

CHAPTER 156: SOLAR ENERGY SYSTEMS

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§ 156.01 PURPOSE.

The purpose of this chapter is to facilitate the construction, installation, and operation of solar energy systems (SES) in the county 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. It is the intent of this chapter to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

§ 156.02 DEFINITIONS.

ACCESSORY. As applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

AGRICULTURAL IMPACT MITIGATION AGREEMENT. The Agreement between the Facility Owner and the Illinois Mitigation Agreement Department of Agriculture (IDOA) described herein. (AIMA)

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS. A solar energy system that consists of integrating photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.

COLLECTIVE SOLAR. Solar installations owned collectively through subdivision homeowner associations, college student groups or other similar arrangements.

COMMERCIAL SOLAR ENERGY FACILITY (FACILITY). A solar energy conversion facility equal to or greater than 500 Energy Facility (Facility) kilowatts in total nameplate capacity, including a solar energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before June 29, 2018.

“Commercial solar energy facility” does *not* include a solar energy conversion facility:

- (1) for which a permit to construct has been issued before June 29, 2018;
- (2) that is located on land owned by the commercial solar energy facility owner;
- (3) that was constructed before June 29, 2018; or (4) that is located on the customer side of the customer’s electric meter and is primarily used to offset that customer’s electricity load and is limited in nameplate capacity to less than or equal to 2,000 kilowatts

COMMERCIAL SOLAR ENERGY FACILITY OWNER (FACILITY OWNER). A person or entity that owns a commercial solar energy facility. A Commercial Solar Energy Facility Owner is not nor shall it be deemed to be a public utility as defined in the Public Utilities Act.

COMMERCIAL OPERATION DATE. The calendar date of which the Facility Owner notifies the Landowner, County, and IDOA in writing that commercial operation of the facility has commenced. If the Facility Owner fails to provide such notifications, the Commercial Operation Date shall be the execution date of this AIMA plus 6 months.

COMMUNITY SOLAR GARDEN. A community solar-electric (photovoltaic) array, that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A community solar system may be either an accessory or principal use.

DECOMMISSIONING/DECONSTRUCTION. The removal of a Facility from the property of a Landowner and the restoration of that property as provided in the AIMA

DECOMMISSIONING PLAN. A plan prepared by a Professional Engineer, at the Facility’s expense, that includes:

- (1) The estimated Deconstruction cost, in current dollars at the time of filing a building permit, for the Facility, considering among other things:
 - i. the number of solar panels, racking, and related facilities involved;
 - ii. the original Construction costs of the Facility;
 - iii. the size and capacity, in megawatts of the Facility;
 - iv. the salvage value of the facilities (if all interests in salvage value are subordinate to that of the Financial Assurance holder if abandonment occurs);
 - v. the Construction method and techniques for the Facility and for other similar facilities; and
- (2) A comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.

FACILITY OWNER. (i) a person with a direct ownership interest in a commercial solar energy facility, 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 facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

FINANCIAL ASSURANCE. A reclamation bond or other commercial available financial assurance that is acceptable to the County, with the County as primary beneficiary and the landowners as secondary beneficiaries.

GROUND MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

NET METERING. A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

NONPARTICIPATING PROPERTY. Real property that is not a participating property.

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 commercial solar energy facility is filed with the county.

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 commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

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 commercial wind energy facility or the commercial solar energy facility is filed with the county. "Protected lands" means real property that is:

- (1) Subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or
- (2) Registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

PHOTOVOLTAIC SYSTEM. A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes them.

PRIME FARMLAND. Agricultural land comprised of soils that are defined by the USDA Natural Resources Conservation Service (NRCS) as being "prime" soils (generally considered the most productive soils with the least input of nutrients and management).

PROFESSIONAL ENGINEER. An engineer licensed to practice engineering in the State of Illinois, and who is determined to be qualified to perform the work described herein by mutual agreement of the County and the "facility owner".

PROTECTED LANDS. 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.

QUALIFIED SOLAR INSTALLER. A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

ROOF MOUNT. A solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

SOIL AND WATER CONSERVATION DISTRICT (SWCD). A local unit of government that provides technical and financial assistance to eligible landowners for the conservation of soil and water resources.

SUPPORTING FACILITIES. The transmission lines, substations, access roads, storage containers, and equipment associated with the generation and storage of electricity by the commercial solar energy facility.

USEFUL LIFE. A "facility" will be presumed to have no remaining "useful life" if: no electricity is generated for a period of twelve (12) months and the facility owner is not undertaking reasonable efforts to repair or decommission the facility or the "facility owner" fails, for a period of six (6) consecutive months, to pay the landowner amounts owed in accordance with the underlying agreement.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR. A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM (SES). The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems.

SOLAR STORAGE BATTERY/UNIT. A component of a solar energy device that is used to store solar generated electricity or heat for later use.

SOLAR THERMAL SYSTEMS. Solar thermal systems that directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

§ 156.03 GROUND MOUNT AND ROOF MOUNT (SES) PERMITTED AS AN ACCESSORY USE.

Ground mount and roof mount (SES) shall be permitted by a building permit in all zoning districts where there is a principal structure. An application shall be submitted to the Community Development Administrator demonstrating compliance with §§ [157.505](#) through [157.508](#), in addition to the following requirements below:

- (A) *Height.*
 - (1) Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in any zoning district.
 - (2) Ground or pole-mounted solar energy systems shall not exceed 20 feet in height which oriented at maximum tilt.
 - (3) Ground mounted solar energy systems may be placed in the front yard but shall not exceed 30 inches above grade.

- (B) *Setbacks.*
 - (1) Ground mounted solar energy systems shall meet the accessory structure setbacks for the zoning district in which the unit is located.
 - (2) Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.
 - (3) In addition to building setbacks, the collector surface and mounting devices for roof mounted systems shall not extend beyond the exterior perimeter of the building on which the systems is mounted or built, unless the collector or mounting system has been engineered to safely extend beyond the edge, and setback requirements are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

- (C) *Reflection angles.* Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

- (D) *Aviation protection.* For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the solar glaze hazard analysis tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.

- (E) *Visibility.* Solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north while still providing adequate solar access for collectors.

- (F) *Safety.*
 - (1) Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to the south facing or flat roof upon which the panels are mounted.
 - (2) Roof or building mounted solar energy systems shall meet the requirements of the County Building and Property Maintenance Code.
 - (3) All solar energy systems shall be performed by a qualified solar installer.

- (4) Any connection to the public utility grid shall be inspected by the appropriate public utility.
- (5) All solar energy systems shall be maintained and kept in good working order. If it is determined by the Community Development Administrator that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended for six consecutive months, the property owner shall be given a 30-day notice for removal of the unit and all equipment. If the solar energy system is not removed within 30 days, the Community Development Administrator shall issue a notice of violation and notice to appear before the County Hearing Officer as an ordinance violation.
- (G) *Approved solar components.* Electric solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have an SRCC rating.
- (H) *Restrictions on solar energy systems limited.* Consistent with 765 ILCS 165, no homeowner's agreement, covenant, common interest community or other contracts between multiple property owners within a subdivision of unincorporated county shall prohibit or restrict homeowners from installing solar energy systems.

§ 156.04 BUILDING INTEGRATED SYSTEMS.

Building integrated systems shall be permitted outright in all zoning districts but shall meet the requirements of the County Building and Property Maintenance Code.

§ 156.05 COMMUNITY SOLAR GARDENS.

Development of community solar gardens is permitted by special use in all zoning districts subject to the following requirements:

- (A) *Rooftop gardens permitted.* Rooftop gardens are permitted in all zoning districts where buildings are permitted.
- (B) *Ground mount gardens.* Ground mount community solar energy systems must be less than five acres in total size and require a special use in all districts. Ground-mount solar developments covering more than five acres shall be considered a solar farm.
- (C) *Interconnection.* An interconnection agreement must be completed with the electric utility in whose service the territory the system is located.
- (D) *Dimensional standards.* All solar garden related structures in newly platted and existing platted subdivisions shall comply with the principal structure setback, height and coverage limitations for the district in which the system is located.
- (E) *Aviation protection.* For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the solar glaze hazard analysis tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- (F) *Other standards.*
 - (1) Ground mount systems shall comply with all required standards for structures in the district in which the system is located.
 - (2) All solar gardens shall comply with the County Building and Maintenance Code.
 - (3) All solar gardens shall comply with §§ [157.435](#) through [157.447](#).
 - (4) All solar gardens shall also comply with all other state and local requirements.
 - (5) All community solar gardens shall also comply with the application submittal detailed in § [156.06\(B\)](#).

§ 156.06 COMMERCIAL ENERGY FACILITY

- (A) A solar energy conversion facility equal to or greater than 500 Energy Facility (Facility) kilowatts in total nameplate capacity and that are the primary use of the lot, designed for providing energy to off-site uses or export to the wholesale market require a special use in A-1, A-2, CONS, I-1 and I-2 zoning and shall comply with all special use requirements for a Class A Special Use request, as specified in the Tazewell County Zoning Code.
 - (1) Special Use Requirements
 - (a) The facility owner shall follow the requirements for a Class A Special Use request, as specified in the Tazewell County Zoning Code. All other requirements found herein are not required prior to a request for special use but encouraged if available, however must be submitted and approved prior to issuance of siting permit for all Commercial Solar Energy Systems.
 - (b) The County Board shall have final approval of all special use requests for the purpose of siting Solar and related substations and may only be placed in A-1 and, A-2, CONS, I-1 and I-2 zoning districts.
 - (c) Prior to the public hearing, the facility owner must have entered into the Agricultural Impact Mitigation Agreement required by 55 ILCS 5/5-12020©. The facility owner's compliance with the AIMA shall be a condition of the special use.
 - (2) A request for special use permit for a commercial solar energy conversion facility or modification of an approved special use permit, shall be approved if the request is in compliance with the standards and conditions imposed in Public Act 102-1123 and conditions imposed under any other State and/or federal statutes and regulations in addition to those specified herein, including consideration of the substantive due process requirements of the Illinois Constitution, sometimes referred to as the *LaSalle/Sinclair* factors, as follows:
 - (1) The existing uses and zoning of nearby property;
 - (2) The extent to which property values are diminished by the particular zoning restrictions;
 - (3) The extent to which the destruction of property values of plaintiff promotes the health, safety, morals or general welfare of the public;
 - (4) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
 - (5) The suitability of the subject property for the zoned purposes;
 - (6) The length of time the property has been vacant as zoned considered in the context of the land development in the area in the vicinity of the subject property;
 - (7) Whether a comprehensive zoning plan for land use and development existing, and whether the ordinance is in harmony with it; and
 - (8) Whether the community needs the proposed use.
- (B) The following information shall also be submitted as part of the building permit application:
 - (1) *Fencing and weed/grass control.*
 - (a) The applicant shall submit an acceptable pollinator friendly plan for property inside and outside the fenced area for the entire property. The Facility Owner shall work with SWCD to determine appropriate vegetation for the existing soils. The operating company or successor during the operation of the solar farm shall adhere to the pollinator friendly plan.

- (b) The Facility Owner shall provide for weed control in a manner that prevents the spread of weeds. Chemical control, if used, shall be done by an appropriately licensed pesticide applicator.
- (c) The Facility Owner shall be responsible for the reimbursement of all reasonable costs incurred by owners of agricultural land where it has been determined by the appropriate state or county entity that weeds have spread from the Facility to their property. Reimbursement is contingent upon written notice to the Facility Owner. Facility Owner shall reimburse the property owner within 45 days after notice is received.
- (d) The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.
- (e) The Deconstruction plans must include provisions for the removal of all weed control equipment used in the Facility, including weed-control fabrics or other ground covers.
- (f) A commercial solar energy facility to be sited so that the facility's perimeter is enclosed by fencing having a height of at least 7 feet and no more than 25 feet; and

(2) *Setbacks.*

- (a) Occupied Community Buildings - 150 feet from the nearest point on the outside wall of the structure
- (b) Nonparticipating Dwellings - 150 feet from the nearest point on the outside wall of the structure
- (c) Public Road Rights-of-Way – 50 feet from the nearest edge.
- (d) Boundary lines of Nonparticipating Property – 50 feet to the nearest point on the property line of the nonparticipating property.
- (e) The requirements set forth in this subsection may be waived subject to a Variance approval of the Tazewell County Board.

(3) *Height.* A commercial solar energy facility to be sited so that no component of a solar panel has a height of more than 20 feet above ground when the solar energy facility's arrays are at full tilt.

(4) *Fire protection.* The facility owner shall coordinate with the local fire districts by:

- (a) Submitting to the local fire department(s) a copy of the project site plan;
- (b) Working cooperatively with the fire district(s) having jurisdiction to develop the fire emergency response plan. The Facility Owner shall cover the expense of any additional training agreed upon to be necessary by the Facility Owner and fire district. The Facility Owner shall, upon approval and prior to building permit issuance, submit the Emergency Response Plan and the contact information of the representative of the fire district(s) who has approved the plan.

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

(5) *Endangered species and wetlands.* Solar farm developers shall provide the results and recommendation from the consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.

- (6) The Facility Owner shall provide 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 (i) the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines".
- (7) The Facility Owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
- (8) The Facility Owner shall provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
- (9) Noise Levels. Noise levels shall be regulated by the Illinois Pollution Control Board rules and regulations and the applicant shall certify that applicant's facility is in compliance with the same.
- (10) Waste. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the facility, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the facility including, -but not limited to, lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
- (11) Road use agreements. All routes on either a county or township road that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the County Highway Engineer in coordination with the Township Road Commissioners. The solar farm developer shall complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The development shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by the highway/road officials when warranted.
- (12) Drainage Tile. Notwithstanding any other provision of law, a facility owner with siting approval from a county to construct a commercial wind energy facility is authorized to cross or impact a drainage system, including, but not limited to, drainage tiles, open drainage districts, culverts, and water gathering vaults, owned or under the control of a drainage district under the Illinois Drainage Code without obtaining prior agreement or approval from the drainage district, except that the facility owner shall repair or pay for the repair of any damage to the drainage system, in a manner that assures the tile line's proper operation at the point of repair, caused by the facility owner or their designee due to the construction maintenance and/or deconstruction of the commercial wind energy facility within a reasonable time following completion of such activity.

The following shall apply to the tile line repair:

1. The Facility Owner or their designee(s) will work with the Landowner to identify the tile lines traversing the property included within the Underlying Agreement which will be crossed or disturbed by the construction of the Facility. All tile lines identified in this manner will be shown on the Construction and Deconstruction Plans and staked or flagged in the locations where expected crossing or disturbance is anticipated prior to construction or deconstruction to alert construction and deconstruction crews to the possible need for tile line repairs.

2. Tile lines that are damaged, cut, or removed shall be staked or flagged placed in such a manner they will remain visible until the permanent repairs are completed. In addition, the location of damaged drain tile lines will be recorded using Global Positioning Systems (GPS) technology.
3. Temporary repair shall be made by the Facility Owner, their designee or the property owner until such time any of the aforementioned parties can make permanent repairs. If the tile lines are dry and water is not flowing, temporary repairs are not required if the permanent repairs can be made by any of those parties previously mentioned within 14 days (weather and soil conditions permitting) of the time damage occurred; however, the exposed tile lines will be screened or otherwise protected to prevent the entry of foreign materials or animals into the tile lines.
4. Where tile lines are severed by an excavation trench, repairs shall be made using the IDOA Drain Tile Repairs or as to agree to with the landowner.
5. If there is any dispute between the Landowner and the Facility Owner on the method of permanent tile line repair, the appropriate Soil and Water Conservation District's opinion shall be considered by the Facility Owner and the Landowner.
6. To the extent practicable, there will be a minimum of one foot of separation between the tile line and the Underground Cable whether the Underground Cable passes over or under the tile line. If the tile line was damaged as part of the excavation for installation of the Underground Cable, the Underground Cable will be installed with a minimum one foot clearance under or over the tile line to be repaired or otherwise to the extent practicable.
7. The original tile line alignment and gradient shall be maintained. A laser transit shall be used to ensure the proper gradient is maintained. A laser operated tiling machine shall be used to install or replace tiling segments of 100 linear feet or more unless otherwise agreed to with the landowner.
8. During Construction stage, all permanent tile line repairs must be made within fourteen (14) days of identification or notification of the damage, weather and soil conditions permitting. At other times, such repairs must be made at a time mutually agreed upon by the Facility Owner and the Landowner.
9. Following Construction Maintenance and/or Decommissioning activities, the Facility Owner will utilize best practices to restore the drainage in the area to the condition it was before the commencement of the Construction/Decommissioning activities or those methods agreed to between the Landowner and the Facility Owner. If the Landowner and the Facility Owner cannot agree upon a reasonable method to complete this restoration, the Facility Owner may – but is not required to – implement the recommendations of the appropriate County SWCD and such implementation would resolve the dispute.
10. Following completion of the work, the Facility Owner will be responsible for correcting or paying for the correction of all tile line repairs that fail due to Construction Maintenance and/or Decommissioning, provided any such failure was identified by the Landowner within twenty four (24) months after Construction or Decommissioning. The Facility Owner will not be responsible for tile line repairs that the Facility Owner pays the Landowner to perform. The Facility Owner will not be responsible for tile line repairs that the Facility Owner pays the Landowner to perform.

(12) Decommissioning Plans and Financial Assurance of Commercial Solar Energy Facilities

- (a) Decommissioning of a Facility shall include the removal/disposition of all solar related equipment/facilities, including the following utilized for operation of the Facility and located on Landowner property:
 - (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 Landowner;
 - (vii) Access Road(s) unless Landowner requests in writing that the access road is to remain;
 - (viii) Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and
 - (ix) Debris and litter generated by Deconstruction and Deconstruction crews.
- (b) The Facility Owner shall, at its expense, completely Decommission of a Facility within twelve months after the end of the useful life of the Facility.
- (c) Prior to issuance of the County building permit, the facility owner shall have the approval of the Decommissioning Plan to include the end of life cost estimate of decommissioning. The cost estimate shall be phased over the life of the project and increases at the inflation rate of the higher of either 2.5% or the average inflation rate of CPI-U of the three prior calendar years, at the time of approval. The base estimate should not be more than 12 months old at the time of consideration.

Financial Assurance to cover the estimated costs of end of life of decommissioning of the Commercial Solar Energy Facility shall be at ten percent (10%) of the cost estimate submitted and approved by the County on or before the first anniversary of the Commercial Operation Date of the Facility. Financial assurance shall be made in the form of a surety or like bond and on or before the sixth anniversary of the Commercial Operation Date, the Financial Assurance shall increase to fifty percent (50%) of the end of life decommissioning cost included in the approved Plan. Following the tenth anniversary of the Commercial Operation Date, and every five years thereafter, the County may re-evaluate the Plan and associated cost estimate. On or before the eleventh anniversary of the Commercial Operation Date, and every five years thereafter, the Financial Assurance shall be increased to one hundred percent (100%) of the end of life decommissioning cost, based upon the most recently re-evaluated version of the Plan. All bond issuers must maintain an A+ rating by AM Best for viability and consideration of the County Board. Said revaluation must be performed by a certified third party Professional Engineer licensed in the State of Illinois and provided for review by the County. Should the County find reason to disagree with the revaluation, the County shall retain the services of an additional State of Illinois Licensed Professional Engineer, at the cost of the Facility Owner. After all available decommissioning funds have been utilized the property owner of record is responsible for any remaining cost to complete the decommissioning plan.

Any areas of decommissioning not specifically addressed herein or conflicting with the Department of Agriculture's Agricultural Impact Mitigation Agreement shall adhere to the "Agreement" filed with the State of Illinois.

§ 156.07 COMPLIANCE WITH BUILDING CODE.

All solar energy systems shall comply with the County Building and Maintenance Code, as well as all federal and state requirements.

§ 156.08 LIABILITY INSURANCE.

The owner operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name the county as an additional insured with limits of at least \$2,000,000 per occurrence and \$5,000,000 in the aggregate with a deductible of no more than \$5,000.

§ 156.09 ADMINISTRATION AND ENFORCEMENT.

The Community Development Administrator shall enforce the provisions of this section through an inspection of the solar farm every year. The Community Development Administrator is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator/owner of the facility.

§ 156.10 FEES CHARGED FOR BUILDING PERMITS.

The fees for processing the applications for building permits shall be collected by the Community Development Administrator who shall be accountable to the county for such fees as follows:

0 - 10 kilowatts (kW)	\$200
11 - 50 kilowatts (kW)	\$350
51 - 100 kilowatts (kW)	\$500
101 - 500 kilowatts (kW)	\$1,000
501 - 1,000 kilowatts (kW)	\$3,000
1,001 - 2,000 kilowatts (kW)	\$5,000
Over 2,000 kilowatts (kW)	\$5,000 + \$100/100kW

§ 156.99 PENALTY.

All complaints should be made directly to the Operation Facility Manager or their designee. Contact information for the Facility should be publicly accessible via a facility website and at the point of access to each site.

The cost of investigation into any non-compliance of the approved special use or the permitted equipment throughout the life of the project shall be on the burden of the Facility Owner and all costs of said investigation shall be incurred by the Facility Owner.

Any person, firm or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this chapter may face fines of not less than \$25 nor more than \$500 for each offense or revocation of the special use as approved.