ORDINANCE 2019-0101

WHEREAS, at its County Board meeting held on August 21, 2018, the Ogle County Board passed Ordinance 2018-0808 "An Ordinance Establishing a Moratorium on Solar Farm Approvals."

WHEREAS, an Ad Hoc committee has studied the issue of Solar Farm zoning and has made certain recommendations to the Ogle County Board.

WHEREAS, The Ogle County Board has adopted Resolution 2019-0101 which adopts the recommendations of the Ad Hoc committee and eliminates the need for the Moratorium on Solar Farm Approvals

NOW THEREFORE BE IT ORDAINED, on this 10th day of January, 2019 by the Ogle County Board, that "An Ordinance Establishing a Moratorium on Solar Farm Approvals" is Hereby SUSPENDED at the time of approval of this Ordinance by the Ogle County Board, until 12:01 am on January 11, 2019, at which time the Moratorium will be reinstated as per ordinance 2018-0808.

Attest:

Kim P. Gouker
Chairman, Ogle County Board

Laura J. Cook
Ogle County Clerk
February 7, 2019

The Ogle County Board, at a special County Board meeting held on Thursday, January 10, 2019, Janes presents the petition of #6-18SU - Pilkin - FFP IL Community Solar, LLC, % Sam Youneszadeh, 100 Montgomery St., Ste. 725, San Francisco, CA; and Ronald E. & Carolyn A. Pilkin, 6821 E. Hales Corner Rd., Stillman Valley, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Ronald E. & Carolyn A. Pilkin, and being leased by FFP IL Community Solar, LLC: Part of the East Half (E) of G.L. 2 of the Northeast Fractional Quarter (NE Fr. 1/4) of Section 3; and part of G.L. 1 and G.L. 2 of the Northwest Fractional Quarter (NW Fr. 1/4) of Section 2 Marion Township 24N, R11E of the 4th P.M., Ogle County, IL, 553 acres, more or less - P.L.N.(s):10-03-200-012 & 10-02-101-001 - Common Location: 7000 block of E. Hales Corner Rd.
Janes states ZBA denied the petition 3-2, denied by the Township and the Regional Planning Commission approved 3-2.
Janes moved to deny O-2019-0102, Fritz seconds. A roll call is taken:

YES: Finkrock, Fox, Fritz, Griffin, Heuer, Janes, Kenney, McLester, Nordman, Reising, Smith, Sparrow, Sulser, Typer, Whalen, Youman, Asp, Bowers, Corbitt, Droge and Gouker

NO: Hopkins and McKinney

ABSENT: Otman

Motion carries on roll call vote. (Placed on file)

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 )
COUNTY OF OGLE ) SS

ORDINANCE NO. 2019-0102

AN ORDINANCE DENYING A SPECIAL USE PERMIT ON PROPERTY
LOCATED IN THE 7000 BLOCK OF E. HALES CORNER ROAD IN MARION TOWNSHIP

WHEREAS, FFP IL Community Solar, LLC, % Sam Youneszadeh, 100 Montgomery St., Ste. 725, San Francisco, CA; and Ronald E. & Carolyn A. Piñkin, 6821 E. Hales Corner Rd., Stillman Valley, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 06-18SU) to allow a solar farm on property located in the 7000 Block of E. Hales Corner Road in Marion 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 June 28, 2018 at which the petitioners 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 nine (9) 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 denied as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated June 28, 2018, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 06-18SU) to allow a solar farm would be inconsistent 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 FFP IL Community Solar, LLC, % Sam Youneszadeh, 100 Montgomery St., Ste. 725, San Francisco, CA; and Ronald E. & Carolyn A. Piñkin, 6821 E. Hales Corner Rd., Stillman Valley, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 06-18SU) to allow a solar farm on property located in the 7000 Block of E. Hales Corner Road in Marion Township and legally described as shown in Exhibit “A” attached hereto is hereby denied.

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 Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 10TH DAY OF JANUARY 2019 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 the Northeast Fractional Quarter of Section 3, Township 24 North, Range 11 East of the Fourth Principal Meridian, lying North of the Northerly Line of the Right-of-Way of the Chicago, Milwaukee & St. Paul Railroad, bounded and described as follows:

Commencing at the Northwest Corner of the East-half of Government Lot 2 of said Northeast Fractional Quarter; thence South 88 degrees 45 minutes 53 seconds East along the North Line of said Government Lot 2, a distance of 448.85 feet to the Point of Beginning of the hereinafter described tract of land; thence continuing South 88 degrees 45 minutes 53 seconds East along said North Line, a distance of 882.91 feet to the Northeast Corner of said Section 3; thence South 00 degrees 14 minutes 11 seconds East along the East line of said Section 3, a distance of 865.10 feet to the Northerly Right-of-Way Line of said railroad; thence North 75 degrees 59 minutes 27 seconds West along said Northerly Right-of-Way Line, a distance of 910.20 feet; thence North 00 degrees 16 minutes 17 seconds West, parallel with the West Line of the East-half of said Government Lot 2, a distance of 663.79 feet to the Point of Beginning, containing 15.485 acres, more or less, subject to that land being used for public road purposes and also subject to all easements, agreements, county codes and/or ordinances of record if any, all situated in the Township of Marion, the County of Ogle and the State of Illinois.

AND

Part of the Northwest Fraction Quarter of Section 2, Township 24 North, Range 11 East of the Fourth Principal Meridian, lying North of the Northerly Line of the Right-of-Way of the Chicago, Milwaukee & St. Paul Railroad, bounded and described as follows:

Beginning at the Northwest Corner of Government Lot 2 of said Northwest Fractional Quarter; thence South 88 degrees 53 minutes 45 seconds East along the North Line of said Government Lot 2, a distance of 1645.38 feet; thence South 00 degrees 14 minutes 11 seconds East, parallel with the West Line of said Section 2, a distance of 1244.23 feet to the Northerly Right-of-Way Line of said railroad; thence North 75 degrees 59 minutes 27 seconds West along said Northerly Right-of-Way Line, a distance of 1697.12 feet to the West Line of said Section 2; thence North 00 degrees 14 minutes 11 seconds West, along said West Line, a distance of 865.10 feet to the Point of Beginning, containing 39.827 acres, more or less, subject to that land being used for public road purposes and also subject to all easements, agreements, county codes and/or ordinances of record if any, all situated in the Township of Marion, the County of Ogle and the State of Illinois.

Property Identification Number (PIN): 10-03-200-012 and 10-02-101-001
Common Location: 7000 Block of E. Hales Corner Road

O-2019-0102
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 FFP IL Community Solar, LLC, % Sam Youneszadeh, 100 Montgomery St., Ste. 725, San Francisco, CA; and Ronald E. & Carolyn A. Piñkin, 6821 E. Hales Corner Rd., Stillman Valley, IL in case #6-18SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow a solar farm on Parcel Identification Nos. 10-03-200-012 and 10-02-101-001, a 55.3-acre parcel located in part of the East Half (E ½) of G.L. 2 of the Northeast Fractional Quarter (NE Fr. 1/4) of Section 3; and part of G.L. 1 and G.L. 2 of the Northwest Fractional Quarter (NW Fr. 1/4) of Section 2, T24N, R11E of the 4th P.M., Marion Township, Ogle County, IL and commonly located in the 7000 Block of E. Hales Corner Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on June 28, 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. 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 proximity to residential uses and the residential character of the surrounding area, 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. **The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from E. Hales Corner Road, 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. **Evidence indicates that 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 3 members for the motion to recommend denial, 2 opposed.

Respectfully submitted this 28th day of June 2018 by the Ogle County Zoning Board of Appeals.

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

Randy Ocken, Chairman

ATTEST:
Michael Reibel, Secretary
February 7, 2019

The Ogle County Board, at a special County Board meeting held on Thursday, January 10, 2019, Janes presents the petition of #7-18 SU - Terhark - FFP IL Community Solar, LLC, % Sam Youneszadeh, 100 Montgomery St., Ste. 725, San Francisco, CA; and Dan Terhark, 3997 N. Pear Rd., Polo, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Dan Terhark, and being leased by FFP IL Community Solar, LLC: Part of the Southwest Quarter (SW1/4) of Section 27 Marion Township 25N, R11E of the 4th P.M., Ogle County, IL, 52.68 acres, more or less - P.I.N.(s): 05-27-300-011 - Common Location: 8248 N. Kishwaukee Rd.

Janes states ZBA approved the petition 5-0, denied by the Township and the Regional Planning Commission denied 3-1.

Janes moved to approve O-2019-0103, Asp seconds. A roll call is taken:

YES: Fox, Fritz, Griffin, Heuer, Hopkins, Janes, Kenney, McKinney, McLester, Nordman, Reising, Smith, Sparrow, Sulser, Typer, Whalen, Youman, Asp, Bowers, Corbitt, Droge, Finfock and Gouker

NO: None

ABSENT: Oltmanns

Motion carries on roll call vote. (Placed on file)

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.
WHEREAS, FFP IL Community Solar, LLC, % Sam Youneszadeh, 100 Montgomery St., Ste. 725, San Francisco, CA; and Dan Terhark, 3997 N. Pear Rd., Polo, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 07-18SU) to allow a solar farm on property located at 8248 N. Kishwaukee Road in Marion 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 June 28, 2018 at which the petitioners 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 one member 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 with conditions as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated June 28, 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 with conditions; 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. 07-18SU) to allow a solar farm 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 FFP IL Community Solar, LLC, % Sam Youneszadeh, 100 Montgomery St., Ste. 725, San Francisco, CA; and Dan Terhark, 3997 N. Pear Rd., Polo, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 07-18SU) to allow a solar farm on property located at 8248 N. Kishwaukee Road in Marion Township and legally described as shown in Exhibit “A” attached hereto, is hereby approved subject to the following conditions:
A. Definitions

The below words and terms shall have the following definitions as utilized herein:

LANDOWNER: Owner of land, record owner, real property owner in Ogle County seeking SPECIAL USE Permit to install a PV SOLAR FARM to generate electricity outside of their own personal use for residence/property. Typically LANDOWNER form agreements with PV SOLAR FARM Owners/Operators who typical install and/or operate the PV SOLAR FARM for commercial sale of solar energy. Note, throughout this document LANDOWNER is interchangeable with "owner", "property owner", "record owner", "real owner", etc.

NON-ADAPTABLE STRUCTURE: Any STRUCTURE or physical alteration to the land which requires a SPECIAL USE Permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE). This term shall include, but not be limited to, a PV SOLAR FARM.

NOXIOUS WEEDS: Any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.

OPERATOR: Any company, LLC or entity that has been contracted to operate PV SOLAR FARM for purpose to sell solar electricity. OPERATOR and OWNER can be interchangeable and are responsible meeting all conditions of Ogle County, IL Solar Farm Special Use Conditions.

OWNER: Any company, LLC or entity that has formed agreement with LANDOWNER to install, construct and/or Operate PV SOLAR FARM. OWNER in conjunction with LANDOWNER are responsible for meeting conditions of Ogle County, IL Solar Farm Special Use Conditions. Original Owner of PV SOLAR FARM may sell their ownership stake in PV SOLAR FARM to new OWNER/OPERATOR but all conditions of Solar Farm Special Use apply otherwise permit will be denied. Note, throughout this document OWNER is interchangeable with "owner", "operator", "lessor", etc.

PHOTOVOLTAIC (PV): A type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.

PV SOLAR FARM: A unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different Owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and water wells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph. Any other type of SOLAR FARM that is not a PV SOLAR FARM such as concentrated solar and/or thermal solar are not covered by this Ordinance.

PV SOLAR FARM, COMMUNITY: A PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
B. General Conditions

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

2. The area of the PV SOLAR FARM SPECIAL USE permit must include the following minimum areas:
   
a. All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.

b. All necessary PV SOLAR FARM STRUCTURES and ACCESSORY STRUCTURES including electrical distribution lines, inverters, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY and all water wells that will provide water for the PV SOLAR FARM. For purposes of determining the minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.

c. All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q.

3. Interconnection to the power grid
   
a. The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant or PV SOLAR FARM is in the queue to acquire an interconnection agreement to the power grid.

b. Documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of an Occupancy Certificate to authorize operation of the PV SOLAR FARM.

4. Right to farm

   The Owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Farm Nuisance Suit Act (740 ILCS 70/).

C. Minimum Lot Standards

1. There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/or PV SOLAR FARM maintenance and management facilities.

2. There is no maximum LOT AREA requirement on prime farmland as defined by the U.S. Department of Agriculture.
D. Minimum Standard Conditions for Separations for PV SOLAR FARM from adjacent USES and STRUCTURES

The location of each PV SOLAR FARM shall provide the following required separations as measured from the exterior of the above ground portion of the PV SOLAR FARM STRUCTURES and equipment including fencing:

1. PV SOLAR FARM fencing shall be set back from the street right-of-way line a minimum of 40 feet from a road/street under township jurisdiction, and a minimum of 60 feet from the right-of-way of a road/highway under Ogle County jurisdiction, and a minimum of 80 feet from the right-of-way of a road/highway under state or federal jurisdiction unless a greater separation is required for screening pursuant to subsection L.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET, road or highway.

2. For properties participating in the solar farm: No required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.

3. For properties not participating in the solar farm:
   a. For any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
      i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
      ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the Zoning Board of Appeals.
   b. For any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.

4. A separation of at least 500 feet from any of the following unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation from any of the following:
   a. Any AIRPORT premises or any AIRPORT approach zone within five miles of the end of the AIRPORT runway; or
   b. Any RESTRICTED LANDING AREA that is NONCONFORMING or which has been authorized by SPECIAL USE permit and that existed on or for which there had been a
complete SPECIAL USE permit application received prior to the filing of an application for Special Use for the subject solar farm, or any approach zone for any such RESTRICTED LANDING AREA.

5. A separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.

6. Electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.

7. Separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the Zoning Board of Appeals on a case-by-case basis.

8. PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.

E. Standard Conditions for Design and Installation of any PV SOLAR FARM.

1. Any building that is part of a PV SOLAR FARM shall include as a requirement for an Occupancy Certificate a certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.

2. Electrical Components
   a. All electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
   b. Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).
   c. Burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.

3. Maximum height. No aspect or component of a solar farm shall exceed 15 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.

4. Warnings. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

5. No construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.
6. 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.

7. The solar farm Owner/Operator shall provide approval for access points and change in access use from the road or highway authority having jurisdiction.

8. The Owner/Operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

9. During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

F. Storm water Management, Retention of Topsoil and Minimizing Disturbance to Prime Farmland

1. Storm water 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 Storm water Management Ordinance.

2. Retention of all topsoil

   No topsoil may be removed, stripped, or sold from the proposed SPECIAL USE Permit site pursuant to or as part of the construction of the PV SOLAR FARM.

3. Minimizing disturbance to PRIME FARMLAND as defined by the U.S. Department of Agriculture

   a. Any PV SOLAR FARM to be located on PRIME FARMLAND shall minimize the disturbance to PRIME FARMLAND as follows:

      i. The disturbance to PRIME FARMLAND caused by construction and operation of the PV SOLAR FARM shall be minimized at all times consistent with good engineering practice.

      ii. Disturbance to PRIME FARMLAND shall be offset by establishment of a vegetative ground cover within the PV SOLAR FARM that includes the following:

         (a) The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.

         (b) The species selected shall serve a secondary habitat purpose as much as possible.

         (c) Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.
(d) The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the PV SOLAR FARM SPECIAL USE permit application. The landscape plan shall include the weed control plan required by subsection O(3).

(e) The Ogle County Soil & Water Conservation District shall be consulted for appropriate vegetative ground cover species selections.

G. Standard Conditions for Coordination with Local Fire Protection District

1. The Applicant shall submit to the local fire protection district a copy of the site plan.

2. Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.

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

H. Standard Conditions for Allowable Noise Level

1. Noise levels from any PV SOLAR FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910).

2. The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed PV SOLAR FARM equipment necessary for a competent noise analysis.

3. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements as follows:

   a. The SPECIAL USE permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis that includes the following:

      i. The pre-development 24-hour ambient background sound level shall be identified at representative locations near the site of the proposed PV SOLAR FARM.

      ii. Computer modeling shall be used to generate the anticipated sound level resulting from the operation of the proposed PV SOLAR FARM within 1,500 feet of the proposed PV SOLAR FARM.

      iii. Results of the ambient background sound level monitoring and the modeling of anticipated sound levels shall be clearly stated in the application and the application shall include a map of the modeled noise contours within 1,500 feet of the proposed PV SOLAR FARM.

      iv. The application shall also clearly state the assumptions of the computer model's construction and algorithms so that a competent and objective third party can as simply as possible verify the anticipated sound data and sound levels.

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For a COMMUNITY PV SOLAR FARM the Zoning Board of Appeals may require submission of a noise analysis that meets the standard of subsection H.(3)a.

After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:

a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board aware of complaints about noise that have been received by the Complaint Hotline.

b. If the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board determines that the noise is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive noise.

I. Standard Conditions for Endangered Species Consultation

The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources or, if applicable, a copy of the Detailed Action Plan Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

J. Standard Conditions for Historic and Archaeological Resources Review

The Applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the State Historic Preservation Officer of the Illinois Department of Natural Resources.

K. Standard Conditions for Acceptable Wildlife Impacts

The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.

L. Screening and fencing

1. Perimeter fencing

   a. PV SOLAR FARM equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 7 feet.

   b. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

   c. Vegetation between the fencing and the LOT LINE shall be maintained such that NOXIOUS WEEDS are controlled or eradicated consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). Management of the vegetation shall be explained in the application.
d. The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.

2. Screening

a. A visual screen shall be provided around the perimeter of the PV SOLAR FARM as follows:

   i. The visual screen shall be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT except that the visual screen may not be required within the full 1,000 feet of an existing DWELLING or residential DISTRICT provided the applicant submits a landscape plan prepared by an Illinois Registered Landscape Architect and the Zoning Board of Appeals finds that the visual screen in the landscape plan provides adequate screening. However, the visual screen shall not be required if the PV SOLAR FARM is not visible to a DWELLING or residential DISTRICT by virtue of the existing topography.

   ii. The visual screen shall be waived if the Owner(s) of a relevant DWELLING(S) have agreed in writing to waive the screening requirement and a copy of the written waiver is submitted to the Zoning Board of Appeals or Ogle County Board.

   iii. The visual screen shall be a vegetated buffer as follows:

   a. A vegetated visual screen buffer shall include a continuous line of native evergreen foliage and/or native shrubs/trees and/or any existing wooded area plantings that will meet height requirements specified to conceal the PV SOLAR FARM from view from adjacent abutting property.

   b. Any vegetation that is part of the approved visual screen buffer shall be maintained in perpetuity of the PV SOLAR FARM. If the screen foliage drops below a height of 7 feet disappears over time, the screening shall be replaced within next growing season.

   c. The continuous line of native evergreen foliage and/or native shrubs and/or native trees shall be planted at a minimum height of 5 feet tall and shall be planted in multiple rows as required to provide a 50% screen within 2 years of planting. The planting shall otherwise conform to Natural Resources Conservation Service Practice Standard 380 Windbreak/Shelter-break Establishment except that the planting shall be located as close as possible to the PV SOLAR FARM fence while still providing adequate clearance for maintenance.

A planting of tall native grasses and other native flowering plants may be used in conjunction with as a visual screen buffer for any PV module installation that is no more than 8 feet tall provided that the width of planting shall be as authorized by the Zoning Board of Appeals and the planting shall otherwise be planted and maintained per the recommendations of the Natural Resources Conservation Service Practice Standard 327 Conservation Cover and further provided that the PV SOLAR FARM perimeter fence is opaque.
d. All screen buffer shall be detailed in a landscape plan drawing that shall be included with the PV SOLAR FARM SPECIAL USE permit application.

M. Standard Conditions to Minimize Glare

1. The design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.

2. After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate complaints of glare in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any significant glare that is occurring, including but not limited to the following:
   a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee aware of complaints about glare that have been received by the Complaint Hotline.
   b. If the Supervisor of Assessments and Planning & Zoning Committee determines that the glare is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive glare such as the installation of additional screening.

N. Standard Condition for Liability Insurance

1. General Liability Insurance
   a. The County of Ogle, Illinois, its officers and employees shall be included as an additional insured on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims made policies.
   b. The County of Ogle, Illinois, its officers and employees shall be named as additional insured with a waiver of subrogation on the Commercial Liability policy.
   c. Any Commercial Umbrella utilized shall be a “Following Form” policy.
   d. All policies must contain no more than a 30 day notice of cancellation.
   e. Current copies of the insurance policies and certificates of insurance shall be kept on file with the Ogle County Clerk.

2. Maintenance of General Liability Insurance
   a. The Owner or Operator of the PV SOLAR FARM shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of a least $5 million per occurrence and $5 million in the aggregate.
   b. The Owner or Operator of the PV SOLAR FARM shall maintain a current Commercial Auto policy of at least $1,000,000.
c. The Owner or Operator of the PV SOLAR FARM shall maintain Workman's Compensation insurance in the following amounts:

i. $1,000,000 per accident;

ii. Occupational Disease: $1,000,000 per employee with a policy limit of $1,000,000.

3. Pollution liability insurance shall be maintained in the amount of $5,000,000 per policy.

4. The general liability policy shall identify Landowners in the SPECIAL USE permit as additional insured.

O. Operational Standard Conditions

1. Maintenance

a. The Owner or Operator of the PV SOLAR FARM must submit, on an annual basis, a summary of operation and maintenance reports to the Supervisor of Assessments and Planning & Zoning Committee and any other operation and maintenance reports as the Supervisor of Assessments and Planning & Zoning Committee reasonably requests.

b. Any physical modification to the PV SOLAR FARM that increases the number of solar conversion devices or structures and/or the land area occupied by the PV SOLAR FARM shall require a new SPECIAL USE Permit. Like-kind replacements shall not require re-certification nor will replacement of transformers, cabling, etc. provided replacement is done in a fashion similar to the original installation.

c. The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The Zoning Board of Appeals may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent water wells.

2. Materials Handling, Storage and Disposal

a. All solid wastes related to the construction, operation and maintenance of the PV SOLAR FARM shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

b. All hazardous materials related to the construction, operation and maintenance of the PV SOLAR FARM shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

3. Vegetation management

a. The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing.
b. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.).

c. The weed control plan shall be explained in the application.

4. Points of Contact

The Owner or Operator of the PV SOLAR FARM shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. This information shall be kept current at all times, and changes shall be reported immediately or as soon as possible.

5. The Operator of the PV SOLAR FARM shall conduct ground water monitoring and testing via groundwater monitoring wells commencing five (5) years from the date of substantial completion of the PV SOLAR FARM and every five (5) years thereafter during the life of the PV SOLAR FARM, the results of which shall be submitted to the Ogle County Zoning Administrator. The purpose of this required condition of Special Use approval is to provide controlled access for sampling ground water near a PV SOLAR FARM in order to detect seepage and monitor the effects of contaminants in seepage on ground water quality.

a. Monitoring wells shall be planned, designed, constructed, operated and maintained in a manner that meets all applicable local, state and federal laws and regulations. The installation shall meet all the requirements and regulations as set forth in the Illinois Water Well Construction Code (TITLE 77: PUBLIC HEALTH; CHAPTER I: DEPARTMENT OF PUBLIC HEALTH; SUBCHAPTER r: WATER AND SEWAGE; PART 920 WATER WELL CONSTRUCTION CODE).

b. Prior to the design of a monitoring well, a surface and subsurface investigation shall be conducted to develop a conceptual hydrogeological model of the site, to identify potential ground water flow paths, and to determine the location of the target monitoring zone(s).

i. The hydrogeological investigation shall include the mapping, identification and description of soil and rock masses that affect the movement and transport of subsurface water occurring within at least 100 feet of the perimeter of the PV SOLAR FARM.

ii. The hydrogeological investigation shall identify and describe all characteristics and properties of geologic units that can influence subsurface water flow paths or produce preferred flow paths such as karst development, joint sets, fracture systems, faults, lineaments, and other similar discontinuities. These shall be located on a geologic evaluation map of the site.

iii. The hydrogeological investigation shall identify and describe any tile lines, subsurface drains, surface drains, irrigation ditches, irrigation wells, water supply wells, septic drain fields, infiltration strips, subsurface quarries, mines, or other water control/management related features that have the potential to alter the native subsurface water flow paths. Such features shall be located on a geologic evaluation map of the site.
iv. The hydrogeological investigation shall be of sufficient detail to map the potentiometric surface to a one-foot contour interval. The map of the potentiometric surface shall be used to determine the hydraulic gradient and direction of flow within the target monitoring zone(s).

v. The hydrogeological investigation shall identify and describe any seasonal changes in the potentiometric surface and direction of subsurface water flow paths.

vi. The hydrogeological investigation shall identify and describe other features that influence subsurface water flow such as hard pans, sand boils, animal burrows, seasonal desiccation, high shrink/swell soils, dense till, and depth of frost line.

c. Monitoring wells shall be located both up gradient and down gradient of the PV SOLAR FARM and at a distance and depth based on the results of the hydrogeological investigation of the site.

i. The placement of monitoring wells in fractured rock and karst aquifers shall be based on the location of zones of high-permeability even if they are located offsite.

ii. A minimum of one monitoring well shall be placed on the up gradient side of the waste storage facility and a minimum of three monitoring wells shall be placed down gradient. When seasonal changes in the direction of subsurface water flow are possible, monitoring wells shall be placed in such a manner as to capture both up gradient and down gradient flow during any time of year.

iii. The layout of the monitoring wells shall be based on the conceptual hydrogeological model to intercept representative subsurface water flow path(s) of the target monitoring zone(s).


e. Materials used for the construction of monitoring wells shall be non-reactive with subsurface water and shall not leach substances into the subsurface water.

i. Materials shall be free of contaminants prior to installation.

ii. Well screens shall be made by machine.

iii. All joints shall be threaded. Glued or solvent welded joints shall not be used.

iv. Materials shall have adequate strength to withstand the forces of installation and development.

f. Well Installation methods shall be selected based on site-specific conditions.
i. Installation methods shall be in conformance with ASTM D5092 for granular aquifers, and ASTM D5717 for karst and fractured rock aquifers.

ii. The equipment used shall be capable of creating a stable, open, vertical borehole for installation of the monitoring well.

g. Well protection installation measures to protect the monitoring well from damage from hazards such as frost action, surface drainage, animal or equipment traffic, and lack of visibility shall be taken and conform to ASTM D5092.

i. Positive surface drainage away from the well heads shall be established.

ii. Protection from natural or human caused damage shall be provided in conformance with ASTM D5787 "Standard Practice for Monitoring Well Protection".

iii. A buffer zone with a minimum radius of 30 feet shall be established around each well head.

iv. The buffer zone shall be fenced or otherwise protected from access by motor vehicles and livestock.

v. Within the buffer zone there shall be no storage, handling, mixing, or application of fertilizers, pesticides or other agricultural chemicals or cleaning of equipment used in the handling or application of such items.

h. The monitoring well shall be developed to improve the hydraulic communication between the target hydrogeological unit and the well screen, to minimize the interference of sediment with water quality samples, and to restore the ground-water properties disturbed by the drilling process. Well completion shall ensure that only the targeted hydrogeological unit contributes to the monitoring well and that the annular space is sealed to prevent cross contamination from other water sources.

i. The well development method shall be selected from alternatives provided in ASTM D5092. The selection of the method shall be based on the physical characteristics of the target hydrogeological unit and the drilling method used.

ii. For granular aquifers, well completion shall conform to ASTM D5521 "Standard Guide for Development of Ground Water Monitoring Wells in Granular Aquifers."

iii. For fractured-rock and karst aquifers, well completion shall conform to ASTM D5717.

I. Record keeping shall conform to:

i. ASTM D5254 "Standard Practice for Minimum Set of Data Elements to identify Ground-Water Site".

ii. ASTM D5408 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part One – Additional Identification Descriptors".
iii. ASTM D5409 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part Two – Physical Descriptors".

iv. Installation of monitoring wells shall be reported as required by local or state laws and regulations.

j. Well Design considerations shall use:

i. Use geophysical tools in conjunction with penetrative exploratory techniques to improve and refine the mapping of the location, shape, orientation and extent of subsurface hydrogeological units.

ii. Apply effects of geomorphic processes, geologic structures, regional stratigraphy, and soil and rock properties on subsurface flow patterns when developing a conceptual hydrogeological model.

iii. Utilize the physical properties and methods of movement in the environment of the solutes and pollutants of interest when designing monitoring wells.

iv. Install additional monitoring wells at other points as dictated by the results of the hydrogeological investigation to adequately monitor the location and direction of movement of any potential contaminant plume.


vi. Address frost heave concerns by considering design alternatives that reduce the potential for frost heave to damage the monitoring well.

k. Plans and specifications for constructing, installing, developing and completing monitoring wells shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose.

l. Operation and Maintenance provisions shall be made for operation and maintenance requirements in keeping with the purpose of this standard.

m. Results of Groundwater Testing shall include, but not necessarily be limited to, the following: pesticides, volatile organic compounds (VOCs), GENX Compounds, polycyclic aromatic hydrocarbons (PAHs), Nitrogen Trifluoride, Sulfur Hexafluoride, Copper Indium Selenide and Copper Indium Gallium (di)selenide, as well as other heavy metals such as arsenic, mercury, lead, and cadmium, and endocrine disruptors, such as bisphenol A.

P. **Standard Condition for Decommissioning and Site Reclamation Plan**

1. The Applicant shall submit a signed decommissioning and site reclamation plan conforming to the requirements of section T. herein.
2. In addition to the purposes listed in subsection T.(4) the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.

3. The decommissioning and site reclamation plan required in section T. shall also include the following:

   a. The applicant or successor shall notify the Ogle County Board by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of the proceeding.

   b. The applicant shall agree that the sale, assignment in fact or law, or such other transfer of applicant's financial interest in the PV SOLAR FARM shall in no way affect or change applicant's obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV SOLAR FARM.

   c. Authorization for the Ogle County Board and its authorized representatives for right of entry onto the PV SOLAR FARM premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

   d. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.

   e. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the PV SOLAR FARM or prior to ceasing production of electricity from the PV SOLAR FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.

   f. The decommissioning and site reclamation plan shall provide for payment of any associated costs that Ogle County may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to attorney's fees; construction management and other professional service fees; and the costs of preparing requests for proposals and bidding documents required to comply with state law or Ogle County purchasing policies.

   g. All equipment, cables, wires, conduits, structures, fencing and foundations, whether above or below ground, shall be removed.

   h. Any hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:

   i. The decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.
i. The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original PV SOLAR FARM construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.

ii. The native soils excavated at the time of the original PV SOLAR FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the PV SOLAR FARM. The methods for storing the excavated native soils during the operating lifetime of the PV SOLAR FARM shall be included in the decommissioning and site reclamation plan.

iii. If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this section. The certification shall be submitted to the Zoning Administrator.

iv. An Illinois Licensed Professional Engineer of Ogle County's choosing shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.

i. If the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction in the State of Illinois the PV SOLAR FARM SPECIAL USE permit shall be deemed void.

j. The Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.

k. The liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of the financial assurance.

l. If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Applicant installs equipment or property increasing the cost of decommissioning after the PV SOLAR FARM begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value, the Applicant shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.

4. To comply with subsection T.(5), the Applicant shall provide financial assurance in the form of a performance bond as follows:
a. At the time of Special Use Permit approval, the amount of financial assurance to be provided for the decommissioning and site reclamation plan shall be 125% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in subsections T.(4)a. and T.(4)b. and T.(4)c. and shall otherwise be compliant with subsection T.(5).

b. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:

i. At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter or, if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less not than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Certificate approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.

ii. At all times, the value of the performance bond shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the PV SOLAR FARM was approved.

c. The long term corporate debt (credit) rating of the performance bond issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:

i. The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).

ii. The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.

iii. Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the performance bond shall be replaced with a new performance bond from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating.
d. At all times the value of the performance bond shall be increased annually as necessary to reflect actual rates of inflation over the life span of the PV SOLAR FARM and the amount shall be equal to or exceed 125% of the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the PV SOLAR FARM was approved.

e. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q. shall count towards the total financial assurance required for compliance with subsection T.(5).

f. The Ogle County Board approves otherwise, the Ogle County State's Attorney's Office shall review and approve every performance bond prior to acceptance by the Zoning Administrator.

5. In addition to the conditions listed in subsection T.(9) the Zoning Administrator may also draw on the funds for the following reasons:

a. In the event that any PV SOLAR FARM or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such PV SOLAR FARM or component.

b. In the event that the Owner declares the PV SOLAR FARM or any PV SOLAR FARM component to be functionally obsolete for tax purposes.

c. There is a delay in the construction of any PV SOLAR FARM of more than 6 months after construction on that PV SOLAR FARM begins.

d. Any PV SOLAR FARM or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.

e. Any PV SOLAR FARM or component thereof that is otherwise derelict for a period of 6 months.

f. The PV SOLAR FARM is in violation of the terms of the PV SOLAR FARM SPECIAL USE permit for a period exceeding ninety (90) days.

g. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the COUNTY's interest in the decommissioning and site reclamation plan.

h. The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the special use permit zoning case.

6. The Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in subsection P.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
7. The Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the Zoning Board of Appeals and the signed and executed performance bond must be submitted to the Zoning Administrator prior to any Zoning Certificate approval.

8. In addition to the required decommissioning performance bond, the Applicant shall establish an escrow account in a federally insured financial institution located in Ogle County, proof of which shall be provided prior to the issuance of a Zoning Certificate, and shall deposit therein cash in the amount of:

   a. **$100,000 per MW** of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for completing the required decommissioning of the PV SOLAR FARM as a backup to the required decommissioning performance bond, and

   b. **$100,000 per MW** of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for future disposal of the PV SOLAR FARM components as a backup to the required decommissioning performance bond.

   c. A written escrow agreement shall be prepared and approved by the Ogle County State's Attorney. The County of Ogle shall have access to the escrow account funds for the purpose of completing decommissioning and disposal if not completed by the PV SOLAR FARM Owner and/or Operator.

Q. **Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture.**

1. The Applicant shall enter into an AIMA with the Illinois Department of Agriculture.

2. The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed AIMA with the Illinois Department of Agriculture.

3. All requirements of the signed AIMA with the Illinois Department of Agriculture shall become requirements of the SPECIAL USE Permit.

4. Ogle County shall have the right to enforce all requirements of the signed AIMA with the Illinois Department of Agriculture.

R. **Complaint Hotline**

1. Prior to the commencement of construction on the PV SOLAR FARM and during the entire term of the SPECIAL USE permit and any extension, the Applicant and Owner shall establish a telephone number hotline for the general public to call with any complaints or questions.

2. The telephone number hotline shall be publicized and posted at the operations and maintenance center and the construction marshalling yard.

3. The telephone number hotline shall be manned during usual business hours and shall be an answering recording service during other hours.

4. Each complaint call to the telephone number hotline shall be logged and identify the name and address of the caller and the reason for the call.
5. All calls shall be recorded and the recording shall be saved for transcription for a minimum of two years.

6. A copy of the telephone number hotline shall be provided to the Zoning Administrator on a monthly basis.

7. The Applicant and Owner shall take necessary actions to resolve all legitimate complaints.

S. Standard Condition for Expiration of PV SOLAR FARM County Board SPECIAL USE Permit

A PV SOLAR FARM SPECIAL USE Permit designation shall expire in 2 years if no Zoning Certificate is granted.

T. Decommissioning and Site Reclamation Plan for NON-ADAPTABLE STRUCTURES

1. In the course of Zoning Board of Appeals review of a SPECIAL USE request, the Zoning Board of Appeals may find that a proposed STRUCTURE is a NON-ADAPTABLE STRUCTURE. Any PV SOLAR FARM shall be a NON-ADAPTABLE STRUCTURE. The Applicant for the SPECIAL USE request for a NON-ADAPTABLE STRUCTURE shall submit a decommissioning and site reclamation plan to the Zoning Board of Appeals for the subject site.

2. The decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the Landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a performance bond be provided for financial assurance.

   a. Cost estimates provided shall be subject to approval of the Zoning Board of Appeals.
   b. Except as provided in section P., the salvage value of the components of the NON-ADAPTABLE STRUCTURE shall not be credited to the cost estimates.

4. The decommissioning and site reclamation plan shall provide for:
   a. Removal of above-ground portion of any STRUCTURE on the subject site; site grading; and interim soil erosion control.
   b. Below-ground restoration, including final grading and surface treatment.
   c. Any environmental remediation required by State or Federal law.
   d. Provision and maintenance of a performance bond, as set forth in subsection T.(5).
5. No Zoning Certificate for such SPECIAL USE will be issued until the applicant provides the COUNTY with a performance bond to be drawn upon a federally insured financial institution within 200 miles of Oregon, Illinois or reasonable anticipated travel costs shall be added to the amount of the performance bond.

   a. Unless specified elsewhere in this Ordinance, the performance bond shall be in the amount of one hundred twenty-five percent (125%) of an independent engineer's cost estimate to complete the work described in subsections T.(4)a., T.(4)b. and T.(4)c.

   b. The provisions of this subsection notwithstanding, a different amount may be required as a special condition.

   c. The performance bond, or a successor performance bond pursuant to subsection T.(6) or T.(14), shall remain in effect and shall be made available to the COUNTY for a term specified as a standard condition elsewhere in this ordinance, an indefinite term, or for a different term that may be required as a special condition.

6. One hundred eighty (180) days prior to the expiration date of a performance bond submitted pursuant to this section, the Zoning Administrator shall notify the Landowner or applicant in writing and request information about the Landowner or Applicant's intent to renew the performance bond, or remove the NON-ADAPTABLE STRUCTURE. The Landowner or applicant shall have thirty (30) days to respond in writing to this request. If the Landowner or applicant's intention is to remove the NON-ADAPTABLE STRUCTURE, the Landowner or applicant will have a total of ninety (90) days from the date of response to remove it in accordance with subsection T.(4)a. At the end of ninety (90) days, the Zoning Administrator shall have a period of sixty (60) days to either:

   a. Confirm that the bank has renewed the performance bond; or

   b. Inspect the subject property for compliance with subsection T.(4)a.; or

   c. Draw on the performance bond and commence the bid process to have a contractor remove the NON-ADAPTABLE STRUCTURE pursuant to subsection T.(4)a.

7. The Zoning Administrator may find a NON-ADAPTABLE STRUCTURE abandoned in place. Factors to be considered in making this finding include, but are not limited to:

   a. The nature and frequency of use as set forth in the application for SPECIAL USE.

   b. The current nature and frequency of use.

   c. Whether the NON-ADAPTABLE STRUCTURE has become a public nuisance, or otherwise poses a risk of harm to public health or safety.

   d. Whether the NON-ADAPTABLE STRUCTURE has been maintained in a manner which allows it to be used for its intended purpose, with no greater effects on surrounding properties and the public as a whole than was originally intended.

   e. A court of law, an arbitrator, mediator, or any state or Federal agency charged with enforcing State or Federal law has made a finding that either said NON-ADAPTABLE STRUCTURE or the structures supporting said NON-ADAPTABLE STRUCTURE
and/or any related site grading and soil erosion controls or lack of same, constitutes a public nuisance or otherwise violates State or Federal law, or any State or Federal agency charged with enforcing State or Federal law has made a final determination either imposing an administrative sanction on any person associated with the NON-ADAPTABLE STRUCTURE relating to its use or denying the NON-ADAPTABLE STRUCTURE a permit necessary for its lawful operation.

8. Once the Zoning Administrator has made a finding that a NON-ADAPTABLE STRUCTURE is abandoned in place, the Zoning Administrator shall issue notice to the land Owner at the Owner's last known address, lessees, any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan, that the COUNTY will draw on the performance guarantee within thirty (30) days unless the Owner appeals the Zoning Administrator's finding, pursuant to Section 16-9-5 of the Ogle County Code or enters into a written agreement with the COUNTY to remove such NON-ADAPTABLE STRUCTURE in accordance with subsection T.(4) within ninety (90) days and removes the NON-ADAPTABLE STRUCTURE accordingly.

9. The Zoning Administrator may draw on the funds to have said NON-ADAPTABLE STRUCTURE removed as per subsection T.(4) of the decommissioning and site reclamation plan when any of the following occur:

   a. No response is received from the Landowner within thirty (30) days from initial notification by the Zoning Administrator.
   
   b. The Landowner does not enter, or breaches any term of a written agreement with the COUNTY to remove said NON-ADAPTABLE structure as provided in subsection T.(8).
   
   c. Any breach or performance failure of any provision of the decommissioning and site reclamation plan.
   
   d. The Owner of record has filed a bankruptcy petition, or compromised the COUNTY's interest in the performance bond in any way specifically allowed by the decommissioning and site reclamation plan.
   
   e. A court of law has made a finding that a NON-ADAPTABLE STRUCTURE constitutes a public nuisance.
   
   f. The Owner of record has failed to replace an expiring performance bond within the deadlines set forth in subsection T.(6); or
   
   g. Any other conditions to which the COUNTY and the Landowner mutually agree, as set forth in the decommissioning and site reclamation plan.

10. Once the performance bond has been drawn upon, and the site has been restored to its original condition, as certified by the Zoning Administrator, the covenant entered into pursuant to subsection T.(2) shall expire, and the COUNTY shall act to remove said covenant from the record of the property at the Recorder of Deeds within forty-five (45) days.

11. The proceeds of the performance bond may only be used by the COUNTY to:
a. Remove the NON-ADAPTABLE STRUCTURE and return the site to its condition prior to the placement of the NON-ADAPTABLE STRUCTURE, in accordance with the most recent decommissioning and site reclamation plan submitted and accepted in relation to the NON-ADAPTABLE STRUCTURE.

b. Pay all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work, which shall include, but not be limited to, attorney's fees; construction management and other professional service fees; and the costs of preparing request for proposal and bidding documents required to comply with state law or Ogle County purchasing policies; and

c. Remove any covenants placed on the title in conjunction with subsection T.(2). The balance of any proceeds remaining after the site has been reclaimed shall be returned to the issuer of the performance bond.

12. No dispute as to the necessity or reasonableness of any costs of performing the site reclamation work identified in subsection T.(11) shall impair the ability of Ogle County to draw on the Financial Assurance.

13. In accordance with the provisions of the Illinois Mechanic's Lien Act, 770 ILCS 60/1 and 60/7, the Applicant or successors in interest agree that any contractor retained by Ogle County to perform the decommissioning and site reclamation work in subsection T.(11) shall have a lien upon the Project to the full extent of all costs of performing the decommissioning and site reclamation work identified in subsection T.(11), and that such lien shall be superior to any claim or lien of any other creditor, incumbrancer or purchaser.

14. Upon transfer of any property, Operator subject to a performance bond and escrow accounts pursuant to this section, the new Owner or applicant of record shall submit a new performance bond and escrow accounts of same or greater value to the Zoning Administrator, prior to legal transfer of title, and shall submit a new decommissioning, site reclamation and disposal plan, pursuant to subsection T.4a., and section P.8. This includes establishing the required escrow amounts for both Decommissioning and Disposal Funds of $100,000 each per MW of installed Solar.

15. Once the new Owner or applicant of record has agreed to Special Use Conditions in writing and fulfilled the requirements of establishing performance bonds and escrow accounts for decommissioning and disposal then performance bond posted by the previous Owner or applicant shall be released, and the previous Owner shall be released from any further obligations under the decommissioning and site reclamation plan.

16. The Applicant shall provide evidence of any new, additional, or substitute financial assurance to the Zoning Administrator throughout the operating lifetime of the NON-ADAPTABLE STRUCTURE.

17. Should the decommissioning and site reclamation plan, or any part of it, be deemed invalid by a court of competent jurisdiction in the State of Illinois, the associated SPECIAL USE permit shall be deemed void.
U. Indemnification

1. The applicant and Owner/Operator/Lessor of the PV SOLAR FARM shall, jointly and severally, defend, indemnify and hold harmless the County of Ogle, the Board and the employees and officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees and costs, arising out of the acts and/or omissions of the Owner and/or Operator concerning the installation, operation and decommissioning of the PV SOLAR FARM including without limitation, whether said liability is premised on contract or on tort.

2. The record Landowner of the real property upon which the PV SOLAR FARM is installed, and the person or entity leasing the land upon which the PV SOLAR FARM is located and operating the PV SOLAR FARM shall be jointly and severally liable to the County of Ogle for any violations of the Special Use Conditions set forth herein or as from time to time amended, including but not limited to, remediation, correction, disposal or removal of said PV SOLAR FARM, as well as all legal fees and costs incurred in enforcing the County of Ogle's rights. Such obligations shall run with the land insofar as the Owner of the property is concerned, and shall be recorded against the property as deemed necessary by the County. Further such obligations shall be enforceable in Ogle County or in the Federal Court in the Western Division of the Northern District of Illinois and the parties set forth herein acknowledge and consent to jurisdiction and venue in these locations.

V. Waiver

Failure by the County of Ogle, its employees, or administrators to exercise any right in the event of breach or default by the Applicants/Owners/Operator/Lessor/etc of the PV SOLAR FARM or of Landowner/Record Owner of the real property upon which the PV SOLAR FARM is installed shall not constitute or operate as a waiver of any right of Ogle County, its employees, or administrators.

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 Amenityary Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 10TH DAY OF JANUARY 2019 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 the Southwest Quarter (1/4) of Section 27, Township 25 North, Range 11 East of the Fourth Principal Meridian, bounded and described as follows:

Commencing at the Southwest Corner of said Section 27; thence North 0 degrees 02 minutes 02 seconds East along the West Line of the Southwest Quarter of said Section 27, a distance of 483.78 feet to the Point of Beginning of the hereinafter described tract of land; thence continuing North 0 degrees 02 minutes 02 seconds East along said West Line, a distance of 1434.11 feet (1430.22 feet deeded); thence North 89 degrees 00 minutes 45 seconds East, a distance of 1434.37 feet (1435.50 feet deeded); thence South 45 degrees 36 minutes 49 seconds East, a distance of 462.11 feet; thence South 43 degrees 38 minutes 46 seconds West parallel with the Centerline of a public road designated Kishwaukee Road, a distance of 209.22 feet; thence South 45 degrees 36 minutes 49 seconds East, a distance of 209.22 feet to the Centerline of said Kishwaukee Road; thence South 43 degrees 38 minutes 46 seconds West along said Centerline, a distance of 1553.53 feet; thence North 46 degrees 22 minutes 59 seconds West, a distance of 360.00 feet; thence South 43 degrees 38 minutes 46 seconds West parallel with the Centerline of said Kishwaukee Road, a distance of 242.00 feet; thence South 46 degrees 22 minutes 59 seconds East, a distance of 360.00 feet to the Centerline of said Kishwaukee Road; thence South 43 degrees 38 minutes 46 seconds West along said Centerline, a distance of 33.00 feet to the South Line of said Section 27; thence North 46 degrees 22 minutes 59 seconds West, a distance of 703.49 feet (711.48 feet deeded) to the Point of Beginning, containing 52.848 acres, more or less, subject to that land being used for public road purposes and also subject to all easements, agreements, county codes and/or ordinances of record if any, all situated in the Township of Marion, the County of Ogle and the State of Illinois.

Property Identification Number (PIN): 05-27-300-011
Common Location: 8248 N. Kishwaukee Road
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 FFP IL Community Solar, LLC, % Sam Youneszadeh, 100 Montgomery St., Ste. 725, San Francisco, CA; and Dan Terhark, 3997 N. Pear Rd., Polo, IL in case #7-18SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow a solar farm on Parcel Identification No. 05-27-300-011, a 52.68-acre parcel located in part of the Southwest Quarter (SW1/4) of Section 27, T25N, R11E of the 4th P.M., Marion Township, Ogle County, IL and commonly located at 8248 N. Kishwaukee Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on June 28, 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 Amended 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 petitioner has adequately demonstrated that a solar farm will not be unreasonably detrimental to the value of other property in the vicinity, and will not be detrimental to the public health, safety, morals, comfort or general welfare at large. 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 proposed solar farm will be enclosed by a security fence, and will be well buffered from nearby residential uses. The proposed solar farm will not adversely impact agricultural uses on adjacent properties or other properties in the vicinity. 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. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Kishwaukee Road, 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 petitioner has adequately demonstrated that the proposed use will not adversely affect development and use of other properties; will not generate noise, odors or traffic; will be visually compatible with the area; and, is deemed essential and desirable to preserve and promote the public health, safety and general welfare of 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 to allow a solar farm be granted 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 or component of a solar farm shall exceed 20 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 (excluding fences) 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 (excluding fences) shall be located a minimum of 50 feet from any interior property line.

D. Residential Buffer:

   1) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel of 20 acres in area or less containing a dwelling, other than a parcel owned by the owner, operator or lessor of the solar farm;
2) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel zoned for non-farm residential use (IA, R-1, R-2, R-3 or R-4) or determined to be eligible to have a non-farm dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator or lessor of the solar farm.

3) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 200 feet from any dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator or lessor of the solar farm.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.
J. 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).

K. 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 it's 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.

L. 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.

M. 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.

N. 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.
O. 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.

5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

6) All recommendations of the Illinois Department of Natural Resources with respect to the Endangered Species Consultation (IDNR Project Number 1809273) shall be complied with.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 28th day of June 2018 by the Ogle County Zoning Board of Appeals.

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

Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary
February 7, 2019

The Ogle County Board, at a special County Board meeting held on Thursday, January 10, 2019, Janes presents the petition of #15-18SU - Hongsremerie - SV CSG Mt. Morris3, LLC, %Tim Polz, Manager, 25 N. River Lane, Geneva, IL; and Wilma L. Hongsremerie, 3747 W. IL Rte. 64, Mt. Morris, IL for a Special Use Permit to allow a solar farm in the I-1 Industrial District on property described as follows, owned by Wilma L. Hongsremerie, and being leased by SV CSG Mt. Morris3, LLC: Part of the Southeast Quarter (SE1/4) of Section 22 Mt. Morris Township 24N, R9E of the 4th P.M., Ogle County, IL, 65.78 acres, more or less - P.I.N.: 08-22-4100-017 - Common Location: 3300 to 3500 Block of N. Mt. Morris Rd.

Janes states ZBA approved the petition 5-0 and the Regional Planning Commission had no recommendation.

Janes moved to approve O-2019-0105, Asp seconds. A roll call is taken:

YES: Fox, Fritz, Griffin, Heuer, Hopkins, Janes, Kenney, McKinney, McLester, Nordman, Reising, Smith, Sparrow, Sulser, Typer, Whalen, Youman, Asp, Bowers, Corbitt, Drogege, Finfrock and Gouker

NO: None

ABSENT: Oltmanns

Motion carries on roll call vote. (Placed on file)

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.
WHEREAS, SV CSG Mt. Morris3, LLC, %Tim Polz, Manager, 25 N. River Lane, Geneva, IL; and Wilma L. Hongsermeier, 3747 W. IL Rte. 64, Mt. Morris, IL have filed a petition for a Special Use Permit in the I-1 Industrial District (Petition No. 15-18SU) to allow a solar farm on property located in the 3300 to 3500 Block of N. Mt. Morris Road in Mt. Morris 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 October 25, 2018 at which the petitioners 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 approved with conditions as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated October 25, 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 approved as recommended by the Zoning Board of Appeals; 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 I-1 Industrial District (Petition No. 15-18SU) to allow a solar farm 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 SV CSG Mt. Morris3, LLC, %Tim Polz, Manager, 25 N. River Lane, Geneva, IL; and Wilma L. Hongsermeier, 3747 W. IL Rte. 64, Mt. Morris, IL for a Special Use Permit in the I-1 Industrial District (Petition No. 15-18SU) to allow a solar farm on property located in the 3300 to 3500 Block of N. Mt. Morris Road in Mt. Morris Township and legally described as shown in Exhibit “A” attached hereto, is hereby approved subject to the following conditions:
A. Definitions

The below words and terms shall have the following definitions as utilized herein:

LANDOWNER: Owner of land, record owner, real property owner in Ogle County seeking SPECIAL USE Permit to install a PV SOLAR FARM to generate electricity outside of their own personal use for residence/property. Typically LANDOWNER form agreements with PV SOLAR FARM Owners/Operators who typical install and/or operate the PV SOLAR FARM for commercial sale of solar energy. Note, throughout this document LANDOWNER is interchangeable with "owner", "property owner", "record owner", etc.

NON-ADAPTABLE STRUCTURE: Any STRUCTURE or physical alteration to the land which requires a SPECIAL USE Permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE). This term shall include, but not be limited to, a PV SOLAR FARM.

NOXIOUS WEEDS: Any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.

OPERATOR: Any company, LLC or entity that has been contracted to operate PV SOLAR FARM for purpose to sell solar electricity. OPERATOR and OWNER can be interchangeable and are responsible meeting all conditions of Ogle County, IL Solar Farm Special Use Conditions.

OWNER: Any company, LLC or entity that has formed agreement with LANDOWNER to install, construct and/or Operate PV SOLAR FARM. OWNER in conjunction with LANDOWNER are responsible for meeting conditions of Ogle County, IL Solar Farm Special Use Conditions. Original Owner of PV SOLAR FARM may sell their ownership stake in PV SOLAR FARM to new OWNER/OPERATOR but all conditions of Solar Farm Special Use apply otherwise permit will be denied. Note, throughout this document OWNER is interchangeable with "owner", "operator", "lessor, etc.

PHOTOVOLTAIC (PV): A type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.

PV SOLAR FARM: A unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different Owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and water wells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph. Any other type of SOLAR FARM that is not a PV SOLAR FARM such as concentrated solar and/or thermal solar are not covered by this Ordinance.

PV SOLAR FARM, COMMUNITY: A PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
B. General Conditions

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

2. The area of the PV SOLAR FARM SPECIAL USE permit must include the following minimum areas:
   a. All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.
   b. All necessary PV SOLAR FARM STRUCTURES and ACCESSORY STRUCTURES including electrical distribution lines, inverters, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY and all water wells that will provide water for the PV SOLAR FARM. For purposes of determining the minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.
   c. All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q.

3. Interconnection to the power grid
   a. The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant or PV SOLAR FARM is in the queue to acquire an interconnection agreement to the power grid.
   b. Documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of an Occupancy Certificate to authorize operation of the PV SOLAR FARM.

4. Right to farm
   a. The Owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Farm Nuisance Suit Act (740 ILCS 70/).

C. Minimum Lot Standards

1. There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.

2. There is no maximum LOT AREA requirement on prime farmland as defined by the U.S. Department of Agriculture.
D. Minimum Standard Conditions for Separations for PV SOLAR FARM from adjacent USES and STRUCTURES

The location of each PV SOLAR FARM shall provide the following required separations as measured from the exterior of the above ground portion of the PV SOLAR FARM STRUCTURES and equipment including fencing:

1. PV SOLAR FARM fencing shall be set back from the street right-of-way line a minimum of 40 feet from a road/street under township jurisdiction, and a minimum of 60 feet from the right-of-way of a road/highway under Ogle County jurisdiction, and a minimum of 80 feet from the right-of-way of a road/highway under state or federal jurisdiction unless a greater separation is required for screening pursuant to subsection L.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET, road or highway.

2. For properties participating in the solar farm: No required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.

3. For properties not participating in the solar farm:
   a. For any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
      i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
      ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the Zoning Board of Appeals.
   b. For any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.

4. A separation of at least 500 feet from any of the following unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation from any of the following:
   a. Any AIRPORT premises or any AIRPORT approach zone within five miles of the end of the AIRPORT runway; or
   b. Any RESTRICTED LANDING AREA that is NONCONFORMING or which has been authorized by SPECIAL USE permit and that existed on or for which there had been a
complete SPECIAL USE permit application received prior to the filing of an application for Special Use for the subject solar farm, or any approach zone for any such RESTRICTED LANDING AREA.

5. A separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.

6. Electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.

7. Separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the Zoning Board of Appeals on a case-by-case basis.

8. PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.

E. Standard Conditions for Design and Installation of any PV SOLAR FARM.

1. Any building that is part of a PV SOLAR FARM shall include as a requirement for an Occupancy Certificate a certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.

2. Electrical Components
   a. All electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
   b. Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).
   c. Burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.

3. Maximum height. No aspect or component of a solar farm shall exceed 15 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.

4. Warnings. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

5. No construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.
6. 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.

7. The solar farm Owner/Operator shall provide approval for access points and change in access use from the road or highway authority having jurisdiction.

8. The Owner/Operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

9. During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

F. Storm water Management, Retention of Topsoil and Minimizing Disturbance to Prime Farmland

1. Storm water 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 Storm water Management Ordinance.

2. Retention of all topsoil

No topsoil may be removed, stripped, or sold from the proposed SPECIAL USE Permit site pursuant to or as part of the construction of the PV SOLAR FARM.

3. Minimizing disturbance to PRIME FARMLAND as defined by the U.S. Department of Agriculture

a. Any PV SOLAR FARM to be located on PRIME FARMLAND shall minimize the disturbance to PRIME FARMLAND as follows:

   i. The disturbance to PRIME FARMLAND caused by construction and operation of the PV SOLAR FARM shall be minimized at all times consistent with good engineering practice.

   ii. Disturbance to PRIME FARMLAND shall be offset by establishment of a vegetative ground cover within the PV SOLAR FARM that includes the following:

      (a) The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.

      (b) The species selected shall serve a secondary habitat purpose as much as possible.

      (c) Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.
(d) The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the PV SOLAR FARM SPECIAL USE permit application. The landscape plan shall include the weed control plan required by subsection O(3).

(e) The Ogle County Soil & Water Conservation District shall be consulted for appropriate vegetative ground cover species selections.

G. Standard Conditions for Coordination with Local Fire Protection District

1. The Applicant shall submit to the local fire protection district a copy of the site plan.

2. Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.

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

H. Standard Conditions for Allowable Noise Level

1. Noise levels from any PV SOLAR FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910).

2. The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed PV SOLAR FARM equipment necessary for a competent noise analysis.

3. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements as follows:

   a. The SPECIAL USE permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis that includes the following:

      i. The pre-development 24-hour ambient background sound level shall be identified at representative locations near the site of the proposed PV SOLAR FARM.

      ii. Computer modeling shall be used to generate the anticipated sound level resulting from the operation of the proposed PV SOLAR FARM within 1,500 feet of the proposed PV SOLAR FARM.

      iii. Results of the ambient background sound level monitoring and the modeling of anticipated sound levels shall be clearly stated in the application and the application shall include a map of the modeled noise contours within 1,500 feet of the proposed PV SOLAR FARM.

      iv. The application shall also clearly state the assumptions of the computer model's construction and algorithms so that a competent and objective third party can as simply as possible verify the anticipated sound data and sound levels.
b. For a COMMUNITY PV SOLAR FARM the Zoning Board of Appeals may require submission of a noise analysis that meets the standard of subsection H.(3)a.

4. After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:

a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board aware of complaints about noise that have been received by the Complaint Hotline.

b. If the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board determines that the noise is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive noise.

I. Standard Conditions for Endangered Species Consultation

The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources or, if applicable, a copy of the Detailed Action Plan Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

J. Standard Conditions for Historic and Archaeological Resources Review

The Applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the State Historic Preservation Officer of the Illinois Department of Natural Resources.

K. Standard Conditions for Acceptable Wildlife Impacts

The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.

L. Screening and fencing

1. Perimeter fencing

   a. PV SOLAR FARM equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 7 feet.

   b. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

   c. Vegetation between the fencing and the LOT LINE shall be maintained such that NOXIOUS WEEDS are controlled or eradicated consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). Management of the vegetation shall be explained in the application.
d. The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.

2. Screening

a. A visual screen shall be provided around the perimeter of the PV SOLAR FARM as follows:

i. The visual screen shall be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT except that the visual screen may not be required within the full 1,000 feet of an existing DWELLING or residential DISTRICT provided the applicant submits a landscape plan prepared by an Illinois Registered Landscape Architect and the Zoning Board of Appeals finds that the visual screen in the landscape plan provides adequate screening. However, the visual screen shall not be required if the PV SOLAR FARM is not visible to a DWELLING or residential DISTRICT by virtue of the existing topography.

ii. The visual screen shall be waived if the Owner(s) of a relevant DWELLING(S) have agreed in writing to waive the screening requirement and a copy of the written waiver is submitted to the Zoning Board of Appeals or Ogle County Board.

iii. The visual screen shall be a vegetated buffer as follows:

a. A vegetated visual screen buffer shall include a continuous line of native evergreen foliage and/or native shrubs/trees and/or any existing wooded area plantings that will meet height requirements specified to conceal the PV SOLAR FARM from view from adjacent abutting property.

b. Any vegetation that is part of the approved visual screen buffer shall be maintained in perpetuity of the PV SOLAR FARM. If the screen foliage drops below a height of 7 feet disappears over time, the screening shall be replaced within next growing season.

c. The continuous line of native evergreen foliage and/or native shrubs and/or native trees shall be planted at a minimum height of 5 feet tall and shall be planted in multiple rows as required to provide a 50% screen within 2 years of planting. The planting shall otherwise conform to Natural Resources Conservation Service Practice Standard 380 Windbreak/Shelter-break Establishment except that the planting shall be located as close as possible to the PV SOLAR FARM fence while still providing adequate clearance for maintenance.

A planting of tall native grasses and other native flowering plants may be used in conjunction with as a visual screen buffer for any PV module installation that is no more than 8 feet tall provided that the width of planting shall be as authorized by the Zoning Board of Appeals and the planting shall otherwise be planted and maintained per the recommendations of the Natural Resources Conservation Service Practice Standard 327 Conservation Cover and further provided that the PV SOLAR FARM perimeter fence is opaque.

d. All screen buffer shall be detailed in a landscape plan drawing that shall be included with the PV SOLAR FARM SPECIAL USE permit application.
M. Standard Conditions to Minimize Glare

1. The design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.

2. After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate complaints of glare in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any significant glare that is occurring, including but not limited to the following:
   a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee aware of complaints about glare that have been received by the Complaint Hotline.
   b. If the Supervisor of Assessments and Planning & Zoning Committee determines that the glare is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive glare such as the installation of additional screening.

N. Standard Condition for Liability Insurance

1. General Liability Insurance
   a. The County of Ogle, Illinois, its officers and employees shall be included as an additional insured on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims made policies.
   b. The County of Ogle, Illinois, its officers and employees shall be named as additional insured with a waiver of subrogation on the Commercial Liability policy.
   c. Any Commercial Umbrella utilized shall be a “Following Form” policy.
   d. All policies must contain no more than a 30 day notice of cancellation.
   e. Current copies of the insurance policies and certificates of insurance shall be kept on file with the Ogle County Clerk.

2. Maintenance of General Liability Insurance
   a. The Owner or Operator of the PV SOLAR FARM shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of a least $5 million per occurrence and $5 million in the aggregate.
   b. The Owner or Operator of the PV SOLAR FARM shall maintain a current Commercial Auto policy of at least $1,000,000.
   c. The Owner or Operator of the PV SOLAR FARM shall maintain Workman's Compensation insurance in the following amounts:
i. $1,000,000 per accident;

ii. Occupational Disease: $1,000,000 per employee with a policy limit of $1,000,000.

3. Pollution liability insurance shall be maintained in the amount of $5,000,000 per policy.

4. The general liability policy shall identify Landowners in the SPECIAL USE permit as additional insured.

O. Operational Standard Conditions

1. Maintenance

   a. The Owner or Operator of the PV SOLAR FARM must submit, on an annual basis, a summary of operation and maintenance reports to the Supervisor of Assessments and Planning & Zoning Committee and any other operation and maintenance reports as the Supervisor of Assessments and Planning & Zoning Committee reasonably requests.

   b. Any physical modification to the PV SOLAR FARM that increases the number of solar conversion devices or structures and/or the land area occupied by the PV SOLAR FARM shall require a new SPECIAL USE Permit. Like-kind replacements shall not require re-certification nor will replacement of transformers, cabling, etc. provided replacement is done in a fashion similar to the original installation.

   c. The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The Zoning Board of Appeals may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent water wells.

2. Materials Handling, Storage and Disposal

   a. All solid wastes related to the construction, operation and maintenance of the PV SOLAR FARM shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

   b. All hazardous materials related to the construction, operation and maintenance of the PV SOLAR FARM shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

3. Vegetation management

   a. The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing.

   b. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.).
c. The weed control plan shall be explained in the application.

4. Points of Contact

The Owner or Operator of the PV SOLAR FARM shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. This information shall be kept current at all times, and changes shall be reported immediately or as soon as possible.

5. The Operator of the PV SOLAR FARM shall conduct ground water monitoring and testing via groundwater monitoring wells commencing five (5) years from the date of substantial completion of the PV SOLAR FARM and every five (5) years thereafter during the life of the PV SOLAR FARM, the results of which shall be submitted to the Ogle County Zoning Administrator. The purpose of this required condition of Special Use approval is to provide controlled access for sampling ground water near a PV SOLAR FARM in order to detect seepage and monitor the effects of contaminants in seepage on ground water quality.

a. Monitoring wells shall be planned, designed, constructed, operated and maintained in a manner that meets all applicable local, state and federal laws and regulations. The installation shall meet all the requirements and regulations as set forth in the Illinois Water Well Construction Code (TITLE 77: PUBLIC HEALTH; CHAPTER I: DEPARTMENT OF PUBLIC HEALTH; SUBCHAPTER r: WATER AND SEWAGE; PART 920 WATER WELL CONSTRUCTION CODE).

b. Prior to the design of a monitoring well, a surface and subsurface investigation shall be conducted to develop a conceptual hydrogeological model of the site, to identify potential ground water flow paths, and to determine the location of the target monitoring zone(s).

i. The hydrogeological investigation shall include the mapping, identification and description of soil and rock masses that affect the movement and transport of subsurface water occurring within at least 100 feet of the perimeter of the PV SOLAR FARM.

ii. The hydrogeological investigation shall identify and describe all characteristics and properties of geologic units that can influence subsurface water flow paths or produce preferred flow paths such as karst development, joint sets, fracture systems, faults, lineaments, and other similar discontinuities. These shall be located on a geologic evaluation map of the site.

iii. The hydrogeological investigation shall identify and describe any tile lines, subsurface drains, surface drains, irrigation ditches, irrigation wells, water supply wells, septic drain fields, infiltration strips, subsurface quarries, mines, or other water control/management related features that have the potential to alter the native subsurface water flow paths. Such features shall be located on a geologic evaluation map of the site.

iv. The hydrogeological investigation shall be of sufficient detail to map the potentiometric surface to a one-foot contour interval. The map of the potentiometric surface shall be used to determine the hydraulic gradient and direction of flow within the target monitoring zone(s).
v. The hydrogeological investigation shall identify and describe any seasonal changes in the potentiometric surface and direction of subsurface water flow paths.

vi. The hydrogeological investigation shall identify and describe other features that influence subsurface water flow such as hard pans, sand boils, animal burrows, seasonal desiccation, high shrink/swell soils, dense till, and depth of frost line.

c. Monitoring wells shall be located both up gradient and down gradient of the PV SOLAR FARM and at a distance and depth based on the results of the hydrogeological investigation of the site.

i. The placement of monitoring wells in fractured rock and karst aquifers shall be based on the location of zones of high-permeability even if they are located offsite.

ii. A minimum of one monitoring well shall be placed on the up gradient side of the waste storage facility and a minimum of three monitoring wells shall be placed down gradient. When seasonal changes in the direction of subsurface water flow are possible, monitoring wells shall be placed in such a manner as to capture both up gradient and down gradient flow during any time of year.

iii. The layout of the monitoring wells shall be based on the conceptual hydrogeological model to intercept representative subsurface water flow path(s) of the target monitoring zone(s).


e. Materials used for the construction of monitoring wells shall be non-reactive with subsurface water and shall not leach substances into the subsurface water.

i. Materials shall be free of contaminants prior to installation.

ii. Well screens shall be made by machine.

iii. All joints shall be threaded. Glued or solvent welded joints shall not be used.

iv. Materials shall have adequate strength to withstand the forces of installation and development.

f. Well Installation methods shall be selected based on site-specific conditions.

i. Installation methods shall be in conformance with ASTM D5092 for granular aquifers, and ASTM D5717 for karst and fractured rock aquifers.

ii. The equipment used shall be capable of creating a stable, open, vertical borehole for installation of the monitoring well.
g. Well protection installation measures to protect the monitoring well from damage from hazards such as frost action, surface drainage, animal or equipment traffic, and lack of visibility shall be taken and conform to ASTM D5092.

i. Positive surface drainage away from the well heads shall be established.

ii. Protection from natural or human caused damage shall be provided in conformance with ASTM D5787 "Standard Practice for Monitoring Well Protection".

iii. A buffer zone with a minimum radius of 30 feet shall be established around each well head.

iv. The buffer zone shall be fenced or otherwise protected from access by motor vehicles and livestock.

v. Within the buffer zone there shall be no storage, handling, mixing, or application of fertilizers, pesticides or other agricultural chemicals or cleaning of equipment used in the handling or application of such items.

h. The monitoring well shall be developed to improve the hydraulic communication between the target hydrogeological unit and the well screen, to minimize the interference of sediment with water quality samples, and to restore the ground-water properties disturbed by the drilling process. Well completion shall ensure that only the targeted hydrogeological unit contributes to the monitoring well and that the annular space is sealed to prevent cross contamination from other water sources.

i. The well development method shall be selected from alternatives provided in ASTM D5092. The selection of the method shall be based on the physical characteristics of the target hydrogeological unit and the drilling method used.

ii. For granular aquifers, well completion shall conform to ASTM D5521 "Standard Guide for Development of Ground Water Monitoring Wells in Granular Aquifers."

iii. For fractured-rock and karst aquifers, well completion shall conform to ASTM D5717.

i. Record keeping shall conform to:

i. ASTM D5254 "Standard Practice for Minimum Set of Data Elements to identify Ground-Water Site".

ii. ASTM D5408 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part One – Additional Identification Descriptors".

iii. ASTM D5409 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part Two – Physical Descriptors".

iv. Installation of monitoring wells shall be reported as required by local or state laws and regulations.
j. Well Design considerations shall use:

i. Use geophysical tools in conjunction with penetrative exploratory techniques to improve and refine the mapping of the location, shape, orientation and extent of subsurface hydrogeological units.

ii. Apply effects of geomorphic processes, geologic structures, regional stratigraphy, and soil and rock properties on subsurface flow patterns when developing a conceptual hydrogeological model.

iii. Utilize the physical properties and methods of movement in the environment of the solutes and pollutants of interest when designing monitoring wells.

iv. Install additional monitoring wells at other points as dictated by the results of the hydrogeological investigation to adequately monitor the location and direction of movement of any potential contaminant plume.


vi. Address frost heave concerns by considering design alternatives that reduce the potential for frost heave to damage the monitoring well.

k. Plans and specifications for constructing, installing, developing and completing monitoring wells shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose.

l. Operation and Maintenance provisions shall be made for operation and maintenance requirements in keeping with the purpose of this standard.

m. Results of Groundwater Testing shall include, but not necessarily be limited to, the following: pesticides, volatile organic compounds (VOCs), GENX Compounds, polycyclic aromatic hydrocarbons (PAHs), Nitrogen Trifluoride, Sulfur Hexafluoride, Copper Indium Selenide and Copper Indium Gallium (di)selenide, as well as other heavy metals such as arsenic, mercury, lead, and cadmium, and endocrine disruptors, such as bisphenol A.

P. Standard Condition for Decommissioning and Site Reclamation Plan

1. The Applicant shall submit a signed decommissioning and site reclamation plan conforming to the requirements of section T. herein.

2. In addition to the purposes listed in subsection T.(4) the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.

3. The decommissioning and site reclamation plan required in section T. shall also include the following:
a. The applicant or successor shall notify the Ogle County Board by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of the proceeding.

b. The applicant shall agree that the sale, assignment in fact or law, or such other transfer of applicant's financial interest in the PV SOLAR FARM shall in no way affect or change applicant's obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV SOLAR FARM.

c. Authorization for the Ogle County Board and its authorized representatives for right of entry onto the PV SOLAR FARM premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

d. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.

e. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the PV SOLAR FARM or prior to ceasing production of electricity from the PV SOLAR FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.

f. The decommissioning and site reclamation plan shall provide for payment of any associated costs that Ogle County may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to attorney's fees; construction management and other professional service fees; and the costs of preparing requests for proposals and bidding documents required to comply with state law or Ogle County purchasing policies.

g. All equipment, cables, wires, conduits, structures, fencing and foundations, whether above or below ground, shall be removed.

h. Any hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:

i. The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original PV SOLAR FARM construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.
ii. The native soils excavated at the time of the original PV SOLAR FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the PV SOLAR FARM. The methods for storing the excavated native soils during the operating lifetime of the PV SOLAR FARM shall be included in the decommissioning and site reclamation plan.

iii. If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this section. The certification shall be submitted to the Zoning Administrator.

iv. An Illinois Licensed Professional Engineer of Ogle County's choosing shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.

i. If the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction in the State of Illinois the PV SOLAR FARM SPECIAL USE permit shall be deemed void.

j. The Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.

k. The liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of the financial assurance.

l. If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Applicant installs equipment or property increasing the cost of decommissioning after the PV SOLAR FARM begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value, the Applicant shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.

4. To comply with subsection T.(5), the Applicant shall provide financial assurance in the form of a performance bond as follows:

a. At the time of Special Use Permit approval, the amount of financial assurance to be provided for the decommissioning and site reclamation plan shall be 125% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in subsections T.(4)a. and T.(4)b. and T.(4)c. and shall otherwise be compliant with subsection T.(5).
b. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:

i. At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter or, if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less not than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Certificate approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.

ii. At all times, the value of the performance bond shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the PV SOLAR FARM was approved.

c. The long term corporate debt (credit) rating of the performance bond issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:

i. The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).

ii. The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.

iii. Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the performance bond shall be replaced with a new performance bond from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating.

d. At all times the value of the performance bond shall be increased annually as necessary to reflect actual rates of inflation over the life span of the PV SOLAR FARM and the amount shall be equal to or exceed 125% of the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the PV SOLAR FARM was approved.
e. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q. shall count towards the total financial assurance required for compliance with subsection T.(5).

f. The Ogle County Board approves otherwise, the Ogle County State's Attorney's Office shall review and approve every performance bond prior to acceptance by the Zoning Administrator.

5. In addition to the conditions listed in subsection T.(9) the Zoning Administrator may also draw on the funds for the following reasons:

a. In the event that any PV SOLAR FARM or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such PV SOLAR FARM or component.

b. In the event that the Owner declares the PV SOLAR FARM or any PV SOLAR FARM component to be functionally obsolete for tax purposes.

c. There is a delay in the construction of any PV SOLAR FARM of more than 6 months after construction on that PV SOLAR FARM begins.

d. Any PV SOLAR FARM or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.

e. Any PV SOLAR FARM or component thereof that is otherwise derelict for a period of 6 months.

f. The PV SOLAR FARM is in violation of the terms of the PV SOLAR FARM SPECIAL USE permit for a period exceeding ninety (90) days.

g. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the COUNTY’s interest in the decommissioning and site reclamation plan.

h. The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the special use permit zoning case.

6. The Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in subsection P.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.

7. The Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the Zoning Board of Appeals and the signed and executed performance bond must be submitted to the Zoning Administrator prior to any Zoning Certificate approval.
8. In addition to the required decommissioning performance bond, the Applicant shall establish an escrow account in a federally insured financial institution located in Ogle County, proof of which shall be provided prior to the issuance of a Zoning Certificate, and shall deposit therein cash in the amount of:

   a. $100,000 per MW of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for completing the required decommissioning of the PV SOLAR FARM as a backup to the required decommissioning performance bond, and

   b. $100,000 per MW of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for future disposal of the PV SOLAR FARM components as a backup to the required decommissioning performance bond.

   c. A written escrow agreement shall be prepared and approved by the Ogle County State's Attorney. The County of Ogle shall have access to the escrow account funds for the purpose of completing decommissioning and disposal if not completed by the PV SOLAR FARM Owner and/or Operator.

Q. Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture.

1. The Applicant shall enter into an AIMA with the Illinois Department of Agriculture.

2. The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed AIMA with the Illinois Department of Agriculture.

3. All requirements of the signed AIMA with the Illinois Department of Agriculture shall become requirements of the SPECIAL USE Permit.

4. Ogle County shall have the right to enforce all requirements of the signed AIMA with the Illinois Department of Agriculture.

R. Complaint Hotline

1. Prior to the commencement of construction on the PV SOLAR FARM and during the entire term of the SPECIAL USE permit and any extension, the Applicant and Owner shall establish a telephone number hotline for the general public to call with any complaints or questions.

2. The telephone number hotline shall be publicized and posted at the operations and maintenance center and the construction marshalling yard.

3. The telephone number hotline shall be manned during usual business hours and shall be an answering recording service during other hours.

4. Each complaint call to the telephone number hotline shall be logged and identify the name and address of the caller and the reason for the call.

5. All calls shall be recorded and the recording shall be saved for transcription for a minimum of two years.
6. A copy of the telephone number hotline shall be provided to the Zoning Administrator on a monthly basis.

7. The Applicant and Owner shall take necessary actions to resolve all legitimate complaints.

S. Standard Condition for Expiration of PV SOLAR FARM County Board SPECIAL USE Permit

A PV SOLAR FARM SPECIAL USE Permit designation shall expire in 2 years if no Zoning Certificate is granted.

T. Decommissioning and Site Reclamation Plan for NON-ADAPTABLE STRUCTURES

1. In the course of Zoning Board of Appeals review of a SPECIAL USE request, the Zoning Board of Appeals may find that a proposed STRUCTURE is a NON-ADAPTABLE STRUCTURE. Any PV SOLAR FARM shall be a NON-ADAPTABLE STRUCTURE. The Applicant for the SPECIAL USE request for a NON-ADAPTABLE STRUCTURE shall submit a decommissioning and site reclamation plan to the Zoning Board of Appeals for the subject site.

2. The decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the Landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a performance bond be provided for financial assurance.

   a. Cost estimates provided shall be subject to approval of the Zoning Board of Appeals.
   b. Except as provided in section P., the salvage value of the components of the NON-ADAPTABLE STRUCTURE shall not be credited to the cost estimates.

4. The decommissioning and site reclamation plan shall provide for:
   a. Removal of above-ground portion of any STRUCTURE on the subject site; site grading; and interim soil erosion control.
   b. Below-ground restoration, including final grading and surface treatment.
   c. Any environmental remediation required by State or Federal law.
   d. Provision and maintenance of a performance bond, as set forth in subsection T.(5).

5. No Zoning Certificate for such SPECIAL USE will be issued until the applicant provides the COUNTY with a performance bond to be drawn upon a federally insured financial institution within 200 miles of Oregon, Illinois or reasonable anticipated travel costs shall be added to the amount of the performance bond.
a. Unless specified elsewhere in this Ordinance, the performance bond shall be in the amount of one hundred twenty-five percent (125%) of an independent engineer's cost estimate to complete the work described in subsections T.(4)a., T.(4)b. and T.(4)c.

b. The provisions of this subsection notwithstanding, a different amount may be required as a special condition.

c. The performance bond, or a successor performance bond pursuant to subsection T.(6) or T.(14), shall remain in effect and shall be made available to the COUNTY for a term specified as a standard condition elsewhere in this ordinance, an indefinite term, or for a different term that may be required as a special condition.

6. One hundred eighty (180) days prior to the expiration date of a performance bond submitted pursuant to this section, the Zoning Administrator shall notify the Landowner or applicant in writing and request information about the Landowner or Applicant's intent to renew the performance bond, or remove the NON-ADAPTABLE STRUCTURE. The Landowner or applicant shall have thirty (30) days to respond in writing to this request. If the Landowner or applicant's intention is to remove the NON-ADAPTABLE STRUCTURE, the Landowner or applicant will have a total of ninety (90) days from the date of response to remove it in accordance with subsection T.(4)a. At the end of ninety (90) days, the Zoning Administrator shall have a period of sixty (60) days to either:

a. Confirm that the bank has renewed the performance bond; or

b. Inspect the subject property for compliance with subsection T.(4)a.; or

c. Draw on the performance bond and commence the bid process to have a contractor remove the NON-ADAPTABLE STRUCTURE pursuant to subsection T.(4)a.

7. The Zoning Administrator may find a NON-ADAPTABLE STRUCTURE abandoned in place. Factors to be considered in making this finding include, but are not limited to:

a. The nature and frequency of use as set forth in the application for SPECIAL USE.

b. The current nature and frequency of use.

c. Whether the NON-ADAPTABLE STRUCTURE has become a public nuisance, or otherwise poses a risk of harm to public health or safety.

d. Whether the NON-ADAPTABLE STRUCTURE has been maintained in a manner which allows it to be used for its intended purpose, with no greater effects on surrounding properties and the public as a whole than was originally intended.

e. A court of law, an arbitrator, mediator, or any state or Federal agency charged with enforcing State or Federal law has made a finding that either said NON-ADAPTABLE STRUCTURE or the structures supporting said NON-ADAPTABLE STRUCTURE and/or any related site grading and soil erosion controls or lack of same, constitutes a public nuisance or otherwise violates State or Federal law, or any State or Federal agency charged with enforcing State or Federal law has made a final determination either imposing an administrative sanction on any person associated with the NON-ADAPTABLE STRUCTURE relating to its use or denying the NON-ADAPTABLE STRUCTURE a permit necessary for its lawful operation.
8. Once the Zoning Administrator has made a finding that a NON-ADAPTABLE STRUCTURE is abandoned in place, the Zoning Administrator shall issue notice to the land Owner at the Owner's last known address, lessees, any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan, that the COUNTY will draw on the performance guarantee within thirty (30) days unless the Owner appeals the Zoning Administrator's finding, pursuant to Section 16-9-5 of the Ogle County Code or enters into a written agreement with the COUNTY to remove such NON-ADAPTABLE STRUCTURE in accordance with subsection T.(4) within ninety (90) days and removes the NON-ADAPTABLE STRUCTURE accordingly.

9. The Zoning Administrator may draw on the funds to have said NON-ADAPTABLE STRUCTURE removed as per subsection T.(4) of the decommissioning and site reclamation plan when any of the following occur:

   a. No response is received from the Landowner within thirty (30) days from initial notification by the Zoning Administrator.

   b. The Landowner does not enter, or breaches any term of a written agreement with the COUNTY to remove said NON-ADAPTABLE structure as provided in subsection T.(8).

   c. Any breach or performance failure of any provision of the decommissioning and site reclamation plan.

   d. The Owner of record has filed a bankruptcy petition, or compromised the COUNTY's interest in the performance bond in any way specifically allowed by the decommissioning and site reclamation plan.

   e. A court of law has made a finding that a NON-ADAPTABLE STRUCTURE constitutes a public nuisance.

   f. The Owner of record has failed to replace an expiring performance bond within the deadlines set forth in subsection T.(6); or

   g. Any other conditions to which the COUNTY and the Landowner mutually agree, as set forth in the decommissioning and site reclamation plan.

10. Once the performance bond has been drawn upon, and the site has been restored to its original condition, as certified by the Zoning Administrator, the covenant entered into pursuant to subsection T.(2) shall expire, and the COUNTY shall act to remove said covenant from the record of the property at the Recorder of Deeds within forty-five (45) days.

11. The proceeds of the performance bond may only be used by the COUNTY to:

   a. Remove the NON-ADAPTABLE STRUCTURE and return the site to its condition prior to the placement of the NON-ADAPTABLE STRUCTURE, in accordance with the most recent decommissioning and site reclamation plan submitted and accepted in relation to the NON-ADAPTABLE STRUCTURE.

   b. Pay all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work, which shall include, but not be limited
to, attorney's fees; construction management and other professional service fees; and the
costs of preparing request for proposal and bidding documents required to comply with
state law or Ogle County purchasing policies; and

c. Remove any covenants placed on the title in conjunction with subsection T.(2). The
balance of any proceeds remaining after the site has been reclaimed shall be returned to
the issuer of the performance bond.

12. No dispute as to the necessity or reasonableness of any costs of performing the site reclamation
work identified in subsection T.(11) shall impair the ability of Ogle County to draw on the
Financial Assurance.

13. In accordance with the provisions of the Illinois Mechanic's Lien Act, 770 ILCS 60/1 and 60/7,
the Applicant or successors in interest agree that any contractor retained by Ogle County to
perform the decommissioning and site reclamation work in subsection T.(11) shall have a lien
upon the Project to the full extent of all costs of performing the decommissioning and site
reclamation work identified in subsection T.(11), and that such lien shall be superior to any claim
or lien of any other creditor, incumbrancer or purchaser.

14. Upon transfer of any property, Operator subject to a performance bond and escrow accounts
pursuant to this section, the new Owner or applicant of record shall submit a new performance
bond and escrow accounts of same or greater value to the Zoning Administrator, prior to legal
transfer of title, and shall submit a new decommissioning, site reclamation and disposal plan,
pursuant to subsection T.4a., and section P.8. This includes establishing the required escrow
amounts for both Decommissioning and Disposal Funds of $100,000 each per MW of installed
Solar.

15. Once the new Owner or applicant of record has agreed to Special Use Conditions in writing and
fulfilled the requirements of establishing performance bonds and escrow accounts for
decommissioning and disposal then performance bond posted by the previous Owner or applicant
shall be released, and the previous Owner shall be released from any further obligations under the
decommissioning and site reclamation plan.

16. The Applicant shall provide evidence of any new, additional, or substitute financial assurance to
the Zoning Administrator throughout the operating lifetime of the NON-ADAPTABLE
STRUCTURE.

17. Should the decommissioning and site reclamation plan, or any part of it, be deemed invalid by a
court of competent jurisdiction in the State of Illinois, the associated SPECIAL USE permit shall
be deemed void.

U. Indemnification

1. The applicant and Owner/Operator/Lessor of the PV SOLAR FARM shall, jointly and severally,
defend, indemnify and hold harmless the County of Ogle, the Board and the employees and
officials from and against any and all claims, demands, losses, suits, causes of action, damages,
injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees and costs,
arising out of the acts and/or omissions of the Owner and/or Operator concerning the installation,
operation and decommissioning of the PV SOLAR FARM including without limitation, whether
said liability is premised on contract or on tort.
2. The record Landowner of the real property upon which the PV SOLAR FARM is installed, and the person or entity leasing the land upon which the PV SOLAR FARM is located and operating the PV SOLAR FARM shall be jointly and severally liable to the County of Ogle for any violations of the Special Use Conditions set forth herein or as from time to time amended, including but not limited to, remediation, correction, disposal or removal of said PV SOLAR FARM, as well as all legal fees and costs incurred in enforcing the County of Ogle's rights. Such obligations shall run with the land insofar as the Owner of the property is concerned, and shall be recorded against the property as deemed necessary by the County. Further such obligations shall be enforceable in Ogle County or in the Federal Court in the Western Division of the Northern District of Illinois and the parties set forth herein acknowledge and consent to jurisdiction and venue in these locations.

V. Waiver

Failure by the County of Ogle, its employees, or administrators to exercise any right in the event of breach or default by the Applicants/Owners/Operator/Lessor/etc of the PV SOLAR FARM or of Landowner/Record Owner of the real property upon which the PV SOLAR FARM is installed shall not constitute or operate as a waiver of any right of Ogle County, its employees, or administrators.

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 10TH DAY OF JANUARY, 2019 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

That part of the South East 1/4 of Section 22, lying North and East of the Northerly line of the former right of way of the Chicago, Burlington and Quincy Railroad (formerly Chicago and Iowa Rail Road), and that part of the North East 1/4 of Section 27, lying North and East of the Southerly line of the former right of way of the Chicago, Burlington and Quincy Railroad (formerly Chicago and Iowa Rail Road) and lying North of Railroad Addition to the Town, now Village of Mount Morris, EXCEPT that portion lying in said Section 27 and EXCEPT six tracts described as follows and EXCEPT Railroad right of way:

Tract 1: Beginning at a point in the Center of A Street in the Village of Mt. Morris 164 feet South of the North line of said Section 27, thence North 264 feet to a point 100 feet North of the South line of said Section 22, thence West 375.5 feet, thence South, parallel with said A Street, 264 feet, and thence East 375.5 feet to the point of beginning;

Tract 2: The South 66 feet of the East 180 feet of said North East 1/4;

Tract 3: Part of the South East 1/4 of said Section 22, described as follows: Beginning at a point on the East line of said Section, 100 feet North of the Southeast Corner thereof, thence Westerly 375.5 feet to a point 105 feet Northerly of the South line of said Section 22, as measured parallel with the East line thereof, thence extending Westerly on a projection of the last described course 12.5 feet, thence Northerly, parallel with said East line, 610 feet, thence Easterly 388 feet to a point on said East line 610 feet to the point of beginning, and thence Southerly on said East line 610 feet to the point of beginning;

Tract 4: Part of the North East 1/4 of said Section 27, described as follows: Beginning at a point on the East line of said Section, 471.35 feet South of the Northeast corner thereof, thence extending south on said East line 96 feet, thence West, parallel with the North line of 6th Street (vacated) in Railroad addition in the Village of Mt. Morris, 144 feet, thence North, parallel with said East line, 96 feet, and thence East, parallel with said North line of 6th Street, 144 feet to the point of beginning;

Tract 5: Part of the Southeast 1/4 of Section 22 and part of the Northeast 1/4 of Section 27 all in Township 24 North, Range 9 East of the 4th P.M., Ogle County, Illinois described as follows: Commencing at the Southeast corner of said Section 22; thence South 89 degrees 29 minutes 47 seconds West along the South line of said Section 22 a distance of 906.58 feet to the point of beginning of the tract of land being described, thence North 0 degrees 00 minutes 00 seconds West parallel with the East line of said Section 22, 961.43 feet to the centerline of a creek; thence Northwesterly following the meanderings of the said centerline, 2,145.3 feet, more or less to the intersection with the West line of the said Southeast 1/4 of Section 22 said point being located 545.24 feet South of the Northwest corner thereof; thence South 0 degrees 09 minutes 51 seconds West on the said West line of the Southeast 1/4, 524.76 feet to the Northerly right of way line of the Chicago Burlington and Quincy Railroad (now abandoned); thence Southeasterly on the said Northerly right of way line, 2,632.20 feet, more or less, to the point of intersection with a line bearing South 0 degrees 00 minutes 00 seconds East from the said point of beginning; thence North 0 degrees 00 minutes 00 seconds West, 327.86 feet to the said point of beginning; situated in the Village of Mt. Morris, All in Township 24 North, Range 9 East of the 4th P.M., in Ogle County, Illinois.

Tract 6: Part of the Northeast Quarter of Section 27 and part of the Southeast Quarter of Section 22 all in Township 24 North, Range 9 East of the Fourth Principal Meridian, described as follows: Commencing at a point which is South 01°18'28" West coincident with the East line of said Northeast Quarter of Section 27 a distance of 164.00 feet from the Northwest corner of said Northeast Quarter of Section 27 and running thence South 88°57'17" West a distance of 375.50 feet to the point of beginning of tract herein described as follows; thence continuing South 88°57'17" West a distance of 80.00 feet to a point; thence North 01°19'22" West a distance of 876.85 feet to a point; thence South 89°09'39" West 344.83 feet to a point; thence North 01°21 '02" West a distance 1200.00 feet to a point; thence North 89°09'39" East a distance of 800.00 feet to a point on the East line of said Southeast Quarter of Section 22; thence South 01°21 '02" East coincident with said East line a distance of
1200.00 feet to a point which is 710.00 feet North of the Northeast corner of said Northeast Quarter of Section 27; thence South 89°09'39" West a distance of 388.00 feet to a point; thence South 01°21 '02" East a distance 610.00 feet to a point; thence North 89°09'39" East a distance of 12.50 feet to a point; thence South 01°20'38" East a distance of 105.00 feet to a point; thence South 01°19'22" East a distance of 161.56 feet to the point of beginning, containing 23.47 acres, subject to that land dedicated or used for public road purposes, situated in the Township of Mt. Morris, the County of Ogle, and the State of Illinois.

Property Identification Number (PIN): 08-22-400-017
Common Location: 3300 to 3500 Block of N. Mt. Morris Road
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 SV CSG Mt. Morris3, LLC, %Tim Polz, Manager, 25 N. River Lane, Geneva, IL; and Wilma L. Honsemeier, 3747 W. IL Rte. 64, Mt. Morris, IL in case #18SU. The applicants are requesting a Special Use in the I-1 Industrial District to allow a solar farm on Parcel Identification No. 08-22-400-017, a 65.78-acre parcel located in part of the Southeast Quarter (SE 1/4) of Section 22, T24N, R9E of the 4th P.M., Ogle County, IL, situated in Mt. Morris Township and located in the 3300 to 3500 block of N. Mt. Morris Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on October 25, 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 Amenityary 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 petitioner has adequately demonstrated that a solar farm will not be unreasonably detrimental to the value of other property in the vicinity, and will not be detrimental to the public health, safety, morals, comfort or general welfare at large. 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 proposed solar farm will be enclosed by a security fence, and is currently surrounded by agricultural uses, with the land immediately adjacent to the east of the site having been previously approved as a Special Use for a solar farm. The proposed solar farm will not adversely impact agricultural uses on adjacent properties or other properties in the vicinity. 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. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Mt. Morris Road, 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 petitioner has adequately demonstrated that the proposed use will not adversely affect development and use other properties; the site is planned for future industrial use by the Village of Mt. Morris, and is adjacent to the Village wastewater treatment plant; the proposed use will not generate noise, odors or traffic, and will be visually compatible with the area, and is deemed essential and desirable to preserve and promote the public health, safety and general welfare of 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 I-1 zoning 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 in the I-1 Industrial District be granted to allow a solar farm 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 or component of a solar farm shall exceed 20 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 (excluding fences) 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 (excluding fences) shall be located a minimum of 50 feet from any interior property line.

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 1) has entered into a power purchase agreement (PPA) if a utility-scale solar farm or 2) has been approved for utility interconnection if a community solar farm.

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.
5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 25th day of October 2018 by the Ogle County Zoning Board of Appeals.

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

[Signature]
Randy Ocken, Chairman

[Signature]
Michael Reibel, Secretary

ATTEST:
February 7, 2019

The Ogle County Board, at a special County Board meeting held on Thursday, January 10, 2019, Janes presents the petition of #18-18 SU - Bocker - DG Illinois Solar, LLC, %Matthew Handel, 700 Universe Blvd., June Beach, FL; and Gary O. Bocker Trust #2-789 by Gary Bocker, Trustee, 10662 W. IL Rte. 64, Polo, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Gary O. Bocker Trust #2-789, and being leased by DG Illinois Solar, LLC: Part of the Northwest Quarter (NW1/4), and the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), all in Section 18 Mt. Morris Township 24N, R9E of the 4th P.M., Ogle County, IL, 177.4 acres, more or less - P.I.N.: 08-19-100-007 - Common Location: 8225 to 8500 Block of W. Haldane Rd.

Janes states ZBA approved the petition 3-2 and the Regional Planning Commission had no recommendation. Janes moved to approve O-2019-0106. Corbitt seconded.

Motion carried. (Placed on file)

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.
WHEREAS, DG Illinois Solar, LLC, %Matthew Handel, 700 Universe Blvd., June Beach, FL; and Gary O. Bocker Trust #2-789 by Gary Bocker, Trustee, 10662 W. IL Rte. 64, Polo, IL have filed a petition for a Special Use in the AG-1 Agricultural District (Petition No. 18-18SU) to allow a solar farm on property located in the 8225 to 8500 Block of W. Haldane Road in Mt. Morris 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 October 25, 2018 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use, no member(s) of the public spoke in favor of the petition, and two (2) 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 be approved with conditions as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated October 25, 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 be approved as recommended by the Zoning Board of Appeals; 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 in the AG-1 Agricultural District (Petition No. 18-18SU) to allow a solar farm 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 DG Illinois Solar, LLC, %Matthew Handel, 700 Universe Blvd., June Beach, FL; and Gary O. Bocker Trust #2-789 by Gary Bocker, Trustee, 10662 W. IL Rte. 64, Polo, IL for a Special Use in the AG-1 Agricultural District (Petition No. 18-18SU) to allow a solar farm on property located in the 8225 to 8500 Block of W. Haldane Road in Mt. Morris Township and legally described as shown in Exhibit “A” attached hereto, is hereby approved subject to the following conditions:
A. Definitions

The below words and terms shall have the following definitions as utilized herein:

LANDOWNER: Owner of land, record owner, real property owner in Ogle County seeking SPECIAL USE Permit to install a PV SOLAR FARM to generate electricity outside of their own personal use for residence/property. Typically LANDOWNER form agreements with PV SOLAR FARM Owners/Operators who typical install and/or operate the PV SOLAR FARM for commercial sale of solar energy. Note, throughout this document LANDOWNER is interchangeable with "owner", "property owner", "record owner", "real owner", etc.

NON-ADAPTABLE STRUCTURE: Any STRUCTURE or physical alteration to the land which requires a SPECIAL USE Permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE). This term shall include, but not be limited to, a PV SOLAR FARM.

NOXIOUS WEEDS: Any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.

OPERATOR: Any company, LLC or entity that has been contracted to operate PV SOLAR FARM for purpose to sell solar electricity. OPERATOR and OWNER can be interchangeable and are responsible meeting all conditions of Ogle County, IL Solar Farm Special Use Conditions.

OWNER: Any company, LLC or entity that has formed agreement with LANDOWNER to install, construct and/or Operate PV SOLAR FARM. OWNER in conjunction with LANDOWNER are responsible for meeting conditions of Ogle County, IL Solar Farm Special Use Conditions. Original Owner of PV SOLAR FARM may sell their ownership stake in PV SOLAR FARM to new OWNER/OPERATOR but all conditions of Solar Farm Special Use apply otherwise permit will be denied. Note, throughout this document OWNER is interchangeable with "owner", "operator", "lessor", etc.

PHOTOVOLTAIC (PV): A type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.

PV SOLAR FARM: A unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different Owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and water wells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph. Any other type of SOLAR FARM that is not a PV SOLAR FARM such as concentrated solar and/or thermal solar are not covered by this Ordinance.

PV SOLAR FARM, COMMUNITY: A PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
B. General Conditions

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

2. The area of the PV SOLAR FARM SPECIAL USE permit must include the following minimum areas:
   a. All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.
   b. All necessary PV SOLAR FARM STRUCTURES and ACCESSORY STRUCTURES including electrical distribution lines, inverters, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY and all water wells that will provide water for the PV SOLAR FARM. For purposes of determining the minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.
   c. All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q.

3. Interconnection to the power grid
   a. The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant or PV SOLAR FARM is in the queue to acquire an interconnection agreement to the power grid.
   b. Documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of an Occupancy Certificate to authorize operation of the PV SOLAR FARM.

4. Right to farm
   a. The Owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Farm Nuisance Suit Act (740 ILCS 70/).

C. Minimum Lot Standards

1. There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.

2. There is no maximum LOT AREA requirement on prime farmland as defined by the U.S. Department of Agriculture.
D. Minimum Standard Conditions for Separations for PV SOLAR FARM from adjacent USES and STRUCTURES

The location of each PV SOLAR FARM shall provide the following required separations as measured from the exterior of the above ground portion of the PV SOLAR FARM STRUCTURES and equipment including fencing:

1. PV SOLAR FARM fencing shall be set back from the street right-of-way line a minimum of 40 feet from a road/street under township jurisdiction, and a minimum of 60 feet from the right-of-way of a road/highway under Ogle County jurisdiction, and a minimum of 80 feet from the right-of-way of a road/highway under state or federal jurisdiction unless a greater separation is required for screening pursuant to subsection L.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET, road or highway.

2. For properties participating in the solar farm: No required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.

3. For properties not participating in the solar farm:
   a. For any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
      i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
      ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the Zoning Board of Appeals.
   b. For any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.

4. A separation of at least 500 feet from any of the following unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation from any of the following:
   a. Any AIRPORT premises or any AIRPORT approach zone within five miles of the end of the AIRPORT runway; or
   b. Any RESTRICTED LANDING AREA that is NONCONFORMING or which has been authorized by SPECIAL USE permit and that existed on or for which there had been a
complete SPECIAL USE permit application received prior to the filing of an application for Special Use for the subject solar farm, or any approach zone for any such RESTRICTED LANDING AREA.

5. A separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.

6. Electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.

7. Separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the Zoning Board of Appeals on a case-by-case basis.

8. PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.

E. Standard Conditions for Design and Installation of any PV SOLAR FARM.

1. Any building that is part of a PV SOLAR FARM shall include as a requirement for an Occupancy Certificate a certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.

2. Electrical Components
   a. All electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
   b. Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).
   c. Burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.

3. Maximum height. No aspect or component of a solar farm shall exceed 15 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.

4. Warnings. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

5. No construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.
6. **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.

7. The solar farm Owner/Operator shall provide approval for access points and change in access use from the road or highway authority having jurisdiction.

8. The Owner/Operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

9. During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

**F. Storm water Management, Retention of Topsoil and Minimizing Disturbance to Prime Farmland**

1. **Storm water Management**
   
a. 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 Storm water Management Ordinance.

2. **Retention of all topsoil**
   
a. No topsoil may be removed, stripped, or sold from the proposed SPECIAL USE Permit site pursuant to or as part of the construction of the PV SOLAR FARM.

3. **Minimizing disturbance to PRIME FARMLAND as defined by the U.S. Department of Agriculture**
   
a. Any PV SOLAR FARM to be located on PRIME FARMLAND shall minimize the disturbance to PRIME FARMLAND as follows:

   i. The disturbance to PRIME FARMLAND caused by construction and operation of the PV SOLAR FARM shall be minimized at all times consistent with good engineering practice.

   ii. Disturbance to PRIME FARMLAND shall be offset by establishment of a vegetative ground cover within the PV SOLAR FARM that includes the following:

      (a) The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.

      (b) The species selected shall serve a secondary habitat purpose as much as possible.

      (c) Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.
(d) The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the PV SOLAR FARM SPECIAL USE permit application. The landscape plan shall include the weed control plan required by subsection O(3).

(e) The Ogle County Soil & Water Conservation District shall be consulted for appropriate vegetative ground cover species selections.

G. Standard Conditions for Coordination with Local Fire Protection District

1. The Applicant shall submit to the local fire protection district a copy of the site plan.

2. Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.

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

H. Standard Conditions for Allowable Noise Level

1. Noise levels from any PV SOLAR FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910).

2. The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed PV SOLAR FARM equipment necessary for a competent noise analysis.

3. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements as follows:

   a. The SPECIAL USE permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis that includes the following:

      i. The pre-development 24-hour ambient background sound level shall be identified at representative locations near the site of the proposed PV SOLAR FARM.

      ii. Computer modeling shall be used to generate the anticipated sound level resulting from the operation of the proposed PV SOLAR FARM within 1,500 feet of the proposed PV SOLAR FARM.

      iii. Results of the ambient background sound level monitoring and the modeling of anticipated sound levels shall be clearly stated in the application and the application shall include a map of the modeled noise contours within 1,500 feet of the proposed PV SOLAR FARM.

      iv. The application shall also clearly state the assumptions of the computer model's construction and algorithms so that a competent and objective third party can as simply as possible verify the anticipated sound data and sound levels.
b. For a COMMUNITY PV SOLAR FARM the Zoning Board of Appeals may require submission of a noise analysis that meets the standard of subsection H.(3)a.

4. After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:

   a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board aware of complaints about noise that have been received by the Complaint Hotline.

   b. If the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board determines that the noise is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive noise.

I. **Standard Conditions for Endangered Species Consultation**

The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources or, if applicable, a copy of the Detailed Action Plan Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

J. **Standard Conditions for Historic and Archaeological Resources Review**

The Applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the State Historic Preservation Officer of the Illinois Department of Natural Resources.

K. **Standard Conditions for Acceptable Wildlife Impacts**

The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.

L. **Screening and fencing**

   1. Perimeter fencing

      a. PV SOLAR FARM equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 7 feet.

      b. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

      c. Vegetation between the fencing and the LOT LINE shall be maintained such that NOXIOUS WEEDS are controlled or eradicated consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). Management of the vegetation shall be explained in the application.
d. The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.

2. Screening

a. A visual screen shall be provided around the perimeter of the PV SOLAR FARM as follows:

i. The visual screen shall be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT except that the visual screen may not be required within the full 1,000 feet of an existing DWELLING or residential DISTRICT provided the applicant submits a landscape plan prepared by an Illinois Registered Landscape Architect and the Zoning Board of Appeals finds that the visual screen in the landscape plan provides adequate screening. However, the visual screen shall not be required if the PV SOLAR FARM is not visible to a DWELLING or residential DISTRICT by virtue of the existing topography.

ii. The visual screen shall be waived if the Owner(s) of a relevant DWELLING(S) have agreed in writing to waive the screening requirement and a copy of the written waiver is submitted to the Zoning Board of Appeals or Ogle County Board.

iii. The visual screen shall be a vegetated buffer as follows:

a. A vegetated visual screen buffer shall include a continuous line of native evergreen foliage and/or native shrubs/trees and/or any existing wooded area plantings that will meet height requirements specified to conceal the PV SOLAR FARM from view from adjacent abutting property.

b. Any vegetation that is part of the approved visual screen buffer shall be maintained in perpetuity of the PV SOLAR FARM. If the screen foliage drops below a height of 7 feet disappears over time, the screening shall be replaced within next growing season.

c. The continuous line of native evergreen foliage and/or native shrubs and/or native trees shall be planted at a minimum height of 5 feet tall and shall be planted in multiple rows as required to provide a 50% screen within 2 years of planting. The planting shall otherwise conform to Natural Resources Conservation Service Practice Standard 380 Windbreak/Shelter-break Establishment except that the planting shall be located as close as possible to the PV SOLAR FARM fence while still providing adequate clearance for maintenance.

A planting of tall native grasses and other native flowering plants may be used in conjunction with as a visual screen buffer for any PV module installation that is no more than 8 feet tall provided that the width of planting shall be as authorized by the Zoning Board of Appeals and the planting shall otherwise be planted and maintained per the recommendations of the Natural Resources Conservation Service Practice Standard 327 Conservation Cover and further provided that the PV SOLAR FARM perimeter fence is opaque.

d. All screen buffer shall be detailed in a landscape plan drawing that shall be included with the PV SOLAR FARM SPECIAL USE permit application.
M. Standard Conditions to Minimize Glare

1. The design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.

2. After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate complaints of glare in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any significant glare that is occurring, including but not limited to the following:
   a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee aware of complaints about glare that have been received by the Complaint Hotline.
   b. If the Supervisor of Assessments and Planning & Zoning Committee determines that the glare is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive glare such as the installation of additional screening.

N. Standard Condition for Liability Insurance

1. General Liability Insurance
   a. The County of Ogle, Illinois, its officers and employees shall be included as an additional insured on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims made policies.
   b. The County of Ogle, Illinois, its officers and employees shall be named as additional insured with a waiver of subrogation on the Commercial Liability policy.
   c. Any Commercial Umbrella utilized shall be a “Following Form” policy.
   d. All policies must contain no more than a 30 day notice of cancellation.
   e. Current copies of the insurance policies and certificates of insurance shall be kept on file with the Ogle County Clerk.

2. Maintenance of General Liability Insurance
   a. The Owner or Operator of the PV SOLAR FARM shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of a least $5 million per occurrence and $5 million in the aggregate.
   b. The Owner or Operator of the PV SOLAR FARM shall maintain a current Commercial Auto policy of at least $1,000,000.
   c. The Owner or Operator of the PV SOLAR FARM shall maintain Workman's Compensation insurance in the following amounts:
i. $1,000,000 per accident;

ii. Occupational Disease: $1,000,000 per employee with a policy limit of $1,000,000.

3. Pollution liability insurance shall be maintained in the amount of $5,000,000 per policy.

4. The general liability policy shall identify Landowners in the SPECIAL USE permit as additional insured.

O. Operational Standard Conditions

1. Maintenance

a. The Owner or Operator of the PV SOLAR FARM must submit, on an annual basis, a summary of operation and maintenance reports to the Supervisor of Assessments and Planning & Zoning Committee and any other operation and maintenance reports as the Supervisor of Assessments and Planning & Zoning Committee reasonably requests.

b. Any physical modification to the PV SOLAR FARM that increases the number of solar conversion devices or structures and/or the land area occupied by the PV SOLAR FARM shall require a new SPECIAL USE Permit. Like-kind replacements shall not require re-certification nor will replacement of transformers, cabling, etc. provided replacement is done in a fashion similar to the original installation.

c. The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The Zoning Board of Appeals may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent water wells.

2. Materials Handling, Storage and Disposal

a. All solid wastes related to the construction, operation and maintenance of the PV SOLAR FARM shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

b. All hazardous materials related to the construction, operation and maintenance of the PV SOLAR FARM shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

3. Vegetation management

a. The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing.

b. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.).
c. The weed control plan shall be explained in the application.

4. Points of Contact
   a. The Owner or Operator of the PV SOLAR FARM shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. This information shall be kept current at all times, and changes shall be reported immediately or as soon as possible.

5. The Operator of the PV SOLAR FARM shall conduct ground water monitoring and testing via groundwater monitoring wells commencing five (5) years from the date of substantial completion of the PV SOLAR FARM and every five (5) years thereafter during the life of the PV SOLAR FARM, the results of which shall be submitted to the Ogle County Zoning Administrator. The purpose of this required condition of Special Use approval is to provide controlled access for sampling ground water near a PV SOLAR FARM in order to detect seepage and monitor the effects of contaminants in seepage on ground water quality.

   a. Monitoring wells shall be planned, designed, constructed, operated and maintained in a manner that meets all applicable local, state and federal laws and regulations. The installation shall meet all the requirements and regulations as set forth in the Illinois Water Well Construction Code (TITLE 77: PUBLIC HEALTH; CHAPTER I: DEPARTMENT OF PUBLIC HEALTH; SUBCHAPTER r: WATER AND SEWAGE; PART 920 WATER WELL CONSTRUCTION CODE).

   b. Prior to the design of a monitoring well, a surface and subsurface investigation shall be conducted to develop a conceptual hydrogeological model of the site, to identify potential ground water flow paths, and to determine the location of the target monitoring zone(s).

      i. The hydrogeological investigation shall include the mapping, identification and description of soil and rock masses that affect the movement and transport of subsurface water occurring within at least 100 feet of the perimeter of the PV SOLAR FARM.

      ii. The hydrogeological investigation shall identify and describe all characteristics and properties of geologic units that can influence subsurface water flow paths or produce preferred flow paths such as karst development, joint sets, fracture systems, faults, lineaments, and other similar discontinuities. These shall be located on a geologic evaluation map of the site.

      iii. The hydrogeological investigation shall identify and describe any tile lines, subsurface drains, surface drains, irrigation ditches, irrigation wells, water supply wells, septic drain fields, infiltration strips, subsurface quarries, mines, or other water control/management related features that have the potential to alter the native subsurface water flow paths. Such features shall be located on a geologic evaluation map of the site.

      iv. The hydrogeological investigation shall be of sufficient detail to map the potentiometric surface to a one-foot contour interval. The map of the potentiometric surface shall be used to determine the hydraulic gradient and direction of flow within the target monitoring zone(s).
v. The hydrogeological investigation shall identify and describe any seasonal changes in the potentiometric surface and direction of subsurface water flow paths.

vi. The hydrogeological investigation shall identify and describe other features that influence subsurface water flow such as hard pans, sand boils, animal burrows, seasonal desiccation, high shrink/swell soils, dense till, and depth of frost line.

c. Monitoring wells shall be located both up gradient and down gradient of the PV SOLAR FARM and at a distance and depth based on the results of the hydrogeological investigation of the site.

i. The placement of monitoring wells in fractured rock and karst aquifers shall be based on the location of zones of high-permeability even if they are located offsite.

ii. A minimum of one monitoring well shall be placed on the up gradient side of the waste storage facility and a minimum of three monitoring wells shall be placed down gradient. When seasonal changes in the direction of subsurface water flow are possible, monitoring wells shall be placed in such a manner as to capture both up gradient and down gradient flow during any time of year.

iii. The layout of the monitoring wells shall be based on the conceptual hydrogeological model to intercept representative subsurface water flow path(s) of the target monitoring zone(s).


e. Materials used for the construction of monitoring wells shall be non-reactive with subsurface water and shall not leach substances into the subsurface water.

i. Materials shall be free of contaminants prior to installation.

ii. Well screens shall be made by machine.

iii. All joints shall be threaded. Glued or solvent welded joints shall not be used.

iv. Materials shall have adequate strength to withstand the forces of installation and development.

f. Well Installation methods shall be selected based on site-specific conditions.

i. Installation methods shall be in conformance with ASTM D5092 for granular aquifers, and ASTM D5717 for karst and fractured rock aquifers.

ii. The equipment used shall be capable of creating a stable, open, vertical borehole for installation of the monitoring well.
g. Well protection installation measures to protect the monitoring well from damage from hazards such as frost action, surface drainage, animal or equipment traffic, and lack of visibility shall be taken and conform to ASTM D5092.

i. Positive surface drainage away from the well heads shall be established.

ii. Protection from natural or human caused damage shall be provided in conformance with ASTM D5787 "Standard Practice for Monitoring Well Protection".

iii. A buffer zone with a minimum radius of 30 feet shall be established around each well head.

iv. The buffer zone shall be fenced or otherwise protected from access by motor vehicles and livestock.

v. Within the buffer zone there shall be no storage, handling, mixing, or application of fertilizers, pesticides or other agricultural chemicals or cleaning of equipment used in the handling or application of such items.

h. The monitoring well shall be developed to improve the hydraulic communication between the target hydrogeological unit and the well screen, to minimize the interference of sediment with water quality samples, and to restore the ground-water properties disturbed by the drilling process. Well completion shall ensure that only the targeted hydrogeological unit contributes to the monitoring well and that the annular space is sealed to prevent cross contamination from other water sources.

i. The well development method shall be selected from alternatives provided in ASTM D5092. The selection of the method shall be based on the physical characteristics of the target hydrogeological unit and the drilling method used.

ii. For granular aquifers, well completion shall conform to ASTM D5521 "Standard Guide for Development of Ground Water Monitoring Wells in Granular Aquifers."

iii. For fractured-rock and karst aquifers, well completion shall conform to ASTM D5717.

i. Record keeping shall conform to:

i. ASTM D5254 "Standard Practice for Minimum Set of Data Elements to identify Ground-Water Site".

ii. ASTM D5408 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part One – Additional Identification Descriptors".

iii. ASTM D5409 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part Two – Physical Descriptors".

iv. Installation of monitoring wells shall be reported as required by local or state laws and regulations.
j. Well Design considerations shall use:

i. Use geophysical tools in conjunction with penetrative exploratory techniques to improve and refine the mapping of the location, shape, orientation and extent of subsurface hydrogeological units.

ii. Apply effects of geomorphic processes, geologic structures, regional stratigraphy, and soil and rock properties on subsurface flow patterns when developing a conceptual hydrogeological model.

iii. Utilize the physical properties and methods of movement in the environment of the solutes and pollutants of interest when designing monitoring wells.

iv. Install additional monitoring wells at other points as dictated by the results of the hydrogeological investigation to adequately monitor the location and direction of movement of any potential contaminant plume.


vi. Address frost heave concerns by considering design alternatives that reduce the potential for frost heave to damage the monitoring well.

k. Plans and specifications for constructing, installing, developing and completing monitoring wells shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose.

l. Operation and Maintenance provisions shall be made for operation and maintenance requirements in keeping with the purpose of this standard.

m. Results of Groundwater Testing shall include, but not necessarily be limited to, the following: pesticides, volatile organic compounds (VOCs), GENX Compounds, polycyclic aromatic hydrocarbons (PAHs), Nitrogen Trifluoride, Sulfur Hexafluoride, Copper Indium Selenide and Copper Indium Gallium (di)selenide, as well as other heavy metals such as arsenic, mercury, lead, and cadmium, and endocrine disruptors, such as bisphenol A.

P. Standard Condition for Decommissioning and Site Reclamation Plan

1. The Applicant shall submit a signed decommissioning and site reclamation plan conforming to the requirements of section T. herein.

2. In addition to the purposes listed in subsection T.(4) the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.

3. The decommissioning and site reclamation plan required in section T. shall also include the following:
a. The applicant or successor shall notify the Ogle County Board by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of the proceeding.

b. The applicant shall agree that the sale, assignment in fact or law, or such other transfer of applicant's financial interest in the PV SOLAR FARM shall in no way affect or change applicant's obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV SOLAR FARM.

c. Authorization for the Ogle County Board and its authorized representatives for right of entry onto the PV SOLAR FARM premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

d. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.

e. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the PV SOLAR FARM or prior to ceasing production of electricity from the PV SOLAR FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.

f. The decommissioning and site reclamation plan shall provide for payment of any associated costs that Ogle County may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to attorney's fees; construction management and other professional service fees; and the costs of preparing requests for proposals and bidding documents required to comply with state law or Ogle County purchasing policies.

g. All equipment, cables, wires, conduits, structures, fencing and foundations, whether above or below ground, shall be removed.

h. Any hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:

i. The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original PV SOLAR FARM construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.
ii. The native soils excavated at the time of the original PV SOLAR FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the PV SOLAR FARM. The methods for storing the excavated native soils during the operating lifetime of the PV SOLAR FARM shall be included in the decommissioning and site reclamation plan.

iii. If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this section. The certification shall be submitted to the Zoning Administrator.

iv. An Illinois Licensed Professional Engineer of Ogle County's choosing shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.

i. If the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction in the State of Illinois the PV SOLAR FARM SPECIAL USE permit shall be deemed void.

j. The Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.

k. The liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of the financial assurance.

l. If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Applicant installs equipment or property increasing the cost of decommissioning after the PV SOLAR FARM begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value, the Applicant shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.

4. To comply with subsection T.(5), the Applicant shall provide financial assurance in the form of a performance bond as follows:

a. At the time of Special Use Permit approval, the amount of financial assurance to be provided for the decommissioning and site reclamation plan shall be 125% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in subsections T.(4)a. and T.(4)b. and T.(4)c. and shall otherwise be compliant with subsection T.(5).
b. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:

i. At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter, or, if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Certificate approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.

ii. At all times, the value of the performance bond shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the PV SOLAR FARM was approved.

c. The long term corporate debt (credit) rating of the performance bond issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:

i. The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).

ii. The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.

iii. Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the performance bond shall be replaced with a new performance bond from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating.

d. At all times the value of the performance bond shall be increased annually as necessary to reflect actual rates of inflation over the life span of the PV SOLAR FARM and the amount shall be equal to or exceed 125% of the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the PV SOLAR FARM was approved.
e. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q. shall count towards the total financial assurance required for compliance with subsection T.(5).

f. The Ogle County Board approves otherwise, the Ogle County State's Attorney's Office shall review and approve every performance bond prior to acceptance by the Zoning Administrator.

5. In addition to the conditions listed in subsection T.(9) the Zoning Administrator may also draw on the funds for the following reasons:

a. In the event that any PV SOLAR FARM or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such PV SOLAR FARM or component.

b. In the event that the Owner declares the PV SOLAR FARM or any PV SOLAR FARM component to be functionally obsolete for tax purposes.

c. There is a delay in the construction of any PV SOLAR FARM of more than 6 months after construction on that PV SOLAR FARM begins.

d. Any PV SOLAR FARM or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.

e. Any PV SOLAR FARM or component thereof that is otherwise derelict for a period of 6 months.

f. The PV SOLAR FARM is in violation of the terms of the PV SOLAR FARM SPECIAL USE permit for a period exceeding ninety (90) days.

g. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the COUNTY's interest in the decommissioning and site reclamation plan.

h. The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the special use permit zoning case.

6. The Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in subsection P.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.

7. The Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the Zoning Board of Appeals and the signed and executed performance bond must be submitted to the Zoning Administrator prior to any Zoning Certificate approval.
8. In addition to the required decommissioning performance bond, the Applicant shall establish an escrow account in a federally insured financial institution located in Ogle County, proof of which shall be provided prior to the issuance of a Zoning Certificate, and shall deposit therein cash in the amount of:

a. $100,000 per MW of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for completing the required decommissioning of the PV SOLAR FARM as a backup to the required decommissioning performance bond, and

b. $100,000 per MW of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for future disposal of the PV SOLAR FARM components as a backup to the required decommissioning performance bond.

c. A written escrow agreement shall be prepared and approved by the Ogle County State's Attorney. The County of Ogle shall have access to the escrow account funds for the purpose of completing decommissioning and disposal if not completed by the PV SOLAR FARM Owner and/or Operator.

Q. Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture.

1. The Applicant shall enter into an AIMA with the Illinois Department of Agriculture.

2. The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed AIMA with the Illinois Department of Agriculture.

3. All requirements of the signed AIMA with the Illinois Department of Agriculture shall become requirements of the SPECIAL USE Permit.

4. Ogle County shall have the right to enforce all requirements of the signed AIMA with the Illinois Department of Agriculture.

R. Complaint Hotline

1. Prior to the commencement of construction on the PV SOLAR FARM and during the entire term of the SPECIAL USE permit and any extension, the Applicant and Owner shall establish a telephone number hotline for the general public to call with any complaints or questions.

2. The telephone number hotline shall be publicized and posted at the operations and maintenance center and the construction marshalling yard.

3. The telephone number hotline shall be manned during usual business hours and shall be an answering recording service during other hours.

4. Each complaint call to the telephone number hotline shall be logged and identify the name and address of the caller and the reason for the call.

5. All calls shall be recorded and the recording shall be saved for transcription for a minimum of two years.
6. A copy of the telephone number hotline shall be provided to the Zoning Administrator on a monthly basis.

7. The Applicant and Owner shall take necessary actions to resolve all legitimate complaints.

S. Standard Condition for Expiration of PV SOLAR FARM County Board SPECIAL USE Permit

A PV SOLAR FARM SPECIAL USE Permit designation shall expire in 2 years if no Zoning Certificate is granted.

T. Decommissioning and Site Reclamation Plan for NON-ADAPTABLE STRUCTURES

1. In the course of Zoning Board of Appeals review of a SPECIAL USE request, the Zoning Board of Appeals may find that a proposed STRUCTURE is a NON-ADAPTABLE STRUCTURE. Any PV SOLAR FARM shall be a NON-ADAPTABLE STRUCTURE. The Applicant for the SPECIAL USE request for a NON-ADAPTABLE STRUCTURE shall submit a decommissioning and site reclamation plan to the Zoning Board of Appeals for the subject site.

2. The decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the Landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a performance bond be provided for financial assurance.


   a. Cost estimates provided shall be subject to approval of the Zoning Board of Appeals.

   b. Except as provided in section P., the salvage value of the components of the NON-ADAPTABLE STRUCTURE shall not be credited to the cost estimates.

4. The decommissioning and site reclamation plan shall provide for:

   a. Removal of above-ground portion of any STRUCTURE on the subject site; site grading; and interim soil erosion control.

   b. Below-ground restoration, including final grading and surface treatment.

   c. Any environmental remediation required by State or Federal law.

   d. Provision and maintenance of a performance bond, as set forth in subsection T.(5).

5. No Zoning Certificate for such SPECIAL USE will be issued until the applicant provides the COUNTY with a performance bond to be drawn upon a federally insured financial institution within 200 miles of Oregon, Illinois or reasonable anticipated travel costs shall be added to the amount of the performance bond.
a. Unless specified elsewhere in this Ordinance, the performance bond shall be in the amount of one hundred twenty-five percent (125%) of an independent engineer's cost estimate to complete the work described in subsections T.(4)a., T.(4)b. and T.(4)c.

b. The provisions of this subsection notwithstanding, a different amount may be required as a special condition.

c. The performance bond, or a successor performance bond pursuant to subsection T.(6) or T.(14), shall remain in effect and shall be made available to the COUNTY for a term specified as a standard condition elsewhere in this ordinance, an indefinite term, or for a different term that may be required as a special condition.

6. One hundred eighty (180) days prior to the expiration date of a performance bond submitted pursuant to this section, the Zoning Administrator shall notify the Landowner or applicant in writing and request information about the Landowner or Applicant's intent to renew the performance bond, or remove the NON-ADAPTABLE STRUCTURE. The Landowner or applicant shall have thirty (30) days to respond in writing to this request. If the Landowner or applicant's intention is to remove the NON-ADAPTABLE STRUCTURE, the Landowner or applicant will have a total of ninety (90) days from the date of response to remove it in accordance with subsection T.(4)a. At the end of ninety (90) days, the Zoning Administrator shall have a period of sixty (60) days to either:

a. Confirm that the bank has renewed the performance bond; or

b. Inspect the subject property for compliance with subsection T.(4)a.; or

c. Draw on the performance bond and commence the bid process to have a contractor remove the NON-ADAPTABLE STRUCTURE pursuant to subsection T.(4)a.

7. The Zoning Administrator may find a NON-ADAPTABLE STRUCTURE abandoned in place. Factors to be considered in making this finding include, but are not limited to:

a. The nature and frequency of use as set forth in the application for SPECIAL USE.

b. The current nature and frequency of use.

c. Whether the NON-ADAPTABLE STRUCTURE has become a public nuisance, or otherwise poses a risk of harm to public health or safety.

d. Whether the NON-ADAPTABLE STRUCTURE has been maintained in a manner which allows it to be used for its intended purpose, with no greater effects on surrounding properties and the public as a whole than was originally intended.

e. A court of law, an arbitrator, mediator, or any state or Federal agency charged with enforcing State or Federal law has made a finding that either said NON-ADAPTABLE STRUCTURE or the structures supporting said NON-ADAPTABLE STRUCTURE and/or any related site grading and soil erosion controls or lack of same, constitutes a public nuisance or otherwise violates State or Federal law, or any State or Federal agency charged with enforcing State or Federal law has made a final determination either imposing an administrative sanction on any person associated with the NON-ADAPTABLE STRUCTURE relating to its use or denying the NON-ADAPTABLE STRUCTURE a permit necessary for its lawful operation.
8. Once the Zoning Administrator has made a finding that a NON-ADAPTABLE STRUCTURE is abandoned in place, the Zoning Administrator shall issue notice to the land Owner at the Owner's last known address, lessees, any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan, that the COUNTY will draw on the performance guarantee within thirty (30) days unless the Owner appeals the Zoning Administrator's finding, pursuant to Section 16-9-5 of the Ogle County Code or enters into a written agreement with the COUNTY to remove such NON-ADAPTABLE STRUCTURE in accordance with subsection T.(4) within ninety (90) days and removes the NON-ADAPTABLE STRUCTURE accordingly.

9. The Zoning Administrator may draw on the funds to have said NON-ADAPTABLE STRUCTURE removed as per subsection T.(4) of the decommissioning and site reclamation plan when any of the following occur:

a. No response is received from the Landowner within thirty (30) days from initial notification by the Zoning Administrator.

b. The Landowner does not enter, or breaches any term of a written agreement with the COUNTY to remove said NON-ADAPTABLE structure as provided in subsection T.(8).

c. Any breach or performance failure of any provision of the decommissioning and site reclamation plan.

d. The Owner of record has filed a bankruptcy petition, or compromised the COUNTY's interest in the performance bond in any way specifically allowed by the decommissioning and site reclamation plan.

e. A court of law has made a finding that a NON-ADAPTABLE STRUCTURE constitutes a public nuisance.

f. The Owner of record has failed to replace an expiring performance bond within the deadlines set forth in subsection T.(6); or

g. Any other conditions to which the COUNTY and the Landowner mutually agree, as set forth in the decommissioning and site reclamation plan.

10. Once the performance bond has been drawn upon, and the site has been restored to its original condition, as certified by the Zoning Administrator, the covenant entered into pursuant to subsection T.(2) shall expire, and the COUNTY shall act to remove said covenant from the record of the property at the Recorder of Deeds within forty-five (45) days.

11. The proceeds of the performance bond may only be used by the COUNTY to:

a. Remove the NON-ADAPTABLE STRUCTURE and return the site to its condition prior to the placement of the NON-ADAPTABLE STRUCTURE, in accordance with the most recent decommissioning and site reclamation plan submitted and accepted in relation to the NON-ADAPTABLE STRUCTURE.

b. Pay all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work, which shall include, but not be limited
to, attorney's fees; construction management and other professional service fees; and the costs of preparing request for proposal and bidding documents required to comply with state law or Ogle County purchasing policies; and

c. Remove any covenants placed on the title in conjunction with subsection T.(2). The balance of any proceeds remaining after the site has been reclaimed shall be returned to the issuer of the performance bond.

12. No dispute as to the necessity or reasonableness of any costs of performing the site reclamation work identified in subsection T.(11) shall impair the ability of Ogle County to draw on the Financial Assurance.

13. In accordance with the provisions of the Illinois Mechanic's Lien Act, 770 ILCS 60/1 and 60/7, the Applicant or successors in interest agree that any contractor retained by Ogle County to perform the decommissioning and site reclamation work in subsection T.(11) shall have a lien upon the Project to the full extent of all costs of performing the decommissioning and site reclamation work identified in subsection T.(11), and that such lien shall be superior to any claim or lien of any other creditor, incumbrancer or purchaser.

14. Upon transfer of any property, Operator subject to a performance bond and escrow accounts pursuant to this section, the new Owner or applicant of record shall submit a new performance bond and escrow accounts of same or greater value to the Zoning Administrator, prior to legal transfer of title, and shall submit a new decommissioning, site reclamation and disposal plan, pursuant to subsection T.4a., and section P.8. This includes establishing the required escrow amounts for both Decommissioning and Disposal Funds of $100,000 each per MW of installed Solar.

15. Once the new Owner or applicant of record has agreed to Special Use Conditions in writing and fulfilled the requirements of establishing performance bonds and escrow accounts for decommissioning and disposal then performance bond posted by the previous Owner or applicant shall be released, and the previous Owner shall be released from any further obligations under the decommissioning and site reclamation plan.

16. The Applicant shall provide evidence of any new, additional, or substitute financial assurance to the Zoning Administrator throughout the operating lifetime of the NON-ADAPTABLE STRUCTURE.

17. Should the decommissioning and site reclamation plan, or any part of it, be deemed invalid by a court of competent jurisdiction in the State of Illinois, the associated SPECIAL USE permit shall be deemed void.

U. Indemnification

1. The applicant and Owner/Operator/Lessor of the PV SOLAR FARM shall, jointly and severally, defend, indemnify and hold harmless the County of Ogle, the Board and the employees and officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees and costs, arising out of the acts and/or omissions of the Owner and/or Operator concerning the installation, operation and decommissioning of the PV SOLAR FARM including without limitation, whether said liability is premised on contract or on tort.
2. The record Landowner of the real property upon which the PV SOLAR FARM is installed, and the person or entity leasing the land upon which the PV SOLAR FARM is located and operating the PV SOLAR FARM shall be jointly and severally liable to the County of Ogle for any violations of the Special Use Conditions set forth herein or as from time to time amended, including but not limited to, remediation, correction, disposal or removal of said PV SOLAR FARM, as well as all legal fees and costs incurred in enforcing the County of Ogle's rights. Such obligations shall run with the land insofar as the Owner of the property is concerned, and shall be recorded against the property as deemed necessary by the County. Further such obligations shall be enforceable in Ogle County or in the Federal Court in the Western Division of the Northern District of Illinois and the parties set forth herein acknowledge and consent to jurisdiction and venue in these locations.

V. Waiver

Failure by the County of Ogle, its employees, or administrators to exercise any right in the event of breach or default by the Applicants/Owners/Operator/Lessor/etc of the PV SOLAR FARM or of Landowner/Record Owner of the real property upon which the PV SOLAR FARM is installed shall not constitute or operate as a waiver of any right of Ogle County, its employees, or administrators.

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 Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 10TH DAY OF JANUARY 2019 A.D.

Kim P. Goosker, 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

THE NORTHWEST FRACTIONAL QUARTER OF SECTION 19 AND THE SOUTHWEST QUARTER OF
THE NORTHEAST QUARTER OF SECTION 19, ALL IN TOWNSHIP 24 NORTH, RANGE 9 EAST OF THE
FOURTH PRINCIPAL MERIDIAN, SITUATED IN OGLE COUNTY, ILLINOIS, EXCEPT THE
FOLLOWING PARCELS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(1) BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST FRACTIONAL QUARTER;
THENCE NORTHERLY ON THE WEST LINE OF SAID SECTION 19, 674.7 FEET; THENCE EASTERLY
AT AN ANGLE OF 90°05'40" MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED
COURSE, 1022.53 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING EASTERLY ON A
PROJECTION OF THE LAST DESCRIBED COURSE, 382.65 FEET; THENCE SOUTHERLY, 676.54 FEET
EAST OF SAID SOUTHWEST CORNER THEREOF; THENCE WESTERLY ON SAID SOUTH LINE, 374.65
FEET; AND THENCE NORTHERLY, 676.08 FEET TO THE POINT OF BEGINNING, SITUATE DIN THE
COUNTY OF OGLE AND STATE OF ILLINOIS;

(2) BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE
EASTERLY ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 2625.89 FEET TO THE
NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY ALONG THE EAST
LINE OF SAID NORTHWEST QUARTER, 660.00 FEET; THENCE WESTERLY PARALLEL WITH THE
SAID NORTH LINE, 683.00 FEET; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID
WEST QUARTER, 630.0 FEET TO A POINT 30 FEET SOUTH OF THE NORTH LINE; THENCE
WESTERLY PARALLEL WITH THE SAID NORTH LINE, 1988.03 FEET TO THE WEST LINE OF SAID
NORTHWEST QUARTER; THENCE NORTHERLY ALONG SAID WEST LINE, 30.00 FEET TO THE
POINT OF BEGINNING;

(3) COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE
SOUTHERLY ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 30.00 FEET; THENCE
EASTERLY PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, 1963.03 FEET TO
THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND; THENCE
CONTINUING ALONG THE LAST DESCRIBED COURSE, 25.00 FEET; THENCE SOUTHERLY
PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER AT AN ANGLE OF 89°47'06",
MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 630.00 FEET; THENCE
EASTERLY PARALLEL WITH THE SAID NORTH LINE, 638.00 FEET TO THE EAST LINE; THENCE
SOUTHERLY ALONG SAID EAST LINE, 271.90 FEET; THENCE WESTERLY PARALLEL WITH THE
SAID NORTH, 663.00 FEET; THENCE NORTHERLY PARALLEL WITH THE EAST SAID EAST LINE,
901.90 FEET TO THE POINT OF BEGINNING, SITUATE DIN THE TOWNSHIP OF MT. MORRIS THE
COUNTY OF OGLE, AND THE STATE OF ILLINOIS.

Property Identification Number (PIN): 08-19-100-007
Common Location: 8225 to 8500 Block of W. Haldane Road

O-2019-0106
EXHIBIT “B”

FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS

O-2019-0106
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 DG Illinois Solar, LLC, %Matthew Handel, 700 Universe Blvd., June Beach, FL; and Gary O. Bocker Trust #2-789 by Gary Bocker, Trustee, 10662 W. IL Rte. 64, Polo, IL in case #18-18SU. The applicants are requesting a Special Use in the AG-1 Agricultural District to allow a solar farm on Parcel Identification No. 08-19-100-007, a 177.4-acre parcel located in part of the Northwest Quarter (NW 1/4), and the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 18, T24N, R9E of the 4th P.M., Ogle County, IL, situated in Mt. Morris Township and located in the 8225 to 8500 block of W. Haldane Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on October 25, 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 Amending 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 petitioner has adequately demonstrated that a solar farm will not be unreasonably detrimental to the value of other property in the vicinity, and will not be detrimental to the public health, safety, morals, comfort or general welfare at large. 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 proposed solar farm will be enclosed by a security fence, and will be well buffered from near-by residential uses. The proposed solar farm will not adversely impact agricultural uses on adjacent properties or other properties in the vicinity. 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. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Haldane Road, 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 petitioner has adequately demonstrated that the proposed use will not adversely affect development and use of other properties; will not generate noise, odors or traffic; will be visually compatible with the area; and, is deemed essential and desirable to preserve and promote the public health, safety and general welfare of 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 zoning 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 Amended Zoning Ordinance.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use in the AG-1 Agricultural District be granted to allow a solar farm 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 or component of a solar farm shall exceed 20 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 (excluding fences) 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 (excluding fences) shall be located a minimum of 50 feet from any interior property line.

O-2019-0106
D. Residential Buffer:

1) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel of 20 acres in area or less containing a dwelling, other than a parcel owned by the owner, operator or lessor of the solar farm;

2) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel zoned for non-farm residential use (IA, R-1, R-2, R-3 or R-4) or determined to be eligible to have a non-farm dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator or lessor of the solar farm.

3) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 200 feet from any dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator or lessor of the solar farm.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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 1) has entered into a power purchase agreement (PPA) if a utility-scale solar farm or 2) has been approved for utility interconnection if a community solar farm.

K. 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 it's 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.

L. 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.

M. 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.

N. 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.

O. 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 seven (7) 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.

5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

ROLL CALL VOTE: The roll call vote was 3 members for the motion to recommend granting, 2 opposed.

Respectfully submitted this 25th day of October 2018 by the Ogle County Zoning Board of Appeals.

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

[Signature]
Randy Ocken, Chairman

ATTEST:

[Signature]
Michael Reibel, Secretary
February 7, 2019

The Ogle County Board, at a special County Board meeting held on Thursday, January 10, 2019, Janes presents the petition of #19-18SU - Burandt - SolarStone Illinois, LLC, %Gordon Simanton, 3944 Xerxes Avenue S, Minneapolis, MN; and Burandt Family Trust by Wesley & Kathryn Burandt, Trustees, 3890 Baxter Rd., Rockford, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Burandt Family Trust and being leased by SolarStone Illinois, LLC: Part of the South Half (S1/2) of the Southwest Quarter (SW1/4) of Section 28 Scott Township 42N, R1E of the 3rd P.M., Ogle County, IL, 74.02 acres, more or less - P.I.N.: 11-28-300-010 - Common Location: 11,000 block of E. Big Mound Rd.

Janes states ZBA denied the petition 3-2, denied by the Township and the Regional Planning Commission had no recommendation. Janes moved to deny O-2019-0107, Fritz seconds. A roll call is taken:

YES: Fritz, Griffin, Heuer, Janes, Kenney, McLester, Nordman, Reising, Smith, Sparrow, Sulser, Typer, Whalen, Youman, Asp, Bowers, Corbitt, Droege, Finfrock, Fox and Gouker

NO: Hopkins and McKinney,

ABSENT: Oltmanns

Motion carries on roll call vote. (Placed on file)

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.
WHEREAS, SolarStone Illinois, LLC, %Gordon Simanton, 3944 Xerxes Avenue S, Minneapolis, MN; and Burandt Family Trust by Wesley & Kathryn Burandt, Trustees, 3890 Baxter Rd., Rockford, IL have filed a petition for a Special Use in the AG-1 Agricultural District (Petition No. 19-18SU) to allow a solar farm on property located in the 11000 Block of E. Big Mound Road in Scott 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 October 25, 2018 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use, no member(s) of the public spoke in favor of the petition, and eleven (11) 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 be denied as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated October 25, 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 be denied as recommended by the Zoning Board of Appeals; 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 in the AG-1 Agricultural District (Petition No. 19-18SU) to allow a solar farm would not 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 SolarStone Illinois, LLC, %Gordon Simanton, 3944 Xerxes Avenue S, Minneapolis, MN; and Burandt Family Trust by Wesley & Kathryn Burandt, Trustees, 3890 Baxter Rd., Rockford, IL for a Special Use in the AG-1 Agricultural District (Petition No. 19-18SU) to allow a solar farm on property located in the 11000 Block of E. Big Mound Road in Scott Township and legally described as shown in Exhibit “A” attached hereto, is hereby denied.
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 Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 10TH DAY OF JANUARY 2019 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

The South Half of the Southwest Quarter of Section 28, Township 42 North, Range 1 East of the 3rd P.M., excepting therefrom the following described tracts: That part of the Southwest Quarter of the Southwest Quarter of Section 28, described as follows: Commencing at the Southeast corner of said Southwest Quarter of said Southwest Quarter of said Section 28; thence West 8 rods, for the point of beginning; thence North 20 rods; thence West 20 rods, thence South 20 rods; thence East 20 rods to the point of beginning; and also excepting the following:

Commencing at the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 28, thence West 300 feet for a point of beginning, thence North 20 rods, thence West 20 rods, thence South 20 rods, and thence East 20 rods to the point of beginning, all situated in Ogle County, Illinois.

Also excepting therefrom: Part of the Southwest quarter of the Southwest Quarter of Section 28 in Township 42 North, Range 1 East of the 3rd Principal Meridian, Ogle County, Illinois, Described as follows: Commencing at a point 92 feet West of the Southeast corner of said 40 acre tract, thence North 370 feet, thence West 410 feet, thence South 370 feet, thence East 410 feet to the place of beginning.

Property Identification Number (PIN): 11-28-300-010
Common Location: 11000 Block of E. Big Mound Road
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 SolarStone Illinois, LLC, %Gordon Simanton, 3944 Xerxes Avenue S, Minneapolis, MN; and Burandt Family Trust by Wesley & Kathryn Burandt, Trustees, 3890 Baxter Rd., Rockford, IL in case #19-18SU. The applicants are requesting a Special Use in the AG-1 Agricultural District to allow a solar farm on Parcel Identification No. 11-28-300-010, a 74.02-acre parcel located in part of the South Half (S1/2) of the Southwest Quarter (SW1/4) of Section 28 Scott Township 42N, R1E of the 3rd P.M., Ogle County, IL, situated in Scott Township and located in the 11000 Block of E. Big Mount Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on October 25, 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. 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 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. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Big Mound Road, 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. Evidence indicates that 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 zoning 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 in the AG-1 Agricultural District to allow a solar farm be denied.

ROLL CALL VOTE: The roll call vote was 3 members for the motion to recommend denial, 2 opposed.

Respectfully submitted this 25th day of October 2018 by the Ogle County Zoning Board of Appeals.

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

[Signature]
Randy Ocken, Chairman

ATTEST:

[Signature]
Michael Reibel, Secretary
February 7, 2019

The Ogle County Board, at a special County Board meeting held on Thursday, January 10, 2019, Janes presents the petition of #20-18SU – Bauer - OneEnergy Development, LLC, %Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Bradley J. & Donna S. Bauer, 1357 W. IL Rte. 64, Oregon, IL; and Erik P. Bauer, 1305 W. IL Rte. 64, Oregon, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Bradley J. Bauer, Donna S. Bauer, and Erik P. Bauer, and being leased by OneEnergy Development, LLC: Part of G.L.3 and part of of G.L.4 of the Northeast Fractional Quarter (NE Fr. 1/4) Section 5 of Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 115.29 acres, more or less - P.I.N.: 16-05-200-012 - Common Location: 1226 W. Oregon Trail Rd.

Janes states ZBA approved the petition 4-0 and the Regional Planning Commission denied 5-1. Janes moved to approve O-2019-0108. Griffin seconds.

Motion carried. (Placed on file)

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.
AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY
LOCATED 1226 W. OREGON TRAIL ROAD IN OREGON-NASHUA TOWNSHIP

WHEREAS, OneEnergy Development, LLC c/o Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Bradley J. & Donna S. Bauer, 1357 W. IL Route 64, Oregon, IL; and Erik P. Bauer, 1305 W. IL Route 64, Oregon, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 20-18SU) to allow a solar farm on property located at 1226 W. Oregon Trail Road in Oregon-Nashua 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 29, 2018 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, one (1) member 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 approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated November 29, 2018, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 20-18SU) to allow a solar farm 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 OneEnergy Development, LLC c/o Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Bradley J. & Donna S. Bauer, 1357 W. IL Route 64, Oregon, IL; and Erik P. Bauer, 1305 W. IL Route 64, Oregon, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 20-18SU) to allow a solar farm on property located at 1226 W. Oregon Trail Road in Oregon-Nashua Township and legally described as shown in Exhibit “A” attached hereto, is hereby approved subject to the following conditions:

A. Definitions

The below words and terms shall have the following definitions as utilized herein:
LANDOWNER: Owner of land, record owner, real property owner in Ogle County seeking SPECIAL USE Permit to install a PV SOLAR FARM to generate electricity outside of their own personal use for residence/property. Typically LANDOWNER form agreements with PV SOLAR FARM Owners/Operators who typical install and/or operate the PV SOLAR FARM for commercial sale of solar energy. Note, throughout this document LANDOWNER is interchangeable with "owner", "property owner", "record owner", "real owner", etc.

NON-ADAPTABLE STRUCTURE: Any STRUCTURE or physical alteration to the land which requires a SPECIAL USE Permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE). This term shall include, but not be limited to, a PV SOLAR FARM.

NOXIOUS WEEDS: Any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.

OPERATOR: Any company, LLC or entity that has been contracted to operate PV SOLAR FARM for purpose to sell solar electricity. OPERATOR and OWNER can be interchangeable and are responsible meeting all conditions of Ogle County, IL Solar Farm Special Use Conditions.

OWNER: Any company, LLC or entity that has formed agreement with LANDOWNER to install, construct and/or Operate PV SOLAR FARM. OWNER in conjunction with LANDOWNER are responsible for meeting conditions of Ogle County, IL Solar Farm Special Use Conditions. Original Owner of PV SOLAR FARM may sell their ownership stake in PV SOLAR FARM to new OWNER/OPERATOR but all conditions of Solar Farm Special Use apply otherwise permit will be denied. Note, throughout this document OWNER is interchangeable with "owner", "operator", "lessor", etc.

PHOTOVOLTAIC (PV): A type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.

PV SOLAR FARM: A unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different Owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and water wells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph. Any other type of SOLAR FARM that is not a PV SOLAR FARM such as concentrated solar and/or thermal solar are not covered by this Ordinance.

PV SOLAR FARM, COMMUNITY: A PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.

B. General Conditions

1. All proposals and representations made by the applicant(s) and/or their representative(s) shall be conditions of the Special Use Permit.
2. The area of the PV SOLAR FARM SPECIAL USE permit must include the following minimum areas:
   
a. All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.

b. All necessary PV SOLAR FARM STRUCTURES and ACCESSORY STRUCTURES including electrical distribution lines, inverters, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY and all water wells that will provide water for the PV SOLAR FARM. For purposes of determining the minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.

c. All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q.

3. Interconnection to the power grid
   
a. The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant or PV SOLAR FARM is in the queue to acquire an interconnection agreement to the power grid.

b. Documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of an Occupancy Certificate to authorize operation of the PV SOLAR FARM.

4. Right to farm
   
a. The Owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Farm Nuisance Suit Act (740 ILCS 70/).

C. Minimum Lot Standards
   
1. There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.

2. There is no maximum LOT AREA requirement on prime farmland as defined by the U.S. Department of Agriculture.

D. Minimum Standard Conditions for Separations for PV SOLAR FARM from adjacent USES and STRUCTURES
   
The location of each PV SOLAR FARM shall provide the following required separations as measured from the exterior of the above ground portion of the PV SOLAR FARM STRUCTURES and equipment including fencing:
1. PV SOLAR FARM fencing shall be set back from the street right-of-way line a minimum of 40 feet from a road/street under township jurisdiction, and a minimum of 60 feet from the right-of-way of a road/highway under Ogle County jurisdiction, and a minimum of 80 feet from the right-of-way of a road/highway under state or federal jurisdiction unless a greater separation is required for screening pursuant to subsection L.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET, road or highway.

2. For properties participating in the solar farm: No required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.

3. For properties not participating in the solar farm:
   a. For any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
      i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
      ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the Zoning Board of Appeals.
   b. For any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.

4. A separation of at least 500 feet from any of the following unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation from any of the following:
   a. Any AIRPORT premises or any AIRPORT approach zone within five miles of the end of the AIRPORT runway; or
   b. Any RESTRICTED LANDING AREA that is NONCONFORMING or which has been authorized by SPECIAL USE permit and that existed on or for which there had been a complete SPECIAL USE permit application received prior to the filing of an application for Special Use for the subject solar farm, or any approach zone for any such RESTRICTED LANDING AREA.

5. A separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
6. Electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.

7. Separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the Zoning Board of Appeals on a case-by-case basis.

8. PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.

E. Standard Conditions for Design and Installation of any PV SOLAR FARM.

1. Any building that is part of a PV SOLAR FARM shall include as a requirement for an Occupancy Certificate a certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.

2. Electrical Components
   a. All electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
   b. Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).
   c. Burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.

3. Maximum height. No aspect or component of a solar farm shall exceed 15 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.

4. Warnings. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

5. No construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.

6. 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.

7. The solar farm Owner/Operator shall provide approval for access points and change in access use from the road or highway authority having jurisdiction.

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8. The Owner/Operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

9. During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

F. Storm water Management, Retention of Topsoil and Minimizing Disturbance to Prime Farmland

1. Storm water 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 Storm water Management Ordinance.

2. Retention of all topsoil

No topsoil may be removed, stripped, or sold from the proposed SPECIAL USE Permit site pursuant to or as part of the construction of the PV SOLAR FARM.

3. Minimizing disturbance to PRIME FARMLAND as defined by the U.S. Department of Agriculture

a. Any PV SOLAR FARM to be located on PRIME FARMLAND shall minimize the disturbance to PRIME FARMLAND as follows:

i. The disturbance to PRIME FARMLAND caused by construction and operation of the PV SOLAR FARM shall be minimized at all times consistent with good engineering practice.

ii. Disturbance to PRIME FARMLAND shall be offset by establishment of a vegetative ground cover within the PV SOLAR FARM that includes the following:

   (a) The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.

   (b) The species selected shall serve a secondary habitat purpose as much as possible.

   (c) Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.

   (d) The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the PV SOLAR FARM SPECIAL USE permit application. The landscape plan shall include the weed control plan required by subsection O(3).
The Ogle County Soil & Water Conservation District shall be consulted for appropriate vegetative ground cover species selections.

G. **Standard Conditions for Coordination with Local Fire Protection District**

1. The Applicant shall submit to the local fire protection district a copy of the site plan.

2. Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.

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

H. **Standard Conditions for Allowable Noise Level**

1. Noise levels from any PV SOLAR FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910).

2. The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed PV SOLAR FARM equipment necessary for a competent noise analysis.

3. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements as follows:

   a. The SPECIAL USE permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis that includes the following:

      i. The pre-development 24-hour ambient background sound level shall be identified at representative locations near the site of the proposed PV SOLAR FARM.

      ii. Computer modeling shall be used to generate the anticipated sound level resulting from the operation of the proposed PV SOLAR FARM within 1,500 feet of the proposed PV SOLAR FARM.

      iii. Results of the ambient background sound level monitoring and the modeling of anticipated sound levels shall be clearly stated in the application and the application shall include a map of the modeled noise contours within 1,500 feet of the proposed PV SOLAR FARM.

      iv. The application shall also clearly state the assumptions of the computer model's construction and algorithms so that a competent and objective third party can as simply as possible verify the anticipated sound data and sound levels.

   b. For a COMMUNITY PV SOLAR FARM the Zoning Board of Appeals may require submission of a noise analysis that meets the standard of subsection H.(3)a.
4. After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:

   a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board aware of complaints about noise that have been received by the Complaint Hotline.

   b. If the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board determines that the noise is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive noise.

I. Standard Conditions for Endangered Species Consultation

The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources or, if applicable, a copy of the Detailed Action Plan Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

J. Standard Conditions for Historic and Archaeological Resources Review

The Applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the State Historic Preservation Officer of the Illinois Department of Natural Resources.

K. Standard Conditions for Acceptable Wildlife Impacts

The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.

L. Screening and fencing

1. Perimeter fencing

   a. PV SOLAR FARM equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 7 feet.

   b. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

   c. Vegetation between the fencing and the LOT LINE shall be maintained such that NOXIOUS WEEDS are controlled or eradicated consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). Management of the vegetation shall be explained in the application.

   d. The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.
2. Screening

a. A visual screen shall be provided around the perimeter of the PV SOLAR FARM as follows:

i. The visual screen shall be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT except that the visual screen may not be required within the full 1,000 feet of an existing DWELLING or residential DISTRICT provided the applicant submits a landscape plan prepared by an Illinois Registered Landscape Architect and the Zoning Board of Appeals finds that the visual screen in the landscape plan provides adequate screening. However, the visual screen shall not be required if the PV SOLAR FARM is not visible to a DWELLING or residential DISTRICT by virtue of the existing topography.

ii. The visual screen shall be waived if the Owner(s) of a relevant DWELLING(S) have agreed in writing to waive the screening requirement and a copy of the written waiver is submitted to the Zoning Board of Appeals or Ogle County Board.

iii. The visual screen shall be a vegetated buffer as follows:

a. A vegetated visual screen buffer shall include a continuous line of native evergreen foliage and/or native shrubs/trees and/or any existing wooded area plantings that will meet height requirements specified to conceal the PV SOLAR FARM from view from adjacent abutting property.

b. Any vegetation that is part of the approved visual screen buffer shall be maintained in perpetuity of the PV SOLAR FARM. If the screen foliage drops below a height of 7 feet disappears over time, the screening shall be replaced within next growing season.

c. The continuous line of native evergreen foliage and/or native shrubs and/or native trees shall be planted at a minimum height of 5 feet tall and shall be planted in multiple rows as required to provide a 50% screen within 2 years of planting. The planting shall otherwise conform to Natural Resources Conservation Service Practice Standard 380 Windbreak/Shelter-break Establishment except that the planting shall be located as close as possible to the PV SOLAR FARM fence while still providing adequate clearance for maintenance.

A planting of tall native grasses and other native flowering plants may be used in conjunction with as a visual screen buffer for any PV module installation that is no more than 8 feet tall provided that the width of planting shall be as authorized by the Zoning Board of Appeals and the planting shall otherwise be planted and maintained per the recommendations of the Natural Resources Conservation Service Practice Standard 327 Conservation Cover and further provided that the PV SOLAR FARM perimeter fence is opaque.

d. All screen buffer shall be detailed in a landscape plan drawing that shall be included with the PV SOLAR FARM SPECIAL USE permit application.
M. Standard Conditions to Minimize Glare

1. The design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.

2. After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate complaints of glare in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any significant glare that is occurring, including but not limited to the following:
   a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee aware of complaints about glare that have been received by the Complaint Hotline.
   b. If the Supervisor of Assessments and Planning & Zoning Committee determines that the glare is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive glare such as the installation of additional screening.

N. Standard Condition for Liability Insurance

1. General Liability Insurance
   a. The County of Ogle, Illinois, its officers and employees shall be included as an additional insured on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims made policies.
   b. The County of Ogle, Illinois, its officers and employees shall be named as additional insured with a waiver of subrogation on the Commercial Liability policy.
   c. Any Commercial Umbrella utilized shall be a “Following Form” policy.
   d. All policies must contain no more than a 30 day notice of cancellation.
   e. Current copies of the insurance policies and certificates of insurance shall be kept on file with the Ogle County Clerk.

2. Maintenance of General Liability Insurance
   a. The Owner or Operator of the PV SOLAR FARM shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of at least $5 million per occurrence and $5 million in the aggregate.
   b. The Owner or Operator of the PV SOLAR FARM shall maintain a current Commercial Auto policy of at least $1,000,000.
   c. The Owner or Operator of the PV SOLAR FARM shall maintain Workman's Compensation insurance in the following amounts:
i. $1,000,000 per accident;

ii. Occupational Disease: $1,000,000 per employee with a policy limit of $1,000,000.

3. Pollution liability insurance shall be maintained in the amount of $5,000,000 per policy.

4. The general liability policy shall identify Landowners in the SPECIAL USE permit as additional insured.

O. Operational Standard Conditions

1. Maintenance

   a. The Owner or Operator of the PV SOLAR FARM must submit, on an annual basis, a summary of operation and maintenance reports to the Supervisor of Assessments and Planning & Zoning Committee and any other operation and maintenance reports as the Supervisor of Assessments and Planning & Zoning Committee reasonably requests.

   b. Any physical modification to the PV SOLAR FARM that increases the number of solar conversion devices or structures and/or the land area occupied by the PV SOLAR FARM shall require a new SPECIAL USE Permit. Like-kind replacements shall not require re-certification nor will replacement of transformers, cabling, etc. provided replacement is done in a fashion similar to the original installation.

   c. The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The Zoning Board of Appeals may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent water wells.

2. Materials Handling, Storage and Disposal

   a. All solid wastes related to the construction, operation and maintenance of the PV SOLAR FARM shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

   b. All hazardous materials related to the construction, operation and maintenance of the PV SOLAR FARM shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

3. Vegetation management

   a. The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing.

   b. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.).
c. The weed control plan shall be explained in the application.

4. Points of Contact

a. The Owner or Operator of the PV SOLAR FARM shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. This information shall be kept current at all times, and changes shall be reported immediately or as soon as possible.

5. The Operator of the PV SOLAR FARM shall conduct ground water monitoring and testing via groundwater monitoring wells commencing five (5) years from the date of substantial completion of the PV SOLAR FARM and every five (5) years thereafter during the life of the PV SOLAR FARM, the results of which shall be submitted to the Ogle County Zoning Administrator. The purpose of this required condition of Special Use approval is to provide controlled access for sampling ground water near a PV SOLAR FARM in order to detect seepage and monitor the effects of contaminants in seepage on ground water quality.

a. Monitoring wells shall be planned, designed, constructed, operated and maintained in a manner that meets all applicable local, state and federal laws and regulations. The installation shall meet all the requirements and regulations as set forth in the Illinois Water Well Construction Code (TITLE 77: PUBLIC HEALTH; CHAPTER I: DEPARTMENT OF PUBLIC HEALTH; SUBCHAPTER r: WATER AND SEWAGE; PART 920 WATER WELL CONSTRUCTION CODE).

b. Prior to the design of a monitoring well, a surface and subsurface investigation shall be conducted to develop a conceptual hydrogeological model of the site, to identify potential ground water flow paths, and to determine the location of the target monitoring zone(s).

i. The hydrogeological investigation shall include the mapping, identification and description of soil and rock masses that affect the movement and transport of subsurface water occurring within at least 100 feet of the perimeter of the PV SOLAR FARM.

ii. The hydrogeological investigation shall identify and describe all characteristics and properties of geologic units that can influence subsurface water flow paths or produce preferred flow paths such as karst development, joint sets, fracture systems, faults, lineaments, and other similar discontinuities. These shall be located on a geologic evaluation map of the site.

iii. The hydrogeological investigation shall identify and describe any tile lines, subsurface drains, surface drains, irrigation ditches, irrigation wells, water supply wells, septic drain fields, infiltration strips, subsurface quarries, mines, or other water control/management related features that have the potential to alter the native subsurface water flow paths. Such features shall be located on a geologic evaluation map of the site.

iv. The hydrogeological investigation shall be of sufficient detail to map the potentiometric surface to a one-foot contour interval. The map of the potentiometric surface shall be used to determine the hydraulic gradient and direction of flow within the target monitoring zone(s).
v. The hydrogeological investigation shall identify and describe any seasonal changes in the potentiometric surface and direction of subsurface water flow paths.

vi. The hydrogeological investigation shall identify and describe other features that influence subsurface water flow such as hard pans, sand boils, animal burrows, seasonal desiccation, high shrink/swell soils, dense till, and depth of frost line.

c. Monitoring wells shall be located both up gradient and down gradient of the PV SOLAR FARM and at a distance and depth based on the results of the hydrogeological investigation of the site.

i. The placement of monitoring wells in fractured rock and karst aquifers shall be based on the location of zones of high-permeability even if they are located offsite.

ii. A minimum of one monitoring well shall be placed on the up gradient side of the waste storage facility and a minimum of three monitoring wells shall be placed down gradient. When seasonal changes in the direction of subsurface water flow are possible, monitoring wells shall be placed in such a manner as to capture both up gradient and down gradient flow during any time of year.

iii. The layout of the monitoring wells shall be based on the conceptual hydrogeological model to intercept representative subsurface water flow path(s) of the target monitoring zone(s).


e. Materials used for the construction of monitoring wells shall be non-reactive with subsurface water and shall not leach substances into the subsurface water.

i. Materials shall be free of contaminants prior to installation.

ii. Well screens shall be made by machine.

iii. All joints shall be threaded. Glued or solvent welded joints shall not be used.

iv. Materials shall have adequate strength to withstand the forces of installation and development.

f. Well Installation methods shall be selected based on site-specific conditions.

i. Installation methods shall be in conformance with ASTM D5092 for granular aquifers, and ASTM D5717 for karst and fractured rock aquifers.

ii. The equipment used shall be capable of creating a stable, open, vertical borehole for installation of the monitoring well.
g. Well protection installation measures to protect the monitoring well from damage from hazards such as frost action, surface drainage, animal or equipment traffic, and lack of visibility shall be taken and conform to ASTM D5092.

i. Positive surface drainage away from the well heads shall be established.

ii. Protection from natural or human caused damage shall be provided in conformance with ASTM D5787 "Standard Practice for Monitoring Well Protection".

iii. A buffer zone with a minimum radius of 30 feet shall be established around each well head.

iv. The buffer zone shall be fenced or otherwise protected from access by motor vehicles and livestock.

v. Within the buffer zone there shall be no storage, handling, mixing, or application of fertilizers, pesticides or other agricultural chemicals or cleaning of equipment used in the handling or application of such items.

h. The monitoring well shall be developed to improve the hydraulic communication between the target hydrogeological unit and the well screen, to minimize the interference of sediment with water quality samples, and to restore the ground-water properties disturbed by the drilling process. Well completion shall ensure that only the targeted hydrogeological unit contributes to the monitoring well and that the annular space is sealed to prevent cross contamination from other water sources.

i. The well development method shall be selected from alternatives provided in ASTM D5092. The selection of the method shall be based on the physical characteristics of the target hydrogeological unit and the drilling method used.

ii. For granular aquifers, well completion shall conform to ASTM D5521 "Standard Guide for Development of Ground Water Monitoring Wells in Granular Aquifers."

iii. For fractured-rock and karst aquifers, well completion shall conform to ASTM D5717.

i. Record keeping shall conform to:

i. ASTM D5254 "Standard Practice for Minimum Set of Data Elements to identify Ground-Water Site".

ii. ASTM D5408 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part One – Additional Identification Descriptors".

iii. ASTM D5409 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part Two – Physical Descriptors".

iv. Installation of monitoring wells shall be reported as required by local or state laws and regulations.
j. Well Design considerations shall use:

i. Use geophysical tools in conjunction with penetrative exploratory techniques to improve and refine the mapping of the location, shape, orientation and extent of subsurface hydrogeological units.

ii. Apply effects of geomorphic processes, geologic structures, regional stratigraphy, and soil and rock properties on subsurface flow patterns when developing a conceptual hydrogeological model.

iii. Utilize the physical properties and methods of movement in the environment of the solutes and pollutants of interest when designing monitoring wells.

iv. Install additional monitoring wells at other points as dictated by the results of the hydrogeological investigation to adequately monitor the location and direction of movement of any potential contaminant plume.


vi. Address frost heave concerns by considering design alternatives that reduce the potential for frost heave to damage the monitoring well.

k. Plans and specifications for constructing, installing, developing and completing monitoring wells shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose.

l. Operation and Maintenance provisions shall be made for operation and maintenance requirements in keeping with the purpose of this standard.

m. Results of Groundwater Testing shall include, but not necessarily be limited to, to following: pesticides, volatile organic compounds (VOCs), GENX Compounds, polycyclic aromatic hydrocarbons (PAHs), Nitrogen Trifluoride, Sulfur Hexafluoride, Copper Indium Selenide and Copper Indium Gallium (di)selenide, as well as other heavy metals such as arsenic, mercury, lead, and cadmium, and endocrine disruptors, such as bisphenol A.

P. Standard Condition for Decommissioning and Site Reclamation Plan

1. The Applicant shall submit a signed decommissioning and site reclamation plan conforming to the requirements of section T. herein.

2. In addition to the purposes listed in subsection T.(4) the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.

3. The decommissioning and site reclamation plan required in section T. shall also include the following:
The applicant or successor shall notify the Ogle County Board by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of the proceeding.

The applicant shall agree that the sale, assignment in fact or law, or such other transfer of applicant's financial interest in the PV SOLAR FARM shall in no way affect or change applicant's obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV SOLAR FARM.

Authorization for the Ogle County Board and its authorized representatives for right of entry onto the PV SOLAR FARM premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.

The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the PV SOLAR FARM or prior to ceasing production of electricity from the PV SOLAR FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.

The decommissioning and site reclamation plan shall provide for payment of any associated costs that Ogle County may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to attorney's fees; construction management and other professional service fees; and the costs of preparing requests for proposals and bidding documents required to comply with state law or Ogle County purchasing policies.

All equipment, cables, wires, conduits, structures, fencing and foundations, whether above or below ground, shall be removed.

Any hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:

The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original PV SOLAR FARM construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.
ii. The native soils excavated at the time of the original PV SOLAR FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the PV SOLAR FARM. The methods for storing the excavated native soils during the operating lifetime of the PV SOLAR FARM shall be included in the decommissioning and site reclamation plan.

iii. If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this section. The certification shall be submitted to the Zoning Administrator.

iv. An Illinois Licensed Professional Engineer of Ogle County's choosing shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.

i. If the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction in the State of Illinois the PV SOLAR FARM SPECIAL USE permit shall be deemed void.

j. The Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.

k. The liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of the financial assurance.

l. If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Applicant installs equipment or property increasing the cost of decommissioning after the PV SOLAR FARM begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value, the Applicant shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.

4. To comply with subsection T.(5), the Applicant shall provide financial assurance in the form of a performance bond as follows:

a. At the time of Special Use Permit approval, the amount of financial assurance to be provided for the decommissioning and site reclamation plan shall be 125% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in subsections T.(4)a. and T.(4)b. and T.(4)c. and shall otherwise be compliant with subsection T.(5).
b. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:

i. At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter, or, if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Certificate approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.

ii. At all times, the value of the performance bond shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the PV SOLAR FARM was approved.

c. The long term corporate debt (credit) rating of the performance bond issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:

i. The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).

ii. The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.

iii. Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the performance bond shall be replaced with a new performance bond from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating.

d. At all times the value of the performance bond shall be increased annually as necessary to reflect actual rates of inflation over the life span of the PV SOLAR FARM and the amount shall be equal to or exceed 125% of the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the PV SOLAR FARM was approved.
e. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q. shall count towards the total financial assurance required for compliance with subsection T.(5).

f. The Ogle County Board approves otherwise, the Ogle County State's Attorney's Office shall review and approve every performance bond prior to acceptance by the Zoning Administrator.

5. In addition to the conditions listed in subsection T.(9) the Zoning Administrator may also draw on the funds for the following reasons:

a. In the event that any PV SOLAR FARM or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such PV SOLAR FARM or component.

b. In the event that the Owner declares the PV SOLAR FARM or any PV SOLAR FARM component to be functionally obsolete for tax purposes.

c. There is a delay in the construction of any PV SOLAR FARM of more than 6 months after construction on that PV SOLAR FARM begins.

d. Any PV SOLAR FARM or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.

e. Any PV SOLAR FARM or component thereof that is otherwise derelict for a period of 6 months.

f. The PV SOLAR FARM is in violation of the terms of the PV SOLAR FARM SPECIAL USE permit for a period exceeding ninety (90) days.

g. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the COUNTY's interest in the decommissioning and site reclamation plan.

h. The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the special use permit zoning case.

6. The Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in subsection P.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.

7. The Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the Zoning Board of Appeals and the signed and executed performance bond must be submitted to the Zoning Administrator prior to any Zoning Certificate approval.
8. In addition to the required decommissioning performance bond, the Applicant shall establish an escrow account in a federally insured financial institution located in Ogle County, proof of which shall be provided prior to the issuance of a Zoning Certificate, and shall deposit therein cash in the amount of:

   a. **$100,000 per MW** of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for completing the required decommissioning of the PV SOLAR FARM as a backup to the required decommissioning performance bond, and

   b. **$100,000 per MW** of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for future disposal of the PV SOLAR FARM components as a backup to the required decommissioning performance bond.

   c. A written escrow agreement shall be prepared and approved by the Ogle County State's Attorney. The County of Ogle shall have access to the escrow account funds for the purpose of completing decommissioning and disposal if not completed by the PV SOLAR FARM Owner and/or Operator.

Q. **Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture.**

   1. The Applicant shall enter into an AIMA with the Illinois Department of Agriculture.

   2. The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed AIMA with the Illinois Department of Agriculture.

   3. All requirements of the signed AIMA with the Illinois Department of Agriculture shall become requirements of the SPECIAL USE Permit.

   4. Ogle County shall have the right to enforce all requirements of the signed AIMA with the Illinois Department of Agriculture.

R. **Complaint Hotline**

   1. Prior to the commencement of construction on the PV SOLAR FARM and during the entire term of the SPECIAL USE permit and any extension, the Applicant and Owner shall establish a telephone number hotline for the general public to call with any complaints or questions.

   2. The telephone number hotline shall be publicized and posted at the operations and maintenance center and the construction marshalling yard.

   3. The telephone number hotline shall be manned during usual business hours and shall be an answering recording service during other hours.

   4. Each complaint call to the telephone number hotline shall be logged and identify the name and address of the caller and the reason for the call.

   5. All calls shall be recorded and the recording shall be saved for transcription for a minimum of two years.
6. A copy of the telephone number hotline shall be provided to the Zoning Administrator on a monthly basis.

7. The Applicant and Owner shall take necessary actions to resolve all legitimate complaints.

S. Standard Condition for Expiration of PV SOLAR FARM County Board SPECIAL USE Permit

A PV SOLAR FARM SPECIAL USE Permit designation shall expire in 2 years if no Zoning Certificate is granted.

T. Decommissioning and Site Reclamation Plan for NON-ADAPTABLE STRUCTURES

1. In the course of Zoning Board of Appeals review of a SPECIAL USE request, the Zoning Board of Appeals may find that a proposed STRUCTURE is a NON-ADAPTABLE STRUCTURE. Any PV SOLAR FARM shall be a NON-ADAPTABLE STRUCTURE. The Applicant for the SPECIAL USE request for a NON-ADAPTABLE STRUCTURE shall submit a decommissioning and site reclamation plan to the Zoning Board of Appeals for the subject site.

2. The decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the Landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a performance bond be provided for financial assurance.

   a. Cost estimates provided shall be subject to approval of the Zoning Board of Appeals.
   b. Except as provided in section P., the salvage value of the components of the NON-ADAPTABLE STRUCTURE shall not be credited to the cost estimates.

4. The decommissioning and site reclamation plan shall provide for:
   a. Removal of above-ground portion of any STRUCTURE on the subject site; site grading; and interim soil erosion control.
   b. Below-ground restoration, including final grading and surface treatment.
   c. Any environmental remediation required by State or Federal law.
   d. Provision and maintenance of a performance bond, as set forth in subsection T.(5).

5. No Zoning Certificate for such SPECIAL USE will be issued until the applicant provides the COUNTY with a performance bond to be drawn upon a federally insured financial institution within 200 miles of Oregon, Illinois or reasonable anticipated travel costs shall be added to the amount of the performance bond.
a. Unless specified elsewhere in this Ordinance, the performance bond shall be in the amount of one hundred twenty-five percent (125%) of an independent engineer's cost estimate to complete the work described in subsections T.(4)a., T.(4)b. and T.(4)c.

b. The provisions of this subsection notwithstanding, a different amount may be required as a special condition.

c. The performance bond, or a successor performance bond pursuant to subsection T.(6) or T.(14), shall remain in effect and shall be made available to the COUNTY for a term specified as a standard condition elsewhere in this ordinance, an indefinite term, or for a different term that may be required as a special condition.

6. One hundred eighty (180) days prior to the expiration date of a performance bond submitted pursuant to this section, the Zoning Administrator shall notify the Landowner or applicant in writing and request information about the Landowner or Applicant's intent to renew the performance bond, or remove the NON-ADAPTABLE STRUCTURE. The Landowner or applicant shall have thirty (30) days to respond in writing to this request. If the Landowner or applicant's intention is to remove the NON-ADAPTABLE STRUCTURE, the Landowner or applicant will have a total of ninety (90) days from the date of response to remove it in accordance with subsection T.(4)a. At the end of ninety (90) days, the Zoning Administrator shall have a period of sixty (60) days to either:

a. Confirm that the bank has renewed the performance bond; or

b. Inspect the subject property for compliance with subsection T.(4)a.; or

c. Draw on the performance bond and commence the bid process to have a contractor remove the NON-ADAPTABLE STRUCTURE pursuant to subsection T.(4)a.

7. The Zoning Administrator may find a NON-ADAPTABLE STRUCTURE abandoned in place. Factors to be considered in making this finding include, but are not limited to:

a. The nature and frequency of use as set forth in the application for SPECIAL USE.

b. The current nature and frequency of use.

c. Whether the NON-ADAPTABLE STRUCTURE has become a public nuisance, or otherwise poses a risk of harm to public health or safety.

d. Whether the NON-ADAPTABLE STRUCTURE has been maintained in a manner which allows it to be used for its intended purpose, with no greater effects on surrounding properties and the public as a whole than was originally intended.

e. A court of law, an arbitrator, mediator, or any state or Federal agency charged with enforcing State or Federal law has made a finding that either said NON-ADAPTABLE STRUCTURE or the structures supporting said NON-ADAPTABLE STRUCTURE and/or any related site grading and soil erosion controls or lack of same, constitutes a public nuisance or otherwise violates State or Federal law, or any State or Federal agency charged with enforcing State or Federal law has made a final determination either imposing an administrative sanction on any person associated with the NON-ADAPTABLE STRUCTURE relating to its use or denying the NON-ADAPTABLE STRUCTURE a permit necessary for its lawful operation.
8. Once the Zoning Administrator has made a finding that a NON-ADAPTABLE STRUCTURE is abandoned in place, the Zoning Administrator shall issue notice to the land Owner at the Owner's last known address, lessees, any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan, that the COUNTY will draw on the performance guarantee within thirty (30) days unless the Owner appeals the Zoning Administrator's finding, pursuant to Section 16-9-5 of the Ogle County Code or enters into a written agreement with the COUNTY to remove such NON-ADAPTABLE STRUCTURE in accordance with subsection T.(4) within ninety (90) days and removes the NON-ADAPTABLE STRUCTURE accordingly.

9. The Zoning Administrator may draw on the funds to have said NON-ADAPTABLE STRUCTURE removed as per subsection T.(4) of the decommissioning and site reclamation plan when any of the following occur:
   a. No response is received from the Landowner within thirty (30) days from initial notification by the Zoning Administrator.
   b. The Landowner does not enter, or breaches any term of a written agreement with the COUNTY to remove said NON-ADAPTABLE structure as provided in subsection T.(8).
   c. Any breach or performance failure of any provision of the decommissioning and site reclamation plan.
   d. The Owner of record has filed a bankruptcy petition, or compromised the COUNTY's interest in the performance bond in any way specifically allowed by the decommissioning and site reclamation plan.
   e. A court of law has made a finding that a NON-ADAPTABLE STRUCTURE constitutes a public nuisance.
   f. The Owner of record has failed to replace an expiring performance bond within the deadlines set forth in subsection T.(6); or
   g. Any other conditions to which the COUNTY and the Landowner mutually agree, as set forth in the decommissioning and site reclamation plan.

10. Once the performance bond has been drawn upon, and the site has been restored to its original condition, as certified by the Zoning Administrator, the covenant entered into pursuant to subsection T.(2) shall expire, and the COUNTY shall act to remove said covenant from the record of the property at the Recorder of Deeds within forty-five (45) days.

11. The proceeds of the performance bond may only be used by the COUNTY to:
   a. Remove the NON-ADAPTABLE STRUCTURE and return the site to its condition prior to the placement of the NON-ADAPTABLE STRUCTURE, in accordance with the most recent decommissioning and site reclamation plan submitted and accepted in relation to the NON-ADAPTABLE STRUCTURE.
   b. Pay all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work, which shall include, but not be limited
to, attorney's fees; construction management and other professional service fees; and the costs of preparing request for proposal and bidding documents required to comply with state law or Ogle County purchasing policies; and

c. Remove any covenants placed on the title in conjunction with subsection T.(2). The balance of any proceeds remaining after the site has been reclaimed shall be returned to the issuer of the performance bond.

12. No dispute as to the necessity or reasonableness of any costs of performing the site reclamation work identified in subsection T.(11) shall impair the ability of Ogle County to draw on the Financial Assurance.

13. In accordance with the provisions of the Illinois Mechanic's Lien Act, 770 ILCS 60/1 and 60/7, the Applicant or successors in interest agree that any contractor retained by Ogle County to perform the decommissioning and site reclamation work in subsection T.(11) shall have a lien upon the Project to the full extent of all costs of performing the decommissioning and site reclamation work identified in subsection T.(11), and that such lien shall be superior to any claim or lien of any other creditor, incumbrancer or purchaser.

14. Upon transfer of any property, Operator subject to a performance bond and escrow accounts pursuant to this section, the new Owner or applicant of record shall submit a new performance bond and escrow accounts of same or greater value to the Zoning Administrator, prior to legal transfer of title, and shall submit a new decommissioning, site reclamation and disposal plan, pursuant to subsection T.4a., and section P.8. This includes establishing the required escrow amounts for both Decommissioning and Disposal Funds of $100,000 each per MW of installed Solar.

15. Once the new Owner or applicant of record has agreed to Special Use Conditions in writing and fulfilled the requirements of establishing performance bonds and escrow accounts for decommissioning and disposal then performance bond posted by the previous Owner or applicant shall be released, and the previous Owner shall be released from any further obligations under the decommissioning and site reclamation plan.

16. The Applicant shall provide evidence of any new, additional, or substitute financial assurance to the Zoning Administrator throughout the operating lifetime of the NON-ADAPTABLE STRUCTURE.

17. Should the decommissioning and site reclamation plan, or any part of it, be deemed invalid by a court of competent jurisdiction in the State of Illinois, the associated SPECIAL USE permit shall be deemed void.

U. Indemnification

1. The applicant and Owner/Operator/Lessor of the PV SOLAR FARM shall, jointly and severally, defend, indemnify and hold harmless the County of Ogle, the Board and the employees and officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees and costs, arising out of the acts and/or omissions of the Owner and/or Operator concerning the installation, operation and decommissioning of the PV SOLAR FARM including without limitation, whether said liability is premised on contract or on tort.
2. The record Landowner of the real property upon which the PV SOLAR FARM is installed, and the person or entity leasing the land upon which the PV SOLAR FARM is located and operating the PV SOLAR FARM shall be jointly and severally liable to the County of Ogle for any violations of the Special Use Conditions set forth herein or as from time to time amended, including but not limited to, remediation, correction, disposal or removal of said PV SOLAR FARM, as well as all legal fees and costs incurred in enforcing the County of Ogle's rights. Such obligations shall run with the land insofar as the Owner of the property is concerned, and shall be recorded against the property as deemed necessary by the County. Further such obligations shall be enforceable in Ogle County or in the Federal Court in the Western Division of the Northern District of Illinois and the parties set forth herein acknowledge and consent to jurisdiction and venue in these locations.

V. Waiver

Failure by the County of Ogle, its employees, or administrators to exercise any right in the event of breach or default by the Applicants/Owners/Operator/Lessor/etc of the PV SOLAR FARM or of Landowner/Record Owner of the real property upon which the PV SOLAR FARM is installed shall not constitute or operate as a waiver of any right of Ogle County, its employees, or administrators.

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 Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 10TH DAY OF JANUARY 2019 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 Government Lots 3 and 4 of the Northeast Fractional Quarter (1/4) of Section 5, Township 23 North, Range 10 East of the Fourth Principal Meridian, bounded and described as follows: Commencing at the Southeast corner of the Northeast Fractional Quarter (1/4) of said Section 5; thence North 1° 15' 42" West, along the East line of said Northeast Fractional Quarter (1/4), a distance of 3365.99 feet to the centerline of a public road designated Oregon Trail Road, said point being the Point of Beginning of the hereinafter described tract of land; thence continuing North 1° 15' 42" West, along the East line of said Northeast Fractional Quarter (1/4), a distance of 588.04 feet to the Southeast corner of Government Lot 4 of the Northeast Fractional Quarter (1/4); thence North 00° 52' 15" West, along the East line of said Northeast Fractional Quarter (1/4), a distance of 981.71 feet to the Southwest corner of Lot 2 of Oak Knolls Subdivision, a subdivision as recorded in Book "F" of Plats at page 46 in the Ogle County Recorder's Office; thence North 46° 12' 19" West, a distance of 454.41 feet to the North line of said Government Lot 4, said point being 309.35 feet Westerly of the Northeast corner of said Government Lot 4, as measured along said North line; thence South 86° 00' 59" West, along the North line of said Government Lot 4, a distance of 2344.52 feet to the Northwest corner of said Lot 4, said point being on the West line of said Northeast Fractional Quarter (1/4); thence South 1° 14' 41" East, along said West line. a distance of 2199.52 feet to the beginning of a curve; thence Easterly, along said centerline, a distance of 2344.52 feet to the termination of said curve; thence South 1° 14' 41" East, along said West line. a distance of 2199.52 feet to the beginning of a curve; thence Easterly, along said centerline, said line being curved to the right, having a radius of 1153.42 feet, a central angle of 19° 07' 22", a chord bearing of South 89° 22' 32" East, and an arc distance of 384.96 feet to the termination of said curve; thence South 79° 48' 51" East, along said centerline, a distance of 176.79 feet to the Point of Beginning; subject to the rights of the public to those portions thereof taken, used or dedicated for roadway purposes; situated in the County of Ogle and State of Illinois.

Property Identification Number (PIN): 16-05-200-012
Common Location: 1226 W. Oregon Trail Road
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 OneEnergy Development, LLC c/o Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Bradley J. & Donna S. Bauer, 1357 W. IL Route 64, Oregon, IL; and Erik P. Bauer, 1305 W. IL Route 64, Oregon, IL in case #20-18SU. The applicants are requesting a Special Use in the AG-1 Agricultural District to allow a solar farm on Parcel Identification No. 16-05-200-012, a 115.29-acre parcel located in part of G.L. 3 and part of G.L. 4 of the Northeast Fractional Quarter (NE Fr. 1/4) of Section 5, T23N, R10E of the 4th P.M., Oregon-Nashua Township, Ogle County, IL and located at 1226 W. Oregon Trail Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on November 29, 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 petitioner has adequately demonstrated that a solar farm will not be unreasonably detrimental to the value of other property in the vicinity, and will not be detrimental to the public health, safety, morals, comfort or general welfare at large. 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 proposed solar farm will be enclosed by a security fence, and will be well buffered from near-by residential uses. The proposed solar farm will not adversely impact agricultural uses on adjacent properties or other properties in the vicinity. 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. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Oregon Trail Road, 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 petitioner has adequately demonstrated that the proposed use will not adversely affect development and use other properties; will not generate noise, odors or traffic; will be visually compatible with the area; and, is deemed essential and desirable to preserve and promote the public health, safety and general welfare of 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 zoning 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 in the AG-1 Agricultural District be granted to allow a solar farm 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 or component of a solar farm shall exceed 20 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 (excluding fences) 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 (excluding fences) shall be located a minimum of 50 feet from any interior property line.
D. Residential Buffer:

1) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel of 20 acres in area or less containing a dwelling, other than a parcel owned by the owner, operator or lessor of the solar farm;

2) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel zoned for non-farm residential use (IA, R-1, R-2, R-3 or R-4) or determined to be eligible to have a non-farm dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator or lessor of the solar farm.

3) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 200 feet from any dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator or lessor of the solar farm.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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 1) has entered into a power purchase agreement (PPA) if a utility-scale solar farm or 2) has been approved for utility interconnection if a community solar farm.

K. 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 it's 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.

L. 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.

M. 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.

N. 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.

O. 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 seven (7) 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.

5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

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

Respectfully submitted this 29th day of November 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
Paul Soderholm
Mark Hayes
James Reed

Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary
February 7, 2019

The Ogle County Board, at a special County Board meeting held on Thursday, January 10, 2019, Janes presents the petition of #21-18SU – Freeberg - SolarStone Illinois, LLC, %Gordy Simanton, 701 Xenia Ave. South, Ste. 300, Minneapolis, MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. & Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Curtis R. Freeberg Trust and Norma L. Freeberg Trust, and being leased by SolarStone Illinois, LLC: Part of the Southeast Quarter (SE 1/4) of Section 33; part of the South Half (S ) of the Northeast Quarter (NE 1/4) of Section 33; and, part of the Southwest Quarter (SW 1/4) of Section 34, all in Township 25N, R11E of the 4th P.M., Marion Township, Ogle County, IL, 153.76 acres, more or less - P.I.N.(s): 05-33-426-003, 05-34-302-001 and 05-34-376-001 - Common Location: 6400 Block of E. Hales Corner Road.

Janes states ZBA failed to approve the petition 2-2, denied by the Township and the Regional Planning Commission denied 4-2.

Janes moved to deny O-2019-0109. Sulser seconds. A roll call is taken:

YES: Griffin, Janes, Kenney, McLester, Nordman, Smith, Sparrow, Sulser, Typer, Whalen, Youman, Asp. Bowers, Corbitt, Finfrock, Fox, Fritz and Gouker

NO: Heuer, Hopkins, McKinney, Reising and Droge

ABSENT: Oltmanns

Motion carries on roll call vote. (Placed on file)

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  

COUNTY OF OGLE  

ORDINANCE NO. **2019-0109**

AN ORDINANCE DENYING A SPECIAL USE PERMIT ON PROPERTY 
LOCATED IN THE 6400 BLOCK OF E. HALES CORNER ROAD IN MARION TOWNSHIP

WHEREAS, SolarStone Illinois, LLC, %Gordy Simanton, 701 Xenia Ave. South, Ste. 300, Minneapolis, 
MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. & Norma L. Freeberg, Co-Trustees, 
5754 E. IL Rte. 72, Byron, IL have filed a petition for a Special Use in the AG-1 Agricultural District (Petition 
No. 21-18SU) to allow a solar farm on property located in the 6400 Block of E. Hales Corner Road in Marion 
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 29, 
2018 at which the petitioners 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 eight (8) members of the public spoke in 
opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits failed 
to make definitive findings of fact and makes no recommendation as to whether the requested Special Use Permit 
should be approved or denied as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning 
Board of Appeals dated November 29, 2018, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Ogle County Board has considered the lack of definitive findings of fact and lack of 
recommendation of the Zoning Board of Appeals, and has determined that granting the Special Use Permit in the 
AG-1 Agricultural District (Petition No. 21-18SU) to allow a solar farm would not 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 Ogle County Board hereby finds and concludes that all standards pursuant to 
Section 16-9-8C of the **Ogle County Amendatory Zoning Ordinance** are not met as follows:

1. 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. The proposed use, due to its nature, location and size, will dominate the immediate neighborhood 
so as to prevent development and use of neighboring property. STANDARD NOT MET.

3. The site is large enough so that adequate off-street parking and loading areas can be provided. 
STANDARD MET.

4. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from 
Hales Corner Road, access roads, drainage and other such necessary facilities have been or will 
be provided. STANDARD MET.
5. Evidence indicates that 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. The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.

SECTION TWO: Based on the findings of fact set forth above, the petition of SolarStone Illinois, LLC, %Gordy Simanton, 701 Xenia Ave. South, Ste. 300, Minneapolis, MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. & Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL for a Special Use in the AG-1 Agricultural District (Petition No. 21-18SU) to allow a solar farm on property located in the 6400 Block of E. Hales Corner Road in Marion Township and legally described as shown in Exhibit “A” attached hereto, is hereby denied.

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 Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 10TH DAY OF JANUARY 2019 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

P.I.N.: 05-33-426-003 and 05-34-302-001

A part of the East Half of the Northeast Quarter of Section 33; A part of the Southeast Quarter of Section 33 and a part of the West Half of the Southwest Quarter of Section 34, in township 25 North, Range 11 East of the 4th P.M., described as: beginning at a point in the center of Stillman Creek where the Northerly extension of the East line of Twin Creek Acres as recorded in Plat Book H page 64 meets, said point being 496.10 feet North of the Northeast corner of said Twin Creek Acres; thence continuing Northerly along said Northerly extension to the Southerly right-of-way line of the Chicago, Milwaukee and St. Paul Railroad; thence Northwesterly on said Southerly right-of-way line to its intersection with Kishwaukee Road; thence Southerly along said Kishwaukee Road to its intersection with the center line of Stillman Creek; thence Southerly and Easterly along said center line and along the Northerly line of Von Glen Acres No.2, as recorded in Plat Book J page 52, Von Glen Acres No.1 as recorded in Plat Book J page 31 and Freeberg Subdivision as recorded in Plat Book J page 77 to the place of beginning; EXCEPTING THEREFROM: Part of the Northeast Quarter of Section 33 described as follows: Commencing at the Northeast corner of the Northeast Quarter of Section 33, thence Southerly on the East line of the Northeast Quarter, 546.44 feet to the intersection with the center line of a public road designated Kishwaukee Road; thence Southwesterly on said centerline, at an angle of 137 degrees 11 minutes 00 seconds measured counterclockwise from the said East line, 594.42 feet; thence Southwesterly along said road at an angle of 181 degrees 08 minutes 30 seconds measured clockwise from the last described course 1,020.40 feet to a point on the Southwesterly right-of-way line of the Burlington Northern - Santa Fe Railroad, said point being the point of beginning of the tract of land being described; thence Southeasterly on said Southwesterly right-of-way line on a curve to the right, 185.46 feet to the intersection with a chord of said curve located at an angle of 75 degrees 17 minutes 13 seconds measured clockwise from the last described course and a chord length of 185.43 feet; thence Southwesterly at an angle of 92 degrees 03 minutes 11 seconds measured counterclockwise from the last described chord, 327.45 feet; thence Northwesterly at an angle of 98 degrees 09 minutes 33 seconds measured counterclockwise from the last described course, 232.92 feet, more or less, to the center line of said Kishwaukee Road; thence Northeasterly on said center line on a curve to the right, 373.16 feet to the intersection with a chord of said curve located at an angle of 74 degrees 48 minutes 51 seconds measured counterclockwise from the last described course and a chord length of 369.93 feet, said intersection being the aforesaid point of beginning, situated in the County of Ogle and State of Illinois.

P.I.N.: 05-34-376-001

A part of the Southwest 1/4 of Section 34, Township 25 North, Range 11 East of the 4th P.M., and a part of the East ½ of Lot 2 of the Northeast Fractional 1/4 of Section 3, Township 24 North, Range 11 East of the 4th P.M., bounded and described as follows, to wit: Beginning at the Southeast corner of said Lot 2; thence West along the South line of said Lot 2, a distance of 1760.6 feet; thence North parallel with the West line of said Lot 2 and the West line of said Section 34 to the South line of the Chicago, Milwaukee & St. Paul Railroad right of way; thence Southeasterly along South line of said right of way to the North line of said Lot 2; thence East along the North line of said Lot 2 to the Northeast corner of said Lot 2; thence South along the East line of said Lot 2 to the place of beginning; EXCEPTING THEREFROM that portion of the previously described parcel not located within Section 34, Township 25 North, Range 11 East of the 4th P.M., and ALSO EXCEPTING THEREFROM, Freeberg Subdivision recorded in Book J of Plats page 77; ALSO The West ½ of Government Lot 2 of the Northeast Fractional 1/4 lying South of the Railroad Right of Way, in Section 3, Township 24 North, Range 11 East of the 4th P.M., in Ogle County, Illinois.

Property Identification Number (PIN): 05-33-426-003; 05-34-302-001; and 05-34-376-001
Common Location: 6400 Block of E. Hales Corner Road
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 SolarStone Illinois, LLC, %Gordy Simanton, 701 Xenia Ave. South, Ste. 300, Minneapolis, MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. & Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL in case #21-18SU. The applicants are requesting a Special Use in the AG-1 Agricultural District to allow a solar farm on Parcel Identification Nos. 05-33-426-003, 05-34-302-001 and 05-34-376-001, a 153.76-acre parcel located in part of the Southeast Quarter (SE 1/4) of Section 33; part of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of Section 33; and, part of the Southwest Quarter (SW 1/4) of Section 34, all in Township 25N, R11E of the 4th P.M., Marion Township, Ogle County, IL and located in the 6400 Block of E. Hales Corner Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on November 29, 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 Zoning Board of Appeals came to no conclusion regarding this standard.

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 Zoning Board of Appeals came to no conclusion regarding this standard.

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. **The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Hales Corner Road, 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 Zoning Board of Appeals came to no conclusion regarding this standard.**

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 zoning district regulations. STANDARD MET.**

**RECOMMENDATION:** After considering all the evidence and testimony presented, Mr. Hayes moved and Mr. Reed seconded to recommend denial of the Petition due to the application not meeting all the standards as found in Section 6-9-8C of the Ogle County Amendatory Zoning Ordinance.

**ROLL CALL VOTE:** The roll call vote was 2 members for the motion to recommend denial, 2 opposed.

Respectfully submitted this 29th day of November 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman  
Paul Soderholm  
Mark Hayes  
James Reed

__________
Randy Ocken, Chairman

**ATTEST:**

Michael Reibel, Secretary
February 7, 2019

The Ogle County Board, at a special County Board meeting held on Thursday, January 10, 2019, Janes presents the petition of #22-18SU – Roberts - OneEnergy Development, LLC, %Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen Rd., Polo, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Larry Roberts, Linda Powell, and Cindy Stauffer, and being leased by OneEnergy Development, LLC: Part of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 22 Buffalo Township 23N, R8E of the 4th P.M., Ogle County, IL, 75.05 acres, more or less - P.I.N.: 14-22-100-006 - Common Location: Southeast corner of W. Judson Rd. & S. Union Rd.

Janes states the ZBA approved the petition 4-0 and the Regional Planning Commission approved 6-0.


Motion carried. (Placed on file)
AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY LOCATED 3249 S. UNION ROAD IN BUFFALO TOWNSHIP

WHEREAS, OneEnergy Development, LLC, %Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen Rd., Polo, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 22-18SU) to allow a solar farm on property located at 3249 S. Union Road in Buffalo 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 29, 2018 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, one (1) member of the public spoke in favor of the petition, and one 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 approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated November 29, 2018, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 22-18SU) to allow a solar farm 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 OneEnergy Development, LLC, %Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen Rd., Polo, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 22-18SU) to allow a solar farm on property located at 3249 S. Union Road in Buffalo Township and legally described as shown in Exhibit “A” attached hereto, is hereby approved subject to the following conditions:

A. Definitions

The below words and terms shall have the following definitions as utilized herein:
LANDOWNER: Owner of land, record owner, real property owner in Ogle County seeking SPECIAL USE Permit to install a PV SOLAR FARM to generate electricity outside of their own personal use for residence/property. Typically LANDOWNER form agreements with PV SOLAR FARM Owners/Operators who typical install and/or operate the PV SOLAR FARM for commercial sale of solar energy. Note, throughout this document LANDOWNER is interchangeable with "owner", "property owner", "record owner", "real owner", etc.

NON-ADAPTABLE STRUCTURE: Any STRUCTURE or physical alteration to the land which requires a SPECIAL USE Permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE). This term shall include, but not be limited to, a PV SOLAR FARM.

NOXIOUS WEEDS: Any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.

OPERATOR: Any company, LLC or entity that has been contracted to operate PV SOLAR FARM for purpose to sell solar electricity. OPERATOR and OWNER can be interchangeable and are responsible meeting all conditions of Ogle County, IL Solar Farm Special Use Conditions.

OWNER: Any company, LLC or entity that has formed agreement with LANDOWNER to install, construct and/or Operate PV SOLAR FARM. OWNER in conjunction with LANDOWNER are responsible for meeting conditions of Ogle County, IL Solar Farm Special Use Conditions. Original Owner of PV SOLAR FARM may sell their ownership stake in PV SOLAR FARM to new OWNER/OPERATOR but all conditions of Solar Farm Special Use apply otherwise permit will be denied. Note, throughout this document OWNER is interchangeable with "owner", "operator", "lessor", etc.

PHOTOVOLTAIC (PV): A type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.

PV SOLAR FARM: A unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different Owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and water wells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph. Any other type of SOLAR FARM that is not a PV SOLAR FARM such as concentrated solar and/or thermal solar are not covered by this Ordinance.

PV SOLAR FARM, COMMUNITY: A PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.

B. General Conditions

1. All proposals and representations made by the applicant(s) and/or their representative(s) shall be conditions of the Special Use Permit.
2. The area of the PV SOLAR FARM SPECIAL USE permit must include the following minimum areas:

a. All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.

b. All necessary PV SOLAR FARM STRUCTURES and ACCESSORY STRUCTURES including electrical distribution lines, inverters, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY and all water wells that will provide water for the PV SOLAR FARM. For purposes of determining the minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.

c. All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q.

3. Interconnection to the power grid

a. The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant or PV SOLAR FARM is in the queue to acquire an interconnection agreement to the power grid.

b. Documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of an Occupancy Certificate to authorize operation of the PV SOLAR FARM.

4. Right to farm

a. The Owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Farm Nuisance Suit Act (740 ILCS 70/).

C. Minimum Lot Standards

1. There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.

2. There is no maximum LOT AREA requirement on prime farmland as defined by the U.S. Department of Agriculture.

D. Minimum Standard Conditions for Separations for PV SOLAR FARM from adjacent USES and STRUCTURES

The location of each PV SOLAR FARM shall provide the following required separations as measured from the exterior of the above ground portion of the PV SOLAR FARM STRUCTURES and equipment including fencing:
1. PV SOLAR FARM fencing shall be set back from the street right-of-way line a minimum of 40 feet from a road/street under township jurisdiction, and a minimum of 60 feet from the right-of-way of a road/highway under Ogle County jurisdiction, and a minimum of 80 feet from the right-of-way of a road/highway under state or federal jurisdiction unless a greater separation is required for screening pursuant to subsection L.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET, road or highway.

2. For properties participating in the solar farm: No required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.

3. For properties not participating in the solar farm:
   a. For any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
      i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
      ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the Zoning Board of Appeals.
   b. For any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.

4. A separation of at least 500 feet from any of the following unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation from any of the following:
   a. Any AIRPORT premises or any AIRPORT approach zone within five miles of the end of the AIRPORT runway; or
   b. Any RESTRICTED LANDING AREA that is NONCONFORMING or which has been authorized by SPECIAL USE permit and that existed on or for which there had been a complete SPECIAL USE permit application received prior to the filing of an application for Special Use for the subject solar farm, or any approach zone for any such RESTRICTED LANDING AREA.

5. A separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
6. Electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.

7. Separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the Zoning Board of Appeals on a case-by-case basis.

8. PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.

E. Standard Conditions for Design and Installation of any PV SOLAR FARM.

1. Any building that is part of a PV SOLAR FARM shall include as a requirement for an Occupancy Certificate a certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.

2. Electrical Components
   a. All electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
   b. Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).
   c. Burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.

3. Maximum height. No aspect or component of a solar farm shall exceed 15 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.

4. Warnings. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

5. No construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.

6. 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.

7. The solar farm Owner/Operator shall provide approval for access points and change in access use from the road or highway authority having jurisdiction.
8. The Owner/Operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

9. During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

F. Storm water Management, Retention of Topsoil and Minimizing Disturbance to Prime Farmland

1. Storm water Management
   
a. 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 Storm water Management Ordinance.

2. Retention of all topsoil
   
a. No topsoil may be removed, stripped, or sold from the proposed SPECIAL USE Permit site pursuant to or as part of the construction of the PV SOLAR FARM.

3. Minimizing disturbance to PRIME FARMLAND as defined by the U.S. Department of Agriculture
   
a. Any PV SOLAR FARM to be located on PRIME FARMLAND shall minimize the disturbance to PRIME FARMLAND as follows:
      
      i. The disturbance to PRIME FARMLAND caused by construction and operation of the PV SOLAR FARM shall be minimized at all times consistent with good engineering practice.

      ii. Disturbance to PRIME FARMLAND shall be offset by establishment of a vegetative ground cover within the PV SOLAR FARM that includes the following:

         (a) The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.

         (b) The species selected shall serve a secondary habitat purpose as much as possible.

         (c) Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.

         (d) The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the PV SOLAR FARM SPECIAL USE permit application. The landscape plan shall include the weed control plan required by subsection O(3).
The Ogle County Soil & Water Conservation District shall be consulted for appropriate vegetative ground cover species selections.

G. **Standard Conditions for Coordination with Local Fire Protection District**

1. The Applicant shall submit to the local fire protection district a copy of the site plan.

2. Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.

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

H. **Standard Conditions for Allowable Noise Level**

1. Noise levels from any PV SOLAR FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910).

2. The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed PV SOLAR FARM equipment necessary for a competent noise analysis.

3. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements as follows:

   a. The SPECIAL USE permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis that includes the following:

      i. The pre-development 24-hour ambient background sound level shall be identified at representative locations near the site of the proposed PV SOLAR FARM.

      ii. Computer modeling shall be used to generate the anticipated sound level resulting from the operation of the proposed PV SOLAR FARM within 1,500 feet of the proposed PV SOLAR FARM.

      iii. Results of the ambient background sound level monitoring and the modeling of anticipated sound levels shall be clearly stated in the application and the application shall include a map of the modeled noise contours within 1,500 feet of the proposed PV SOLAR FARM.

      iv. The application shall also clearly state the assumptions of the computer model's construction and algorithms so that a competent and objective third party can as simply as possible verify the anticipated sound data and sound levels.

   b. For a COMMUNITY PV SOLAR FARM the Zoning Board of Appeals may require submission of a noise analysis that meets the standard of subsection H.(3)a.
4. After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:

   a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board aware of complaints about noise that have been received by the Complaint Hotline.

   b. If the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board determines that the noise is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive noise.

I. Standard Conditions for Endangered Species Consultation

The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources or, if applicable, a copy of the Detailed Action Plan Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

J. Standard Conditions for Historic and Archaeological Resources Review

The Applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the State Historic Preservation Officer of the Illinois Department of Natural Resources.

K. Standard Conditions for Acceptable Wildlife Impacts

The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.

L. Screening and fencing

1. Perimeter fencing

   a. PV SOLAR FARM equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 7 feet.

   b. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

   c. Vegetation between the fencing and the LOT LINE shall be maintained such that NOXIOUS WEEDS are controlled or eradicated consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). Management of the vegetation shall be explained in the application.

   d. The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.
2. Screening

a. A visual screen shall be provided around the perimeter of the PV SOLAR FARM as follows:

i. The visual screen shall be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT except that the visual screen may not be required within the full 1,000 feet of an existing DWELLING or residential DISTRICT provided the applicant submits a landscape plan prepared by an Illinois Registered Landscape Architect and the Zoning Board of Appeals finds that the visual screen in the landscape plan provides adequate screening. However, the visual screen shall not be required if the PV SOLAR FARM is not visible to a DWELLING or residential DISTRICT by virtue of the existing topography.

ii. The visual screen shall be waived if the Owner(s) of a relevant DWELLING(S) have agreed in writing to waive the screening requirement and a copy of the written waiver is submitted to the Zoning Board of Appeals or Ogle County Board.

iii. The visual screen shall be a vegetated buffer as follows:

   a. A vegetated visual screen buffer shall include a continuous line of native evergreen foliage and/or native shrubs/trees and/or any existing wooded area plantings that will meet height requirements specified to conceal the PV SOLAR FARM from view from adjacent abutting property.

   b. Any vegetation that is part of the approved visual screen buffer shall be maintained in perpetuity of the PV SOLAR FARM. If the screen foliage drops below a height of 7 feet disappears over time, the screening shall be replaced within next growing season.

   c. The continuous line of native evergreen foliage and/or native shrubs and/or native trees shall be planted at a minimum height of 5 feet tall and shall be planted in multiple rows as required to provide a 50% screen within 2 years of planting. The planting shall otherwise conform to Natural Resources Conservation Service Practice Standard 380 Windbreak/Shelter-break Establishment except that the planting shall be located as close as possible to the PV SOLAR FARM fence while still providing adequate clearance for maintenance.

A planting of tall native grasses and other native flowering plants may be used in conjunction with as a visual screen buffer for any PV module installation that is no more than 8 feet tall provided that the width of planting shall be as authorized by the Zoning Board of Appeals and the planting shall otherwise be planted and maintained per the recommendations of the Natural Resources Conservation Service Practice Standard 327 Conservation Cover and further provided that the PV SOLAR FARM perimeter fence is opaque.

   d. All screen buffer shall be detailed in a landscape plan drawing that shall be included with the PV SOLAR FARM SPECIAL USE permit application.
M. Standard Conditions to Minimize Glare

1. The design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.

2. After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate complaints of glare in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any significant glare that is occurring, including but not limited to the following:
   a. The Zoning Administrator shall make the Supervisor of Assessments and Planning & Zoning Committee aware of complaints about glare that have been received by the Complaint Hotline.
   b. If the Supervisor of Assessments and Planning & Zoning Committee determines that the glare is excessive, the Supervisor of Assessments and Planning & Zoning Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive glare such as the installation of additional screening.

N. Standard Condition for Liability Insurance

1. General Liability Insurance
   a. The County of Ogle, Illinois, its officers and employees shall be included as an additional insured on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims made policies.
   b. The County of Ogle, Illinois, its officers and employees shall be named as additional insured with a waiver of subrogation on the Commercial Liability policy.
   c. Any Commercial Umbrella utilized shall be a “Following Form” policy.
   d. All policies must contain no more than a 30 day notice of cancellation.
   e. Current copies of the insurance policies and certificates of insurance shall be kept on file with the Ogle County Clerk.

2. Maintenance of General Liability Insurance
   a. The Owner or Operator of the PV SOLAR FARM shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of at least $5 million per occurrence and $5 million in the aggregate.
   b. The Owner or Operator of the PV SOLAR FARM shall maintain a current Commercial Auto policy of at least $1,000,000.
   c. The Owner or Operator of the PV SOLAR FARM shall maintain Workman's Compensation insurance in the following amounts:
i.  $1,000,000 per accident;

ii. Occupational Disease: $1,000,000 per employee with a policy limit of $1,000,000.

3. Pollution liability insurance shall be maintained in the amount of $5,000,000 per policy.

4. The general liability policy shall identify Landowners in the SPECIAL USE permit as additional insured.

O. Operational Standard Conditions

1. Maintenance

   a. The Owner or Operator of the PV SOLAR FARM must submit, on an annual basis, a summary of operation and maintenance reports to the Supervisor of Assessments and Planning & Zoning Committee and any other operation and maintenance reports as the Supervisor of Assessments and Planning & Zoning Committee reasonably requests.

   b. Any physical modification to the PV SOLAR FARM that increases the number of solar conversion devices or structures and/or the land area occupied by the PV SOLAR FARM shall require a new SPECIAL USE Permit. Like-kind replacements shall not require re-certification nor will replacement of transformers, cabling, etc. provided replacement is done in a fashion similar to the original installation.

   c. The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The Zoning Board of Appeals may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent water wells.

2. Materials Handling, Storage and Disposal

   a. All solid wastes related to the construction, operation and maintenance of the PV SOLAR FARM shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

   b. All hazardous materials related to the construction, operation and maintenance of the PV SOLAR FARM shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

3. Vegetation management

   a. The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing.

   b. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.).
c. The weed control plan shall be explained in the application.

4. Points of Contact

   a. The Owner or Operator of the PV SOLAR FARM shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. This information shall be kept current at all times, and changes shall be reported immediately or as soon as possible.

5. The Operator of the PV SOLAR FARM shall conduct ground water monitoring and testing via groundwater monitoring wells commencing five (5) years from the date of substantial completion of the PV SOLAR FARM and every five (5) years thereafter during the life of the PV SOLAR FARM, the results of which shall be submitted to the Ogle County Zoning Administrator. The purpose of this required condition of Special Use approval is to provide controlled access for sampling ground water near a PV SOLAR FARM in order to detect seepage and monitor the effects of contaminants in seepage on ground water quality.

   a. Monitoring wells shall be planned, designed, constructed, operated and maintained in a manner that meets all applicable local, state and federal laws and regulations. The installation shall meet all the requirements and regulations as set forth in the Illinois Water Well Construction Code (TITLE 77: PUBLIC HEALTH; CHAPTER I: DEPARTMENT OF PUBLIC HEALTH; SUBCHAPTER r: WATER AND SEWAGE; PART 920 WATER WELL CONSTRUCTION CODE).

   b. Prior to the design of a monitoring well, a surface and subsurface investigation shall be conducted to develop a conceptual hydrogeological model of the site, to identify potential ground water flow paths, and to determine the location of the target monitoring zone(s).

      i. The hydrogeological investigation shall include the mapping, identification and description of soil and rock masses that affect the movement and transport of subsurface water occurring within at least 100 feet of the perimeter of the PV SOLAR FARM.

      ii. The hydrogeological investigation shall identify and describe all characteristics and properties of geologic units that can influence subsurface water flow paths or produce preferred flow paths such as karst development, joint sets, fracture systems, faults, lineaments, and other similar discontinuities. These shall be located on a geologic evaluation map of the site.

      iii. The hydrogeological investigation shall identify and describe any tile lines, subsurface drains, surface drains, irrigation ditches, irrigation wells, water supply wells, septic drain fields, infiltration strips, subsurface quarries, mines, or other water control/management related features that have the potential to alter the native subsurface water flow paths. Such features shall be located on a geologic evaluation map of the site.

      iv. The hydrogeological investigation shall be of sufficient detail to map the potentiometric surface to a one-foot contour interval. The map of the potentiometric surface shall be used to determine the hydraulic gradient and direction of flow within the target monitoring zone(s).
v. The hydrogeological investigation shall identify and describe any seasonal changes in the potentiometric surface and direction of subsurface water flow paths.

vi. The hydrogeological investigation shall identify and describe other features that influence subsurface water flow such as hard pans, sand boils, animal burrows, seasonal desiccation, high shrink/swell soils, dense till, and depth of frost line.

c. Monitoring wells shall be located both up gradient and down gradient of the PV SOLAR FARM and at a distance and depth based on the results of the hydrogeological investigation of the site.

i. The placement of monitoring wells in fractured rock and karst aquifers shall be based on the location of zones of high-permeability even if they are located offsite.

ii. A minimum of one monitoring well shall be placed on the up gradient side of the waste storage facility and a minimum of three monitoring wells shall be placed down gradient. When seasonal changes in the direction of subsurface water flow are possible, monitoring wells shall be placed in such a manner as to capture both up gradient and down gradient flow during any time of year.

iii. The layout of the monitoring wells shall be based on the conceptual hydrogeological model to intercept representative subsurface water flow path(s) of the target monitoring zone(s).


e. Materials used for the construction of monitoring wells shall be non-reactive with subsurface water and shall not leach substances into the subsurface water.

i. Materials shall be free of contaminants prior to installation.

ii. Well screens shall be made by machine.

iii. All joints shall be threaded. Glued or solvent welded joints shall not be used.

iv. Materials shall have adequate strength to withstand the forces of installation and development.

f. Well Installation methods shall be selected based on site-specific conditions.

i. Installation methods shall be in conformance with ASTM D5092 for granular aquifers, and ASTM D5717 for karst and fractured rock aquifers.

ii. The equipment used shall be capable of creating a stable, open, vertical borehole for installation of the monitoring well.
Well protection installation measures to protect the monitoring well from damage from hazards such as frost action, surface drainage, animal or equipment traffic, and lack of visibility shall be taken and conform to ASTM D5092.

- Positive surface drainage away from the well heads shall be established.
- Protection from natural or human caused damage shall be provided in conformance with ASTM D5787 "Standard Practice for Monitoring Well Protection".
- A buffer zone with a minimum radius of 30 feet shall be established around each well head.
- The buffer zone shall be fenced or otherwise protected from access by motor vehicles and livestock.
- Within the buffer zone there shall be no storage, handling, mixing, or application of fertilizers, pesticides or other agricultural chemicals or cleaning of equipment used in the handling or application of such items.

The monitoring well shall be developed to improve the hydraulic communication between the target hydrogeological unit and the well screen, to minimize the interference of sediment with water quality samples, and to restore the ground-water properties disturbed by the drilling process. Well completion shall ensure that only the targeted hydrogeological unit contributes to the monitoring well and that the annular space is sealed to prevent cross contamination from other water sources.

- The well development method shall be selected from alternatives provided in ASTM D5092. The selection of the method shall be based on the physical characteristics of the target hydrogeological unit and the drilling method used.
- For granular aquifers, well completion shall conform to ASTM D5521 "Standard Guide for Development of Ground Water Monitoring Wells in Granular Aquifers."
- For fractured-rock and karst aquifers, well completion shall conform to ASTM D5717.

Record keeping shall conform to:

- ASTM D5254 "Standard Practice for Minimum Set of Data Elements to identify Ground-Water Site".
- ASTM D5408 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part One – Additional Identification Descriptors".
- ASTM D5409 "Standard Guide for Set of Data Elements to Describe a Ground-Water Site: Part Two – Physical Descriptors".
- Installation of monitoring wells shall be reported as required by local or state laws and regulations.
j. Well Design considerations shall use:
   i. Use geophysical tools in conjunction with penetrative exploratory techniques to improve and refine the mapping of the location, shape, orientation and extent of subsurface hydrogeological units.
   ii. Apply effects of geomorphic processes, geologic structures, regional stratigraphy, and soil and rock properties on subsurface flow patterns when developing a conceptual hydrogeological model.
   iii. Utilize the physical properties and methods of movement in the environment of the solutes and pollutants of interest when designing monitoring wells.
   iv. Install additional monitoring wells at other points as dictated by the results of the hydrogeological investigation to adequately monitor the location and direction of movement of any potential contaminant plume.
   vi. Address frost heave concerns by considering design alternatives that reduce the potential for frost heave to damage the monitoring well.

k. Plans and specifications for constructing, installing, developing and completing monitoring wells shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose.

l. Operation and Maintenance provisions shall be made for operation and maintenance requirements in keeping with the purpose of this standard.

m. Results of Groundwater Testing shall include, but not necessarily be limited to, the following: pesticides, volatile organic compounds (VOCs), GENX Compounds, polycyclic aromatic hydrocarbons (PAHs), Nitrogen Trifluoride, Sulfur Hexafluoride, Copper Indium Selenide and Copper Indium Gallium (di)selenide, as well as other heavy metals such as arsenic, mercury, lead, and cadmium, and endocrine disruptors, such as bisphenol A.

P. Standard Condition for Decommissioning and Site Reclamation Plan

1. The Applicant shall submit a signed decommissioning and site reclamation plan conforming to the requirements of section T. herein.

2. In addition to the purposes listed in subsection T.(4) the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.

3. The decommissioning and site reclamation plan required in section T. shall also include the following:
a. The applicant or successor shall notify the Ogle County Board by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of the proceeding.

b. The applicant shall agree that the sale, assignment in fact or law, or such other transfer of applicant's financial interest in the PV SOLAR FARM shall in no way affect or change applicant's obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV SOLAR FARM.

c. Authorization for the Ogle County Board and its authorized representatives for right of entry onto the PV SOLAR FARM premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

d. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.

e. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the PV SOLAR FARM or prior to ceasing production of electricity from the PV SOLAR FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.

f. The decommissioning and site reclamation plan shall provide for payment of any associated costs that Ogle County may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to attorney's fees; construction management and other professional service fees; and the costs of preparing requests for proposals and bidding documents required to comply with state law or Ogle County purchasing policies.

g. All equipment, cables, wires, conduits, structures, fencing and foundations, whether above or below ground, shall be removed.

h. Any hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:

i. The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original PV SOLAR FARM construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.
ii. The native soils excavated at the time of the original PV SOLAR FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the PV SOLAR FARM. The methods for storing the excavated native soils during the operating lifetime of the PV SOLAR FARM shall be included in the decommissioning and site reclamation plan.

iii. If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this section. The certification shall be submitted to the Zoning Administrator.

iv. An Illinois Licensed Professional Engineer of Ogle County's choosing shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.

i. If the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction in the State of Illinois the PV SOLAR FARM SPECIAL USE permit shall be deemed void.

j. The Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.

k. The liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of the financial assurance.

l. If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Applicant installs equipment or property increasing the cost of decommissioning after the PV SOLAR FARM begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value, the Applicant shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.

4. To comply with subsection T.(5), the Applicant shall provide financial assurance in the form of a performance bond as follows:

a. At the time of Special Use Permit approval, the amount of financial assurance to be provided for the decommissioning and site reclamation plan shall be 125% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in subsections T.(4)a. and T.(4)b. and T.(4)c. and shall otherwise be compliant with subsection T.(5).
b. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:

i. At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter or, if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Certificate approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.

ii. At all times, the value of the performance bond shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the PV SOLAR FARM was approved.

c. The long term corporate debt (credit) rating of the performance bond issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:

i. The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).

ii. The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.

iii. Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the performance bond shall be replaced with a new performance bond from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating.

d. At all times the value of the performance bond shall be increased annually as necessary to reflect actual rates of inflation over the life span of the PV SOLAR FARM and the amount shall be equal to or exceed 125% of the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the PV SOLAR FARM was approved.
e. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by section Q. shall count towards the total financial assurance required for compliance with subsection T.(5).

f. The Ogle County Board approves otherwise, the Ogle County State's Attorney's Office shall review and approve every performance bond prior to acceptance by the Zoning Administrator.

5. In addition to the conditions listed in subsection T.(9) the Zoning Administrator may also draw on the funds for the following reasons:

a. In the event that any PV SOLAR FARM or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such PV SOLAR FARM or component.

b. In the event that the Owner declares the PV SOLAR FARM or any PV SOLAR FARM component to be functionally obsolete for tax purposes.

c. There is a delay in the construction of any PV SOLAR FARM of more than 6 months after construction on that PV SOLAR FARM begins.

d. Any PV SOLAR FARM or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.

e. Any PV SOLAR FARM or component thereof that is otherwise derelict for a period of 6 months.

f. The PV SOLAR FARM is in violation of the terms of the PV SOLAR FARM SPECIAL USE permit for a period exceeding ninety (90) days.

g. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the COUNTY’s interest in the decommissioning and site reclamation plan.

h. The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the special use permit zoning case.

6. The Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in subsection P.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.

7. The Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the Zoning Board of Appeals and the signed and executed performance bond must be submitted to the Zoning Administrator prior to any Zoning Certificate approval.
8. In addition to the required decommissioning performance bond, the Applicant shall establish an escrow account in a federally insured financial institution located in Ogle County, proof of which shall be provided prior to the issuance of a Zoning Certificate, and shall deposit therein cash in the amount of:

a. $100,000 per MW of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for completing the required decommissioning of the PV SOLAR FARM as a backup to the required decommissioning performance bond, and

b. $100,000 per MW of Solar nameplate capacity of the proposed PV SOLAR FARM to provide additional funds for future disposal of the PV SOLAR FARM components as a backup to the required decommissioning performance bond.

c. A written escrow agreement shall be prepared and approved by the Ogle County State's Attorney. The County of Ogle shall have access to the escrow account funds for the purpose of completing decommissioning and disposal if not completed by the PV SOLAR FARM Owner and/or Operator.

Q. Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture.

1. The Applicant shall enter into an AIMA with the Illinois Department of Agriculture.

2. The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed AIMA with the Illinois Department of Agriculture.

3. All requirements of the signed AIMA with the Illinois Department of Agriculture shall become requirements of the SPECIAL USE Permit.

4. Ogle County shall have the right to enforce all requirements of the signed AIMA with the Illinois Department of Agriculture.

R. Complaint Hotline

1. Prior to the commencement of construction on the PV SOLAR FARM and during the entire term of the SPECIAL USE permit and any extension, the Applicant and Owner shall establish a telephone number hotline for the general public to call with any complaints or questions.

2. The telephone number hotline shall be publicized and posted at the operations and maintenance center and the construction marshalling yard.

3. The telephone number hotline shall be manned during usual business hours and shall be an answering recording service during other hours.

4. Each complaint call to the telephone number hotline shall be logged and identify the name and address of the caller and the reason for the call.

5. All calls shall be recorded and the recording shall be saved for transcription for a minimum of two years.
6. A copy of the telephone number hotline shall be provided to the Zoning Administrator on a monthly basis.

7. The Applicant and Owner shall take necessary actions to resolve all legitimate complaints.

S. **Standard Condition for Expiration of PV SOLAR FARM County Board SPECIAL USE Permit**

A PV SOLAR FARM SPECIAL USE Permit designation shall expire in 2 years if no Zoning Certificate is granted.

T. **Decommissioning and Site Reclamation Plan for NON-ADAPTABLE STRUCTURES**

1. In the course of Zoning Board of Appeals review of a SPECIAL USE request, the Zoning Board of Appeals may find that a proposed STRUCTURE is a NON-ADAPTABLE STRUCTURE. Any PV SOLAR FARM shall be a NON-ADAPTABLE STRUCTURE. The Applicant for the SPECIAL USE request for a NON-ADAPTABLE STRUCTURE shall submit a decommissioning and site reclamation plan to the Zoning Board of Appeals for the subject site.

2. The decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the Landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a performance bond be provided for financial assurance.


   a. Cost estimates provided shall be subject to approval of the Zoning Board of Appeals.

   b. Except as provided in section P., the salvage value of the components of the NON-ADAPTABLE STRUCTURE shall not be credited to the cost estimates.

4. The decommissioning and site reclamation plan shall provide for:

   a. Removal of above-ground portion of any STRUCTURE on the subject site; site grading; and interim soil erosion control.

   b. Below-ground restoration, including final grading and surface treatment.

   c. Any environmental remediation required by State or Federal law.

   d. Provision and maintenance of a performance bond, as set forth in subsection T.(5).

5. No Zoning Certificate for such SPECIAL USE will be issued until the applicant provides the COUNTY with a performance bond to be drawn upon a federally insured financial institution within 200 miles of Oregon, Illinois or reasonable anticipated travel costs shall be added to the amount of the performance bond.
a. Unless specified elsewhere in this Ordinance, the performance bond shall be in the amount of one hundred twenty-five percent (125%) of an independent engineer's cost estimate to complete the work described in subsections T.(4)a., T.(4)b. and T.(4)c.

b. The provisions of this subsection notwithstanding, a different amount may be required as a special condition.

c. The performance bond, or a successor performance bond pursuant to subsection T.(6) or T.(14), shall remain in effect and shall be made available to the COUNTY for a term specified as a standard condition elsewhere in this ordinance, an indefinite term, or for a different term that may be required as a special condition.

6. One hundred eighty (180) days prior to the expiration date of a performance bond submitted pursuant to this section, the Zoning Administrator shall notify the Landowner or applicant in writing and request information about the Landowner or Applicant's intent to renew the performance bond, or remove the NON-ADAPTABLE STRUCTURE. The Landowner or applicant shall have thirty (30) days to respond in writing to this request. If the Landowner or applicant's intention is to remove the NON-ADAPTABLE STRUCTURE, the Landowner or applicant will have a total of ninety (90) days from the date of response to remove it in accordance with subsection T.(4)a. At the end of ninety (90) days, the Zoning Administrator shall have a period of sixty (60) days to either:

a. Confirm that the bank has renewed the performance bond; or

b. Inspect the subject property for compliance with subsection T.(4)a.; or

c. Draw on the performance bond and commence the bid process to have a contractor remove the NON-ADAPTABLE STRUCTURE pursuant to subsection T.(4)a.

7. The Zoning Administrator may find a NON-ADAPTABLE STRUCTURE abandoned in place. Factors to be considered in making this finding include, but are not limited to:

a. The nature and frequency of use as set forth in the application for SPECIAL USE.

b. The current nature and frequency of use.

c. Whether the NON-ADAPTABLE STRUCTURE has become a public nuisance, or otherwise poses a risk of harm to public health or safety.

d. Whether the NON-ADAPTABLE STRUCTURE has been maintained in a manner which allows it to be used for its intended purpose, with no greater effects on surrounding properties and the public as a whole than was originally intended.

e. A court of law, an arbitrator, mediator, or any state or Federal agency charged with enforcing State or Federal law has made a finding that either said NON-ADAPTABLE STRUCTURE or the structures supporting said NON-ADAPTABLE STRUCTURE and/or any related site grading and soil erosion controls or lack of same, constitutes a public nuisance or otherwise violates State or Federal law, or any State or Federal agency charged with enforcing State or Federal law has made a final determination either imposing an administrative sanction on any person associated with the NON-ADAPTABLE STRUCTURE relating to its use or denying the NON-ADAPTABLE STRUCTURE a permit necessary for its lawful operation.
8. Once the Zoning Administrator has made a finding that a NON-ADAPTABLE STRUCTURE is abandoned in place, the Zoning Administrator shall issue notice to the land Owner at the Owner's last known address, lessees, any Operator and/or Owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan, that the COUNTY will draw on the performance guarantee within thirty (30) days unless the Owner appeals the Zoning Administrator's finding, pursuant to Section 16-9-5 of the Ogle County Code or enters into a written agreement with the COUNTY to remove such NON-ADAPTABLE STRUCTURE in accordance with subsection T.(4) within ninety (90) days and removes the NON-ADAPTABLE STRUCTURE accordingly.

9. The Zoning Administrator may draw on the funds to have said NON-ADAPTABLE STRUCTURE removed as per subsection T.(4) of the decommissioning and site reclamation plan when any of the following occur:

   a. No response is received from the Landowner within thirty (30) days from initial notification by the Zoning Administrator.

   b. The Landowner does not enter, or breaches any term of a written agreement with the COUNTY to remove said NON-ADAPTABLE structure as provided in subsection T.(8).

   c. Any breach or performance failure of any provision of the decommissioning and site reclamation plan.

   d. The Owner of record has filed a bankruptcy petition, or compromised the COUNTY's interest in the performance bond in any way specifically allowed by the decommissioning and site reclamation plan.

   e. A court of law has made a finding that a NON-ADAPTABLE STRUCTURE constitutes a public nuisance.

   f. The Owner of record has failed to replace an expiring performance bond within the deadlines set forth in subsection T.(6); or

   g. Any other conditions to which the COUNTY and the Landowner mutually agree, as set forth in the decommissioning and site reclamation plan.

10. Once the performance bond has been drawn upon, and the site has been restored to its original condition, as certified by the Zoning Administrator, the covenant entered into pursuant to subsection T.(2) shall expire, and the COUNTY shall act to remove said covenant from the record of the property at the Recorder of Deeds within forty-five (45) days.

11. The proceeds of the performance bond may only be used by the COUNTY to:

   a. Remove the NON-ADAPTABLE STRUCTURE and return the site to its condition prior to the placement of the NON-ADAPTABLE STRUCTURE, in accordance with the most recent decommissioning and site reclamation plan submitted and accepted in relation to the NON-ADAPTABLE STRUCTURE.

   b. Pay all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work, which shall include, but not be limited
to, attorney's fees; construction management and other professional service fees; and the
costs of preparing request for proposal and bidding documents required to comply with
state law or Ogle County purchasing policies; and

c. Remove any covenants placed on the title in conjunction with subsection T.(2). The
balance of any proceeds remaining after the site has been reclaimed shall be returned to
the issuer of the performance bond.

12. No dispute as to the necessity or reasonableness of any costs of performing the site reclamation
work identified in subsection T.(11) shall impair the ability of Ogle County to draw on the
Financial Assurance.

13. In accordance with the provisions of the Illinois Mechanic's Lien Act, 770 ILCS 60/1 and 60/7,
the Applicant or successors in interest agree that any contractor retained by Ogle County to
perform the decommissioning and site reclamation work in subsection T.(11) shall have a lien
upon the Project to the full extent of all costs of performing the decommissioning and site
reclamation work identified in subsection T.(11), and that such lien shall be superior to any claim
or lien of any other creditor, incumbrancer or purchaser.

14. Upon transfer of any property, Operator subject to a performance bond and escrow accounts
pursuant to this section, the new Owner or applicant of record shall submit a new performance
bond and escrow accounts of same or greater value to the Zoning Administrator, prior to legal
transfer of title, and shall submit a new decommissioning, site reclamation and disposal plan,
pursuant to subsection T.4a., and section P.8. This includes establishing the required escrow
amounts for both Decommissioning and Disposal Funds of $100,000 each per MW of installed
Solar.

15. Once the new Owner or applicant of record has agreed to Special Use Conditions in writing and
fulfilled the requirements of establishing performance bonds and escrow accounts for
decommissioning and disposal then performance bond posted by the previous Owner or applicant
shall be released, and the previous Owner shall be released from any further obligations under the
decommissioning and site reclamation plan.

16. The Applicant shall provide evidence of any new, additional, or substitute financial assurance to
the Zoning Administrator throughout the operating lifetime of the NON-ADAPTABLE
STRUCTURE.

17. Should the decommissioning and site reclamation plan, or any part of it, be deemed invalid by a
court of competent jurisdiction in the State of Illinois, the associated SPECIAL USE permit shall
be deemed void.

U. **Indemnification**

1. The applicant and Owner/Operator/Lessor of the PV SOLAR FARM shall, jointly and severally,
defend, indemnify and hold harmless the County of Ogle, the Board and the employees and
officials from and against any and all claims, demands, losses, suits, causes of action, damages,
injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees and costs,
 arising out of the acts and/or omissions of the Owner and/or Operator concerning the installation,
operation and decommissioning of the PV SOLAR FARM including without limitation, whether
said liability is premised on contract or on tort.

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2. The record Landowner of the real property upon which the PV SOLAR FARM is installed, and the person or entity leasing the land upon which the PV SOLAR FARM is located and operating the PV SOLAR FARM shall be jointly and severally liable to the County of Ogle for any violations of the Special Use Conditions set forth herein or as from time to time amended, including but not limited to, remediation, correction, disposal or removal of said PV SOLAR FARM, as well as all legal fees and costs incurred in enforcing the County of Ogle's rights. Such obligations shall run with the land insofar as the Owner of the property is concerned, and shall be recorded against the property as deemed necessary by the County. Further such obligations shall be enforceable in Ogle County or in the Federal Court in the Western Division of the Northern District of Illinois and the parties set forth herein acknowledge and consent to jurisdiction and venue in these locations.

V. Waiver

Failure by the County of Ogle, its employees, or administrators to exercise any right in the event of breach or default by the Applicants/Owners/Operator/Lessor/etc of the PV SOLAR FARM or of Landowner/Record Owner of the real property upon which the PV SOLAR FARM is installed shall not constitute or operate as a waiver of any right of Ogle County, its employees, or administrators.

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 Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 10TH DAY OF JANUARY 2019 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

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O-2019-0110
EXHIBIT “A”
LEGAL DESCRIPTION

The West Half (W ½) of the Northwest Quarter (NW 1/4) of Section 22 in Township 23 North, Range 8 East of
the Fourth Principal Meridian, Ogle County, Illinois; EXCEPTING THEREFROM the following described
parcel, to wit: Commencing at the Northeast corner of said West Half (W ½) of the Northwest Quarter (NW 1/4)
of Section 22; thence South 89 degrees 18 minutes 29 seconds West, along the North line thereof, a distance of
335.89 feet to the Point of Beginning of the hereinafter described parcel; thence South 00 degrees 41 minutes 31
seconds East, a distance of 444.49 feet; thence South 89 degrees 18 minutes 29 seconds West, a distance of
490.00 feet; thence North 00 degrees 41 minutes 31 seconds West, a distance of 444.49 feet to the North line of
said West Half (W ½) of the Northwest Quarter (NW 1/4) of Section 22; thence North 89 degrees 18 minutes 29
seconds East, along said North line, a distance of 490.00 feet to the Point of Beginning; Containing 75.054 acres,
more or less.

Property Identification Number (PIN): 14-22-100-006
Common Location: Southeast corner of W. Judson Road and S. Union Road
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 OneEnergy Development, LLC, % Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen Rd., Polo, IL in case #22-18SU. The applicants are requesting a Special Use in the AG-1 Agricultural District to allow a solar farm on Parcel Identification No. 14-22-100-006, a 75.05-acre parcel located in part of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 22, T23N, R8E of the 4th P.M., Buffalo Township, Ogle County, IL and located at 3249 S. Union Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on November 29, 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 Amended 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 petitioner has adequately demonstrated that a solar farm will not be unreasonably detrimental to the value of other property in the vicinity, and will not be detrimental to the public health, safety, morals, comfort or general welfare at large. 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 proposed solar farm will be enclosed by a security fence, and will be well buffered from near-by residential uses. The proposed solar farm will not adversely impact agricultural uses on adjacent properties or other properties in the vicinity. 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. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Union Road, 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 petitioner has adequately demonstrated that the proposed use will not adversely affect development and use other properties; will not generate noise, odors or traffic; will be visually compatible with the area; and, is deemed essential and desirable to preserve and promote the public health, safety and general welfare of 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 zoning 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 in the AG-1 Agricultural District be granted to allow a solar farm 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 or component of a solar farm shall exceed 20 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 (excluding fences) 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 (excluding fences) shall be located a minimum of 50 feet from any interior property line.
D. Residential Buffer:

1) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel of 20 acres in area or less containing a dwelling, other than a parcel owned by the owner, operator or lessor of the solar farm;

2) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel zoned for non-farm residential use (IA, R-1, R-2, R-3 or R-4) or determined to be eligible to have a non-farm dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator or lessor of the solar farm.

3) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 200 feet from any dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator or lessor of the solar farm.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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 1) has entered into a power purchase agreement (PPA) if a utility-scale solar farm or 2) has been approved for utility interconnection if a community solar farm.

K. 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 it's 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.

L. 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.

M. 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.

N. 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.

O. 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 seven (7) 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.

5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

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

Respectfully submitted this 29th day of November 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
Paul Soderholm
Mark Hayes
James Reed

[Signature]
Randy Ocken, Chairman

ATTEST:

[Signature]
Michael Reibel, Secretary