland”, 35.2% are classified as “Farmland of statewide importance”, and 0.6% are classified as “Not prime farmland”.
- 87.8% are classified as “Well drained”, 0.6% are classified as “Somewhat excessively drained” and 11.6% are classified as “Somewhat poorly drained”.
- None of the identified soil types are subject to ponding, and 0.1% of the identified soil types are subject to frequent flooding.

**LESA:**
The LESA score of 200.3 indicates a MEDIUM RATING FOR PROTECTION (LE = 88.3; SA = 112).

**ATTACHMENTS:**
LESA Summary Sheet
RECOMMENDATIONS:
The following are recommended conditions for approval of this Special Use Permit:

1. General Provisions:

All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.

2. Development Standards

The following standards shall apply:

A. Height: No aspect of a solar farm shall exceed 25 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.

B. Setbacks: All aspects and components of a solar farm shall be set back a minimum 40 feet from the right-of-way line of a township jurisdiction road, a minimum of 60 feet from the right-of-way line of a county jurisdiction road, and a minimum of 80 feet from a state/federal jurisdiction road.

C. Yard Area Requirements: All aspects and components of a solar farm shall maintain the following yard areas:

1) Rear yard: Minimum 50 feet.
2) Side yards: Minimum 30 feet.

D. Approved Solar Components:

1) Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).
2) Building and electrical plans for the solar farm shall be in compliance with all required building and electrical codes for the State of Illinois.

E. Lighting: Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.

F. Stormwater Management: Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm. A Drainage Permits will be required to be issued by the Ogle County Engineer for compliance with the Ogle County Stormwater Management Ordinance.

G. Vegetative Cover, Vegetative Maintenance and Weed Control: All areas occupied by the solar farm that are not utilized for access to operate and maintain the solar farm shall be planted and maintained with native warm-season grass(es) and/or other vegetation for the purpose of soil stabilization or other methods approved by the Planning & Zoning Administrator and/or County Engineer.

The solar farm owner/operator shall provide for weed control in a manner that prevents the spread of weeds onto agricultural land affected by the construction, operation or decommissioning of the solar farm. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.
The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.

II. **Zoning Certificate and Occupancy Certificate:** Prior to construction of the solar farm, a Zoning Certificate (permit) shall be issued by the Planning & Zoning Department. All aspects and components of a solar farm shall require engineering certified by a registered engineer or other certified professional. Upon completion of construction of the solar farm and prior to placing into service, an Occupancy Certificate shall be issued by the Planning & Zoning Department. A “certificate of inspection” from a qualified inspector as defined pursuant to 20 ILCS 3105/10.09-1 is required to be submitted before an Occupancy Certificate will be issued.

I. **Utility Notification:** Unless the applicant is a public utility, no Zoning Certificate to construct a solar farm shall be issued until evidence has been provided to the Planning & Zoning Department that the applicant has entered into a power purchase agreement (PPA).

J. **Decommissioning:**

1) The owner or operator of a solar farm shall completely decommission the solar farm within eighteen (18) months if any of the following conditions ("decommissioning triggers") exist:

   a. The solar farm ceases to generate electricity for a continuous period of twelve (12) consecutive months;
   b. The land lease ends, expires or is terminated;
   c. The solar farm is damaged and will not be repaired or replaced.

   This period may be extended by the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner’s or operator’s reasonable control and the solar farm has not been abandoned.

2) Decommissioning shall include:

   a. The removal all equipment, cables, wires, conduits, structures, fencing, and foundations to a depth of at least 42 inches below grade.
   b. The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.
   c. Restoration of the land to a condition reasonably similar to its condition prior to the solar farm development, including replacement of top soil removed or eroded.
   d. Re-vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.

3) As a condition of issuance of a Zoning Certificate authorizing the construction of the Solar Farm, Applicant shall submit to the Ogle County Planning & Zoning Department an estimate of decommissioning costs prepared by a qualified engineer. Ogle County may, at Applicant’s expense, hire its own qualified consultant to verify the accuracy of Applicant’s estimate of decommissioning costs.

4) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of the solar farm by natural or
man-made causes, the solar farm owner and/or operator shall obtain and deliver to the County of Ogle ("County") a letter of credit or performance bond, or similar financial assurance, in form and substance reasonably satisfactory to the County, securing the solar farm owner and/or operator obligation to remove the solar farm ("Decommissioning Security").

The Decommissioning Security shall be equal to or greater than the estimated amount by which the cost of decommissioning the solar farm exceeds the salvage value of the solar farm. By its terms, the Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator of the solar farm or other termination of the owner and/or operator of the solar farm’s existence or its legal obligations. Once it is in place, the owner and/or operator of the solar farm shall maintain the Decommissioning Security, and cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.

When any of the identified decommissioning triggers exist, if the owner and/or operator of the solar farm has not complied with its decommissioning and related obligations, the County shall be entitled to make a claim against the Decommissioning Security for its costs to decommission the solar farm, net of any salvage value the County actually realizes.

Decommissioning costs shall be re-valuated once every five (5) years from the date of substantial completion of the solar farm to ensure sufficient funds for decommissioning and, if the parties agree at that time that the decommissioning costs need to be modified, the amount of the Decommissioning Security shall be adjusted accordingly.

K. Materials Handling, Storage and Disposal

1) All solid wastes related to the construction, operation and maintenance of the Solar Farm 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 Solar Farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

L. Points of Contact

The Solar Farm Owner/Operator shall maintain with the Ogle County Planning & Zoning Department and Sheriff’s Department a primary and two (2) secondary points of contact. Any changes shall be reported immediately or as soon as possible.

M. Coordination with Local Fire Protection District(s)

1) The Applicant, Owner or Operator shall submit to the local fire protection district(s) a copy of the site plan.

2) Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire protection district’s emergency response plan. The Solar Farm Owner/Operator shall cooperate with any and all local rescue authorities to provide training (at Owner’s and/or Operator’s expense) to personnel who can assist with a rescue from a Solar Farm.

3) Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.
N. Miscellaneous Provisions:

1) The facility shall provide approval for access points and change in access use from the road authority having jurisdiction.

2) The perimeter of the solar farm shall be secured through the use of security fencing of at least six (6) feet in height.

3) The owner or operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

4) The owner of the solar farm shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to commencement of construction of the solar farm.