

APPENDIX F

COMMERCIAL SOLAR ENERGY FACILITY REGULATIONS

I. SCOPE.

This article applies to commercial solar energy facility siting and operations in unincorporated Logan County, Illinois, other than those areas surrounding municipal limits governed by municipal ordinance.

II. PURPOSE.

The purpose of these regulations is to facilitate the construction, installation, use, operation and decommissioning of non-utility scale commercial solar energy facilities of equal or greater than 500 kilowatts in total nameplate generating capacity in Logan County, Illinois in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. These regulations will not impede personal or business solar collector development for the primary use of self-sustaining energy. These regulations are not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of these regulations shall not nullify any provisions of local, state or federal law.

Owners of CSEF Projects with an aggregate generating capacity of less than 500 kilowatts who locate the CSEF Project entirely on their own property are not subject to the provisions of these regulations.

No CSEF Project, CSEF or Substation governed by these regulations shall be constructed, erected, installed, or located within the County, unless a Siting Approval Permit and CSEF Building Permit has been obtained for each individual CSEF Project, Substation, or for a group of CSEF Projects and Substations under a joint siting application pursuant to these regulations.

CSEF Projects may be developed and operated in any zoning district zoned to allow agricultural or industrial uses.

III. DEFINITIONS.

- A. "Abandonment." Abandonment of the CSEF Project occurs when Decommissioning has not been completed within twelve (12) months after the CSEF Project reaches the end of its useful life, as defined in the AIMA. For the purposes of this definition, a CSEF shall be presumed to have reached the end of its useful life if the CSEF Owner fails, for a period of six (6) consecutive months, there is a failure to pay any participating property owner amounts owed in accordance with an agreement between the participating property owner and the Applicant, Owner, Operator, CSEF Permittee, and all successors and assigns thereof pursuant to a written agreement regarding or related to the CSEF.
- B. "Agricultural Impact Mitigation Agreement." The Agricultural Impact Mitigation Agreement by and between the Illinois Department of Agriculture and the Applicant applicable to the CSEF Project construction and decommissioning activities of the Applicant or CSEF Permittee, as applicable, also referred to herein as "AIMA."

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- C. "Applicant." The entity who submits to the County an application for the siting and operation of any CSEF or Substation. All references to Applicant in these regulations shall include Applicant's successors-in-interest and assigns, which includes a CSEF Permittee (as defined below).
- D. "Commercial Operation Date." The calendar date on which the CSEF Project produces power for commercial sale, not including test power. Within ten (10) calendar days of the Commercial Operation Date, the CSEF Permittee shall notify the County in writing.
- E. "Commercial Solar Energy Facility." A solar energy conversion facility or combination of facilities, including but not limited to ground-installed CSEF panels, substations, batteries, electric transformers, energy storage facilities, telecommunications equipment, roads, roadway materials, supporting facilities, permanent Meteorological Towers, meteorological stations and solar energy measurement equipment, maintenance, operations, administrative and storage areas and buildings, and all related improvements and equipment containing total nameplate generating capacity in an amount equal to or greater than 500 kilowatts located on one or more tracts of real property for the purpose of production and/or delivery of commercial solar energy generation, also referred to herein as "Solar Energy Conversion System," "CSEF," "Project," or "CSEF Project." "Commercial solar energy facility" does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act.
- F. "CSEF Permittee." An Applicant who applies for and receives a Siting Approval Permit under these regulations for the siting and operation of a CSEF Project or Substation. All references to a CSEF Permittee in these regulations shall include a CSEF Permittee's successors-in-interest and assigns.
- G. "CSEF Building Permit." A permit necessary for the commencement of work performed in furtherance of or related to the construction, erection or installation of an approved CSEF, Substation, supporting facility, or operations and maintenance building in connection with a CSEF Project. A CSEF Building Permit may be issued by the county after a CSEF Project has obtained a Siting Approval Permit from the Logan County Board, and the Logan County Zoning Office determines that all conditions, if any, have been satisfied that are imposed by the Siting Approval Permit. The CSEF Building Permit shall require the Applicant (CSEF Permittee) to deliver a written "Notice to Proceed" for the CSEF Project to the county prior to commencement of construction of the CSEF Project. The term "commencement of work", as used in these regulations, includes any site development work (e.g., demolition, grubbing, grading, tiling, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) in any way supportive of or in furtherance of the CSEF Project.
- H. "County" or "Logan County." Logan County, Illinois.

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- I. "Decommissioning." The removal of all above and below ground CSEF Project improvements from a participating property and the restoration of that property as provided in the AIMA.
  - J. "Decommissioning Plan." A plan prepared by a Professional Engineer with experience in the field of solar energy conversion projects, prepared at the cost of the Applicant or CSEF Permittee, as applicable, that complies with the decommissioning provisions of the Illinois Department of Agriculture's standard solar AIMA version 8.19.19, as in effect on December 31, 2022, that includes, at a minimum:
    1. A comprehensive detailed description of the method of decommissioning and how the Applicant, or CSEF Permittee, as applicable, plans to pay for the decommissioning of the CSEF Project.
    2. A work schedule and a permit list necessary to accomplish the CSEF Project decommissioning of all of the following CSEF Project improvements:
      - i. Solar panels, cells and modules;
      - ii. Solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems;
      - iii. Solar panel foundations, if used (to depth of 5 feet);
      - iv. Transformers, inverters, energy storage facilities, or substations, including all components and foundations; however, Underground Cables at a depth of 5 feet or greater may be left in place;
      - v. Overhead collection system components;
      - vi. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the participating property owner;
      - vii. Access Road(s) unless participating property owner requests in writing that the access road is to remain;
      - viii. Operation/maintenance yard/staging area unless otherwise agreed to by the participating property owner; and
      - ix. Debris and litter generated by any CSEF Permittee, Owner, Operator, or any agents of contractors of the same performing decommissioning activities.
    3. Proposed Financial Assurance for the decommissioning of the CSEF Project.
  - K. "Financial Assurance" or "Financial Security" or "Decommission Security." A form of commercially available financial assurance that is acceptable to the County, naming the County as primary beneficiary and participating property owners as secondary beneficiaries, examples of which include, but are not limited to, a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit. The Financial Assurance shall include the following terms and conditions:

1. The amount of Financial Assurance included in the Decommissioning Plan shall be equal to the total cost of all decommissioning and restoration work minus the salvage value of the CSEF Project. The salvage value of the CSEF Project may only be used to reduce the estimated costs of Decommissioning in the Decommissioning Plan if the County certifies that all interests in the salvage value are subordinate or have been subordinated to that of the County if abandonment of the CSEF Project occurs.
2. To determine the amount of the Financial Assurance, the Applicant shall: (a) obtain bid specifications provided by a professional structural engineer; (b) request estimates from construction / demolition companies capable of completing the decommissioning of the CSEF Project; and (c) certification of the selected estimate by a professional structural engineer. The County Engineer or an independent engineer of the County's choosing, and the Logan County Zoning Office will review all estimates and make a recommendation to the County Board for an acceptable estimate. The County reserves the right to pursue other estimates. All costs to secure the estimates will be the responsibility of the Applicant or CSEF Permittee, as applicable.
3. The Financial Assurance shall:
  - i. Identify all procedures for the County to access the Financial Assurances;
  - ii. Include a provision granting the County with all legal rights to transfer applicable CSEF Project improvement materials to salvage firms as of the date that the Financial Assurance is accessed by the County; and,
  - iii. Include a provision granting the County access to the CSEF Project area and all participating property, as of the date that the Financial Assurance is accessed by the County, subject to reasonable notice, to affect or complete decommissioning.
4. If the County approves an irrevocable letter of credit or surety bond as the form of financial assurance for the CSEF Project, the original of the irrevocable letter of credit or surety bond shall be held by the County.
5. If the County approves cash escrow as the form of financial assurance for the CSEF Project, the cash escrow shall be held and managed by an independent third party (e.g., escrow agent or title company) on behalf of the County, subject to escrow instructions that incorporate the applicable obligations of these regulations and the AIMA, executed by the County and the Applicant or CSEF Permittee, as applicable.
6. If possible for the type of financial assurance provided, the Applicant shall grant perfected security in the financial assurance by use of a control agreement establishing the County as an owner of record pursuant to the Secured Transit Article of the Uniform Commercial Code, 810 ILCS 9/ et seq.

7. Upon completion of Decommissioning activities, the CSEF Permittee shall be entitled to any surplusage or interest accrued on the Financial Assurance that is over and above the cost of Decommissioning.
  8. Provision of this Financial Assurance shall be phased in over the first 11 years of the CSEF Project's operation as follows:
    - i. On or before the 1st anniversary of the Commercial Operation Date, the CSEF Permittee or Owner shall provide the County with Financial Assurance to cover ten percent (10%) of the estimated costs of Decommissioning of the CSEF Project as determined in the Decommissioning Plan.
    - ii. On or before the 6th anniversary of the Commercial Operation Date, the CSEF Permittee or Owner shall provide the County with Financial Assurance to cover fifty percent (50%) of the estimated costs of Decommissioning of the CSEF Project as determined in the Decommissioning Plan.
    - iii. On or before the 11th anniversary of the Commercial Operation Date, the CSEF Permittee or Owner shall provide the County with Financial Assurance to cover one hundred percent (100%) of the estimated costs of Decommissioning of the CSEF Project as determined in the Decommissioning Plan.
  9. The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced.
  10. After the 10th anniversary of the Commercial Operation Date, and every 5 years thereafter, the County may reevaluate the estimated costs of Decommissioning of the CSEF Project. Such reevaluation shall be performed by an independent third party Professional Engineer licensed in the State of Illinois. The CSEF Permittee shall be responsible for the costs of any reevaluation by a third party Professional Engineer engaged by the County. The County shall provide the CSEF Permittee with a copy of such reevaluation reports. In accordance with the results of any reevaluation report, the County may require changes in the amounts of Financial Assurance required from the CSEF Permittee or Owner, as provided for above, and in such case, the adjusted amount of Financial Assurance shall be secured within 6 months of the date that the County provides the CSEF Permittee with a copy of such reevaluation reports. Failure to provide Financial Assurance, or adjusted Financial Assurance, as outlined herein shall be considered a cessation of operation.
  11. Upon abandonment of the CSEF Project or any other default or failure to comply with these regulations, the AIMA, or the Decommissioning Plan, the County may take all appropriate actions for Decommissioning, including drawing upon the Financial Assurance. In the event the County declines to take any action for Decommissioning, the participating property owners may draw upon the financial assurance.
- L. "Meteorological Tower." Those towers or other structures which are erected prior to construction of a CSEF Project primarily to measure meteorological data relevant to siting and operation of a CSEF Project. For purposes of these regulations,

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Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.

- M. "Nonparticipating property." Real property that is not a participating property.
- N. "Nonparticipating residence." A residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the CSEF Project is filed with the County.
- O. "Notice to Proceed." A written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a CSEF Project and identifying the date on which the construction activities are scheduled to commence.
- P. "Occupied community building." Any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the CSEF Project is filed with the county: a school, place of worship, day care facility, public library, or community center.
- Q. "Operator." The person or entity responsible for the day-to-day operation and maintenance of a CSEF Project, including any third-party subcontractors. The Operator must be a qualified solar power professional. All references to Operator in these regulations shall include Operator's successors-in-interest and assigns.
- R. "Owner" as used herein shall mean:
1. A person with a direct ownership interest in a CSEF Project, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the CSEF Project; and
  2. At the time the facility is being developed, a person who is acting as a developer of the CSEF Project by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the CSEF Project, regardless of whether the person will own or operate any portion of the CSEF Project.
  3. The definition of "Owner" shall not mean:
    - i. The property owner from whom land is leased for locating a solar energy conversion system (unless the property owner has an equity interest in a solar energy conversion system); or,
    - ii. Any person holding a security interest in a solar energy conversion system solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell a solar energy conversion system at the earliest practicable date.
- S. "Participating property." Real property that is the subject of a written agreement between an Applicant, Owner, Operator, or WECS Permittee and the owner of the real property that provides an easement, option, lease, license, or other agreement to use the real property for the purpose of constructing a CSEF Project or supporting facilities.

- "Participating property" also includes real property that is owned by an Applicant, Owner, Operator, or WECS Permittee for the purpose of constructing CSEF Project or supporting facilities.
- T. "Participating residence." A residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the CSEF Project is filed with the County.
- U. "Professional Engineer." A qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under terms of these regulations, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.
- V. "Protected lands" means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- W. "Public Conservation Lands." Land owned in fee title by units of local government, state or federal agencies and managed specifically for conservation purposes, including but not limited to units of local government, state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.
- X. "Setback." The distances measures from the nearest edge of any component of the CSEF Project to: the nearest point on the outside wall of the structures of occupied community buildings and buildings and dwellings on nonparticipating properties; the nearest edge of public road rights-of-ways; and the nearest point on the property line of nonparticipating property.
- Y. "Siting Approval Permit." A permit approved by the County Board, after a public hearing, allowing the construction and operation of a CSEF at a specified location subject to compliance with certain specified special conditions as may be required by the County Board, including, but not limited to, ordinances, regulations, and laws administered and enforced by Logan County.
- Z. "Substation." The apparatus that collects and/or connects the electrical collection system of a CSEF and/or adjusts the voltage for connection with a utility's transmission lines.
- AA. "Supporting Facilities." The transmission lines, substations, batteries, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the CSEF Project.



IV. APPLICABILITY.

- A. These siting regulations shall apply to all non-utility scale CSEF Projects of equal or greater than 500 kilowatts in total nameplate generating capacity.
- B. Owners of CSEF Projects with an aggregate generating capacity of less than 500 kilowatts who locate the CSEF Project entirely on their own property are not subject to the provisions of these regulations.
- C. No CSEF Project, CSEF or Substation governed by these regulations shall be constructed, erected, installed, or located within the County, unless a Siting Approval Permit and CSEF Building Permit has been obtained for each individual CSEF Project, or for a group of CSEF Projects under a joint siting application pursuant to these regulations.
- D. CSEF Projects may be developed and operated in any zoning district zoned to allow agricultural or industrial uses.

V. SITING APPROVAL PERMIT APPLICATION.

- A. To obtain a Siting Approval Permit, the Applicant shall submit a Siting Approval Permit Application to the Logan County Zoning Office.
- B. To be considered a complete and accepted submittal, the application shall contain or be accompanied by the following information:
  - 1. A written summary of the project, including:
    - i. General description of the project, including the approximate total name plate generating capacity of the project;
    - ii. Potential equipment manufacturer(s), and type(s) of the CSEF;
    - iii. Number of solar panels and piers, and name plate generating capacity of each panel; and,
    - iv. The size of panels and evidence that no component of the solar panels used in the proposed CSEF Project will have a height of more than 20 feet above ground when the solar facility's arrays are at full tilt.
  - 2. The name(s), address(es), and phone number(s) of the:
    - i. Applicant(s), Owner and Operator, including their respective business structures;
    - ii. The name(s), address(es), and phone number(s) of all lenders and parties providing financing of any nature related to the CSEF Project;
    - iii. All participating property owner(s); and,
    - iv. Documentation demonstrating land ownership or legal control of the property.
  - 3. A site plan for the CSEF Project showing:
    - i. Boundaries of the CSEF Project area;

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- ii. Locations, legal descriptions, and property lines for each parcel within the boundaries of the project;
  - iii. CSEF Project site plan, phasing plan, and construction timeline plan;
  - iv. All CSEF structures including, but not limited to the project panels, substation(s), interconnect substation(s), operations and maintenance buildings, supporting facilities, batteries, permanent Meteorological Towers, approximate location of CSEF panels and piers, and location and voltage of any overhead or underground transmission lines;
  - v. Location of participating and non-participating buildings (with their uses identified) and dwellings, and the parcel boundary lines for the tracts of real property upon which participating residences, nonparticipating residences, and occupied community buildings are located (including identification for adjoining properties);
  - vi. Location and identification of all other structures, with their uses identified, within the geographical boundaries of any applicable setback;
  - vii. Location and type of the fencing enclosing the CSEF Project's perimeter and verification that the fence shall be a minimum of six (6) feet and not more than twenty-five (25) feet in height;
  - viii. Location of all known communications towers within two (2) miles of the proposed CSEF;
  - ix. Electrical cabling from the solar panels to the Substation(s) and all other above and below ground cable locations;
  - x. Ancillary equipment;
  - xi. Third party transmission lines;
  - xii. A topographic map of the CSEF Project area boundaries and the surrounding area;
  - xiii. Location of any wetlands, floodplain, and drainage structures, including surface ditches and subsurface drainage lines;
  - xiv. Underground mines;
  - xv. Scenic and natural areas within one thousand five hundred (1,500) feet of the proposed CSEF;
  - xvi. Setback lines;
  - xvii. Public access roads and turnout locations; and,
  - xviii. Location of all existing structures with their uses identified
4. A Decommissioning Plan for the CSEF Project including cost estimations to remediate the participating property in accordance with the AIMA.

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5. An affidavit provided by an authorized Applicant officer attesting to the following matters that shall be conditions of the Siting Approval Permit:
    - i. The Siting Approval Permit application is complete and includes all information and documentation required by these regulations and the AIMA, that all such information and documentation is true and correct, that there has not been any material omission of any relevant information, and that upon the discovery of any missing or incorrect information contained, or intended to be contained in the Siting Approval Permit application, Applicant shall immediately notify the County of the same and provide all relevant corrected information and documentation;
    - ii. The obligations imposed by these regulations and the AIMA shall bind the Applicant, Owner, Operator, CSEF Permittee, and all successors and assigns thereof;
    - iii. That the obligations and liabilities established by the grant of a Siting Approval Permit shall be binding upon the Applicant, Owner, Operator, CSEF Permittee and their respective successors and assigns;
    - iv. That the sale, assignment in fact or at law, or other transfer of the Applicant's financial interest in the CSEF Project shall in no way effect or modify the obligation of the Applicant, Owner, Operator, or CSEF Permittee to comply with the terms, covenants and obligations of a Siting Approval Permit unless a successor or assign of the Applicant, Owner, Operator, or CSEF Permittee, as applicable, agrees to assume all such obligations, including but not limited to the Decommissioning obligations associated with the CSEF Project; and,
    - v. That the County and its authorized representatives have the right of entry onto the CSEF Project area at all times for the purpose of inspecting the methods of construction, operation, remediation, and decommissioning, or for performing actual reclamation if necessary; and,
    - vi. Confirmation that the County shall be listed as a debtor in connection with any proceeding in insolvency or bankruptcy involving the Applicant, Owner, Operator, CSEF Permittee or their respective successors and assigns, but shall not be responsible for any claims against the foregoing parties.
  6. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
  7. A comprehensive vegetation management plan consistent with the goals of the Pollinator-Friendly Solar Site Act detailing the type of vegetative ground cover to be planted, established, and maintained for the life of the CSEF Project.
  8. A plan detailing adherence to the Illinois Department of Natural Resources guidelines ensuring adherence to the guidelines for vegetation management and short and long

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- term property management practices that provide and maintain native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators.
9. Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.
  10. Results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
  11. Results of an avian and wildlife impact study completed at the Applicant's expense by a third party, qualified professional (after submission of resume and relevant work experience). Each CSEF Project shall be located, designed, constructed, and operated so as to avoid and, if necessary, mitigate the impacts to wildlife.
  12. Results of the consultation with the Illinois State Historic Preservation Office assessment of potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
  13. Results of a communications analysis that indicates that the E9-1-1 communications, emergency communications, or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed CSEF Project. The analysis shall be conducted by a third party, qualified professional (after submission of resume and relevant work experience) at the expense of the Applicant.
  14. Information demonstrating that the CSEF Project will avoid protected lands.
  15. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures;
  16. Any other information requested by the County or the County consultants that is necessary to evaluate the siting permit application and operation of the CSEF Project and to demonstrate that the CSEF Project meets each of the regulations herein, including the Siting Approval Permit standards set forth below.
  17. The applicant shall submit twelve (12) copies of the Siting Permit Application to the Logan County Zoning Office, and at least one (1) copy in electronic format.
- C. The Applicant, at its expense, shall enter into an AIMA with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the CSEF Project application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the AIMA.

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VI. DESIGN AND INSTALLATION.

A. Design Safety Certification.

1. Each CSEF shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), or an equivalent third party. All solar panels, cells and modules; solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems shall be new equipment commercially available; no used or experimental equipment shall be used without the approval of a variance by the County Board.
2. Following the granting of siting approval pursuant to these regulations, a structural engineer shall certify, as part of the CSEF Building Permit application process, that the design of the CSEF is within accepted professional standards, given local soil, subsurface and climate conditions. The engineer shall be retained by Logan County, the cost of which will be paid by the applicant.

B. Electrical Components. All electrical components of the CSEF Project shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).

C. Height. No component of a solar panel, cell or modules may exceed twenty (20) feet in height above the ground at full tilt.

D. Aesthetics and Lighting.

1. Vegetative Screening. A vegetative screen shall be provided for any part of the CSEF Project that is visible to Non-participating Residence. The landscaping screen shall be located between the required fencing and the perimeter of the CSEF Project. The vegetative screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants.
2. Lighting. If lighting is provided at the CSEF Project, lighting shall be shielded and downcast such that the light does not spill onto any adjacent parcel.
3. Intra-project Power and Communication Lines. All power lines used to collect power and all communication lines shall be buried underground at a depth in accordance with the AIMA until such lines reach the property line or a substation adjacent to the property line.

E. Fencing. The CSEF perimeter shall be enclosed by fencing having a height of at least six (6) feet and no more than twenty-five (25) feet above natural grade level. Hazardous fencing such as barbed wire, electrically charged fencing or fencing with metal spikes is allowed.

F. Warnings.

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
  2. Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.
- G. Setback Requirements. The CSEF Project shall be sited as follows, with setback distances measured from the nearest edge of any component of the CSEF Project unless waived by the written consent of the owner(s) of each affected nonparticipating property. Any waivers of setbacks shall run with the land and be recorded with the Recorder of Deeds of the County, with copies submitted with the Siting Approval Permit application. Setbacks distances shall be no less than:
1. Occupied Community Buildings: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
  2. Nonparticipating Residences: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
  3. Boundary Lines of Participating Property: None.
  4. Boundary Lines of Nonparticipating Property: fifty (50) feet to the nearest point on the property line of the nonparticipating property.
  5. Public Road Rights-of-Way: fifty (50) feet from the nearest edge of the public road right-of-way.
- H. Use of Public Roads.
1. An Applicant proposing to use any County, municipality, township or village road(s), for the purpose of transporting parts and/or equipment for construction, operation, or maintenance of the CSEF Project, shall:
    - i. Identify all such public roads; and,
    - ii. Obtain applicable weight and size permits from relevant government agencies prior to construction.
  2. To the extent an Applicant must obtain a weight or size permit from the County, municipality, township or village, the Applicant shall:
    - i. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
    - ii. Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the Siting Approval Permit. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the facility's equipment, the installation, maintenance, or removal, must be

completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the CSEF Project or are authorized to collect fees for overweight and/or oversized load permits. Further, financial assurance in an amount to be fixed by the Road District Commissioner to ensure the Road District or the County that future repairs are completed to their reasonable satisfaction shall be provided. Applicant shall submit a draft form of said financial assurance with application for the Siting Approval Permit.

- iii. Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
  1. Project layout map;
  2. Transportation impact analysis;
  3. Pre-construction plans;
  4. Project traffic map;
  5. Project scope of repairs;
  6. Post-construction repairs;
  7. Insurance; and,
  8. Financial Security in forms and amounts acceptable to the County;
3. The road use agreement shall require the Applicant to be responsible for the reasonable cost of improving roads used to construct the CSEF Project and the reasonable cost of repairing roads used by the CSEF Project Owner during construction of the CSEF Project so that those roads are in a condition that is safe for the driving public after the completion of the CSEF Project construction. Roadways improved in preparation for and during the construction of the CSEF Project shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.
4. All repairs and improvements to County public roads and roadway appurtenances shall be subject to the prior approval of the County before being made and shall also be subject to inspection and acceptance by the County after such repairs and improvements are completed. The County's road use agreement, and any further agreements contemplated therein, regarding the maintenance and repair of County public roads and highways, must be approved by the County Board prior to the Board's approval of any CSEF Building Permit applications related to the construction of the proposed CSEF Project.
- I. Noise Levels. Noise levels from each portion of the CSEF Project shall be in compliance with applicable sound limitation regulations established by the Illinois Pollution Control

Board (IPCB) under 35 Ill. Adm. Code Parts 900, 901, and 910, or such successor regulations hereafter issued by the IPCB as to CSEF Project sound limitations. The Applicant shall submit manufacturer's solar facility sound power level characteristics and other relevant data regarding noise characteristics necessary for a competent noise analysis. The Applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its Siting Approval Permit application.

- J. As-Built Map and Plans. Within sixty (60) calendar days of completion of construction of the CFES Project, the Applicant or Operator shall deliver "as-built" maps, site plans and engineering plans for the CFES Project that have been signed and stamped by a Professional Engineer and a licensed surveyor.
- K. Engineer's Certificate. The CSEF Project engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the specific soils and subsurface conditions at the site can support the solar apparatus, given local soil, subsurface, and climate conditions. The CSEF Project engineer's certificate shall be a public record and shall be submitted as part of the Siting Approval Permit application.
- L. Conformance with Approved Application and Plans. The Applicant shall construct and operate the CSEF Project in substantial conformance with the construction plans contained in the County approved submitted Siting Approval Permit application(s), conditions placed upon the operation of the CSEF Project, these regulations and all applicable state, federal, and local laws and regulations.
- M. Additional Terms and Conditions.
  - 1. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Siting Approval Permit Application shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.
  - 2. The County may retain a qualified, independent code inspector, professional engineer, or both to make appropriate inspections of the CSEF Project during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering, and/or decommissioning of the CSEF Project is performed in compliance with applicable electrical and building codes. The cost and fees so incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the CSEF Permittee.
  - 3. The Applicant shall provide a locked metal gate or a locked chain installed at the access road entrances of all the CSEF Project locations. An exception may be made when a participating property owner has filed a written statement with the County which states that the participating property owner does not want a locked metal gate or a locked chain installed and has provided a signed liability waiver to the County.



VII. CSEF OPERATION.

A. Maintenance.

1. Annual Report. The CSEF Permittee shall submit, on an annual basis on the anniversary date of the siting approval application, an operation and maintenance report to the County. The report shall contain the following information:
  - i. A general description of any physical repairs, replacements, or modification(s) to the CSEF Project and/or its infrastructure;
  - ii. Name(s), address(es), and phone number(s) of the current owner and operator, including their respective business structures, and lenders for the CSEF Project;
  - iii. Calls for emergency services;
  - iv. Status of liability insurance; and,
  - v. A general summary of CSEF Project service calls.
2. Failure to provide the annual report shall be considered a material violation of these regulations and subject to a fine in the amount of \$250 per acre of the total project area for each 30 day period occurring between the date that the annual report is due and the date that it is filed by the CSEF Permittee.

B. Coordination with Emergency Responders.

1. The CSEF Permittee shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the CSEF Project so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over any portion of the CSEF Project may evaluate and coordinate their emergency response plans with the CSEF Permittee.
2. The CSEF Permittee, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the CSEF Project. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment.
3. The CSEF Permittee and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24 hour contact information (names, titles, email addresses, cell phone numbers) for the CSEF Permittee and the Operator and at least three (3) designated CSEF Permittee representatives (a primary representative with two (2) alternate representatives, each of whom are on-call 24 hours per day, 7 days per week, 365 days per year). Any change in the designated CSEF Permittee representative or his/her contact information shall be promptly communicated to the County. The

- content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annual basis.
4. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire, or emergency response laws and regulations.
- C. Water, Sewer, Materials Handling, Storage and Disposal.
1. All solid wastes related to the construction, operation and maintenance of the CSEF Project shall be promptly disposed of in accordance with all federal, state and local laws.
  2. All hazardous materials related to the construction, operation and maintenance of the CSEF Project shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
  3. The CSEF Project shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.
- D. Signage. Signage regulations shall be consistent with ANSI standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations, and at all entrances to the CSEF Project.
- E. Drainage Systems. ~~WECS~~CSEF Permittee, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the CSEF Project in accordance with the AIMA.
- F. Complaint Resolution. The CSEF Permittee shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the CSEF Project. The CSEF Permittee shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the County. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the CSEF Permittee. The CSEF Permittee shall also designate and maintain for the duration of the CSEF Project either a local telephone number or a toll-free telephone number and an email address as its public information, inquiry, and complaint "hotline" which shall be answered by a customer service representative on a 24/7 basis. The Applicant shall post the telephone number(s) and email address(es) for the customer service representative(s) in a prominent, easy to find location on their websites and at the CSEF Project site on signage.

VIII. LIABILITY INSURANCE AND INDEMNIFICATION.

- A. Insurance.
1. Commencing with the issuance of a CSEF Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least

Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the "Notice to Proceed by the Applicant under the turbine supply and/or balance of plant construction contract(s) for the CSEF Project, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the CSEF Project. The County may increase the coverage amounts from time to time so long as such increases are commercially reasonable.

2. The Applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a CSEF Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter. Any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operation.
- B. Indemnity. The CSEF Permittee shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") 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 relating to or arising out of the issuance of the Siting Approval Permit or the construction, operation, maintenance and removal of the CSEF Project and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the CSEF Permittee, the Owner or the Operator under these regulations or the Siting Approval Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

#### IX. DECOMMISSIONING PLAN.

Applicant must formulate a Decommissioning Plan to ensure that the CSEF Project is properly decommissioned in accordance with the provisions of the AIMA and these regulations prior to the issuance of any Siting Approval Permit. The Decommissioning Plan shall be binding upon the Applicant and its successors-in-interest and assigns, and shall apply to all participating parcels in the CSEF Project, irrespective of the owner of title to such parcels. As part of Decommissioning, the CSEF Permittee shall remove all physical material and CSEF Project improvements, and restore all soil and vegetation, in accordance with the Decommissioning Plan and the AIMA. Decommission shall occur in accordance with the following conditions:

- A. Decommissioning by the CSEF Permittee shall commence upon any one of the following occurrences:

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1. Abandonment.
  2. Inactive construction for twelve (12) consecutive months
  3. If no electricity is generated by the CSEF Project for twelve (12) consecutive months after electricity is initially generated or the CSEF Permittee has not paid participating property owners the amount owed in accordance with their applicable agreements for a period of six (6) consecutive months.
  4. The CSEF Permittee or Owner dissolves or abandons the CSEF Project without first transferring the CSEF Project to a successor-in-interest or assign.
  5. If any part of the CSEF Project falls into disrepair or creates any other health and safety hazard as determined by applicable County, state, or federal officials.
- B. The CSEF Permittee shall ensure that the CSEF Project is properly decommissioned within twelve (12) months of the end of the CSEF Project life.
- C. Financial Assurance:
1. The County shall have immediate access to and may use the Financial Assurance for Decommissioning upon written notice to the Applicant after any one of the following occurrences:
    - i. Abandonment of the CSEF Project;
    - ii. A reasonable determination by the County that the CSEF Project or any portion thereof constitutes a health and safety hazard that has not been addressed by the CSEF Permittee in a timely manner; or,
    - iii. The CSEF Permittee fails to Decommission the CSEF Project or any portion thereof in accordance with the Decommissioning Plan.
  2. The County or its escrow agent shall release the Financial Assurance to the CSEF Permittee upon written notice by the CSEF Permittee, as confirmed by the County, that Decommissioning has been satisfactorily completed. Ten percent (10%) of the Financial Assurance shall be retained for a period of one (1) year beyond the date of the County's confirmation that Decommissioning has been satisfactorily completed to settle any outstanding Decommissioning obligations or concerns.
- X. REMEDIES.
- A. The failure of Applicant, Owner, Operator, or CSEF Permittee, or any agent, contractor, or representative thereof to materially comply with any of the provisions under the Siting Approval Permit or Building Permit, any conditions imposed on the CSEF Project, and/ or failure to comply with any law or regulation shall be grounds for revocation of the Siting Approval Permit by the County.
  - B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County must first provide written notice to the CSEF Permittee, setting

forth the alleged default(s) and provide an opportunity for the CSEF Permittee to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the CSEF Permittee commence the cure within that 30-day cure period, and diligently pursues a cure, then the CSEF Permittee shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If the default relates to a life safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the CSEF Permittee shall take all necessary and available commercial measures to immediately cure the default. If the CSEF Permittee cannot cure the default(s) or resolve the alleged default(s) within the cure period, then the applicable County shall have the right to address the default(s) by any means available pursuant to applicable law.

XI. FEE SCHEDULE AND PERMITTING PROCESSES.

- A. Fees to Accompany Application ~~Fee~~. Prior to processing any application for a Siting Approval Permit application for a CSEF/WECS Project, the Applicant must submit a certified check to Logan County for the Application Zoning Board of Appeals Hearing fee of \_\_\_\_\_ dollars (\$\_\_\_\_\_) up to charged at the first five (5) acre time of ~~real property included in application filing (\$235.00 at the CSEF Project area time of adoption of this Exhibit, and five dollars (\$5.00) for each additional acre or portion thereof comprising the CSEF Project area. This filing fee is subject to change without modification to this Exhibit), along with any other application fees promulgated after adoption of this Exhibit. Such fees are~~ non-refundable after publication. Each Applicant will be responsible for the payment of all legal publications required by the County or applicable law for the issuance of a Siting Approval Permit or other applicable permits or approvals.
- B. Building Permit Fees. Prior to the issuance of building permits, the Building Permit Applicant must remit a Building Permit Fee to the Logan County Zoning Office in accordance with the following schedule cumulative schedule, or such other fee schedule promulgated after adoption of this Exhibit:

<b>Nameplate Generating Capacity</b>	<b>Cumulative Fees</b>
<del>0-10 kW</del>	<del>\$_____</del>
<del>11-50 kW</del>	<del>\$_____</del>
<del>51-100 kW</del>	<del>\$_____</del>
<del>101-500 kW</del>	<del>\$_____</del>
<del>501 kW - 0 - less than 1 MW</del>	<del>\$_____ \$1,000.00</del>
<del>1 MW - 2 - less than 70 MW</del>	<del>\$_____ \$3,000.00 per MW</del>
<del>70 - less than 100 kW</del>	<del>\$2,000.00 per MW</del>
<del>Over 2100 or more MW</del>	<del>\$_____ + \$_____ per each additional 100kW or \$_____ per each addition MW \$1,000.00 per MW</del>

\* Fee Calculation Example for 90 MW project [(1 MW x \$1,000) + (69 MW x \$3,000) + (20 MW x \$2,000) = \$248,000]

- C. All Costs to be Paid by Applicant or CSEF Permittee. In addition to all fees noted above, the Applicant or CSEF Permittee shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, legal review, engineering costs, professional services, operations, inspections, decommissioning, litigation, disputes, and/or negotiations.

## XII. HEARING.

### A. Hearing and Approval Process.

1. The County Board may issue a Siting Approval Permit after holding at least one public hearing in accordance with the Open Meetings Act.
2. The Logan County Zoning Office will schedule the public hearing(s) within forty-five (45) days of receiving a complete Site Approval Permit Application. Notice of the hearing shall be published in a newspaper of general circulation in the County, at the owner's expense.
3. The public hearing shall be conducted by the Logan County Zoning Board of Appeals. Interested parties shall be given an opportunity to present evidence and to cross-examine witnesses at the hearing, but reasonable restrictions may be imposed on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses.
4. The County Board shall make its siting and permitting decisions not more than thirty (30) days after the conclusion of the public hearing.

- B. Hearing Factors. The County Board may approve a Siting Approval Permit application if it finds the evidence complies with state, federal and local law and regulations, and with the standards of these regulations.

- C. Siting Approval Permit Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the CSEF Project as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of these regulations.

### D. Revocation.

1. In any case where a Siting Approval Permit has been approved for a CSEF Project, the Applicant shall apply for a CSEF Building Permit from the County and all other permits

required by other government or regulatory agencies to commence construction, and commence and actively pursue construction of the CSEF Project within thirty-six (36) months from the date of the granting of the Siting Approval Permit. If the Applicant fails to apply for a CSEF Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County, the Siting Approval Permit authorizing the construction and operation of the CSEF Project shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the CSEF Project is due to conditions out of the CSEF Permittee's control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of a resolution amending the Siting Approval Permit.

2. The Siting Approval Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the CSEF Project, or the CSEF Project ceases to operate for more than eighteen (18) consecutive months for any reason.
  3. Subject to the provisions of these regulations, a Siting Approval Permit may be revoked by the County Board if the CSEF Project is not constructed, installed and/or operated in substantial conformance with the County-approved CSEF Project plans, these regulations and the stipulated Siting Approval Permit conditions and restrictions.
- E. Transferability; Owner or CSEF Permittee. The CSEF Permittee and its respective successors and assigns shall provide written notification to the County at least thirty (30) days prior to any change in ownership of a CSEF Project of any such change in ownership. The phrase "change in ownership of a CSEF Project" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of Applicant, Owner, Operator, CSEF Permittee or their respective successors and assigns, the CSEF Project or any portion thereof. The CSEF Permittee and its respective successors and assign shall remain liable for compliance with all conditions, restrictions, and obligations contained in the Siting Approval Permit, the provisions of these regulations and applicable County, state and federal laws for all periods of time within which it owned, operated, or had any interest in the CSEF Project.
- F. Modification and Recertification. Any modification of a CSEF Project that alters or changes the essential character or operation of the CSEF Project in a way not intended at the time the Siting Approval Permit was granted, or as subsequently amended, shall require a new Siting Approval Permit. The CSEF Permittee or its authorized representative(s), shall apply for an amended Siting Approval Permit prior to any modification of the CSEF Project. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require recertification. Prior to

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making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with the Logan County Zoning Office to determine if the physical modification requires recertification.

- G. Permit Effective Date. The Siting Approval Permit shall become effective upon adoption of the applicable ordinance by the County Board.

XIII. NONCONFORMING USES.

- A. Any and all solar farms and solar gardens granted authorization to conduct operations pursuant to any County regulations or ordinances prior to the effective date of these regulations shall be authorized to continue operations as a nonconforming use in accordance with the nonconforming use provisions of the Logan County Zoning Ordinance.

XIV. MISCELLANEOUS.

- A. The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the County and its residents. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the County nor conflict with any statutes of the State of Illinois.
- B. The Siting Approval Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest and assigns.
- C. If any provision of these regulations, or conditions placed upon the operation of the CSEF Project is held invalid, such invalidity shall not affect any other provision of these regulations that can be given effect without the invalid provision and, to this end, the provisions in these regulations are severable.
- D. Nothing in these regulations is intended to preempt other applicable state and federal laws and regulations.
- E. These regulations shall be in full force and effect from and after its passage, publication and approval as required by law.