

Ogle County, IL Solar Farm Special Use Conditions

The following conditions are what may reasonably be expected to be recommended by the Ogle County Planning & Zoning Department to the Zoning Board of Appeals as conditions to be applied to the approval of a Special Use for a Solar Farm. Screening/landscaping requirements or other requirements to mitigate the impact of the proposed use on the surrounding area may be added as an additional condition or additional conditions if warranted.

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 **as recommended by the Ogle County Soil & Water Conservation District and 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.
- 6) The Owner or Operator of the 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.
- 7) The Owner and/or Operator of the solar farm shall defend, indemnify and hold harmless the County of Ogle and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney's fees arising out of the acts and/or omissions of the Owner and/or Operator concerning the operation of the solar farm without limitation, whether said liability is premised on contract or on tort.