

OGLE COUNTY, IL SOLAR FARM SPECIAL USE CONDITIONS

As recommended by the Solar Ad Hoc Committee on November 12, 2018 and as amended by the Supervisor of Assessments and Planning & Zoning Committee on November 20, 2018 and as further amended by the Ogle County Board on January 10, 2019

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. The PV SOLAR FARM SPECIAL USE permit shall not be located less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance unless the affected municipality has adopted a resolution approving the proposed PV SOLAR FARM SPECIAL USE.
4. 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.

5. 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.
 - 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).
- d. The design of all components of the monitoring well shall conform to ASTM D5092 "Standard Practice for Design and Installation of Ground Water Monitoring Wells in Aquifers" for granular aquifers or to ASTM D5717 "Standard Guide for Design of Ground-Water Monitoring Systems in Karst and Fractured-Rock Aquifers" for karst or fractured-rock aquifers.
- 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.
- v. Evaluate alternative drilling methods for installing monitoring wells provided in ASTM D6286 "Standard Guide for Selection of Drilling Methods for Environmental Site Characterization".
- 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.
3. Separate cost estimates for subsections T.(4)a., T.(4)b. and T.(4)c. shall be provided by an Illinois Licensed Professional Engineer.
 - 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.