

HAMILTON COUNTY, ILLINOIS
COMMERCIAL SOLAR ENERGY FACILITY SITING ORDINANCE

Ordinance No. 2026-05-01

WHEREAS, Hamilton County, Illinois, is a non-home rule unit of local government and may establish standards for commercial solar energy facilities under applicable Illinois law, including 55 ILCS 5/5-12020; and

WHEREAS, Hamilton County has previously adopted regulations governing the siting, construction, operation, maintenance, and decommissioning of commercial solar energy facilities within the County; and

WHEREAS, the Illinois General Assembly enacted amendments through Senate Bill 25 affecting the standards, procedures, fees, timelines, and requirements that counties may apply to commercial solar energy facilities; and

WHEREAS, the Hamilton County Board desires to update its commercial solar energy facility regulations so that they remain consistent with Illinois law, including the changes effective June 1, 2026; and

WHEREAS, the Hamilton County Board further finds that clear local standards for commercial solar energy facilities are necessary to protect the public health, safety, welfare, drainage systems, public roads, agricultural land, emergency response needs, and orderly development of the County, to the fullest extent allowed by Illinois law; and

WHEREAS, this Ordinance is intended to amend, restate, replace, and supersede Hamilton County's prior commercial solar energy facility siting regulations to the extent of any conflict.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Hamilton County, Illinois, as follows:

DEFINITIONS

- A. "Applicant" means the entity who submits to the County an application for the siting and operation of any Commercial Solar Energy Facility or Substation. All references to Applicant in this Ordinance shall include Applicant's successors-in-interest and assigns, which includes a Commercial Solar Energy Facility Permittee (as defined herein).
- B. "Commercial Operation Date" means the calendar date on which the Commercial Solar Energy Facility produces power for commercial sale, not including test power.
- C. "Commercial Solar Energy Facility" or "Commercial Solar Energy System" means any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property.
- D. "Construction Compliance Submittal" means the post-approval documents, certifications, plans, agreements, and confirmations required by this Ordinance, the approved Special Use Permit, and any conditions imposed by the County Board before the Applicant may commence construction of a Commercial Solar Energy Facility. Hamilton County does not require or issue a separate County building permit for a Commercial Solar Energy Facility under this Ordinance. All construction-related requirements in this Ordinance shall be reviewed and enforced as part of the Special Use Permit process, as conditions of the Special Use Permit, and through the Notice to Proceed process. The term "commencement of construction," as used in this Ordinance, includes any site development work, including demolition, grubbing, grading, excavation, road work, and construction of project-related structures and infrastructure improvements, regarding the Commercial Solar Energy Facility.
- E. "Commercial Solar Energy Facility Permittee" means an Applicant who applies for and receives a Special Use Permit under this Ordinance for the siting and operation of any Commercial Solar Energy

Facility or Substation. All references to a Commercial Solar Energy Facility Permittee in this Ordinance shall include the Permittee's successors-in-interest and assigns.

- F. "Financial Assurance" or "Financial Security" or "Decommission Security" means assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.
- G. "Notice to Proceed" means a written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a Commercial Solar Energy Facility and identifying the date on which the construction activities are scheduled to commence.
- H. "Notice to Proceed Approval" means the County's written acknowledgement that the Applicant has submitted the construction-related documents, certifications, agreements, and other materials required by this Ordinance and by the approved Special Use Permit before commencement of construction. A Notice to Proceed Approval is not a separate building permit and does not require the County to perform building code review, plan review, or engineering design review beyond the compliance review expressly authorized by this Ordinance and the approved Special Use Permit.
- I. "Nonparticipating property" means real property that is not a participating property. "Nonparticipating residence" means 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.
- J. "Occupied community building" means 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.
- K. "Operator" means the person or entity responsible for the day-to-day operation and maintenance of a Commercial Solar Energy Facility, including any third-party subcontractors. The Operator must be a qualified solar power professional. All references to Operator in this Ordinance shall include Operator's successors-in-interest and assigns.
- L. "Owner" means the person or entity or entities with an equity interest in a Commercial Solar Energy Facility, including their respective successors-in-interest and assigns. The Owner does not mean (i) the property owner from whom land is leased for locating a Commercial Solar Energy Facility, unless the property owner has an equity interest in a Commercial Solar Energy Facility, or (ii) any person holding a security interest in a Commercial Solar Energy Facility solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell the Commercial Solar Energy Facility at the earliest practicable date. This definition includes the definition of Facility Owner as defined in 55 ILCS 5/5-12020.
- M. "Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a Commercial Solar Energy Facility or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a Commercial Solar Energy Facility or supporting facilities.
- N. "Participating residence" means 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 Solar Energy Facility is filed with the County.
- O. "Professional Engineer" means 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 the terms of this Ordinance, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.
- P. "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.
- Q. "Public Conservation Lands" means land owned in fee title by County, State, or federal agencies and managed specifically for conservation purposes, including but not limited to County, 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.

- R. "Special Use Permit" means a permit approved by the County Board, after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board.
- S. "Substation" means the apparatus that collects and connects the electrical collection system of the Commercial Solar Energy Facility and increases the voltage for connection with the utility's transmission lines.
- T. "Supporting Facilities" means the transmission lines, substations, access roads, storage containers, and equipment associated with the generation and storage of electricity by the Commercial Solar Energy Facility.

APPLICABILITY

- A. This Ordinance governs the siting of Commercial Solar Energy Facilities and Substations that generate electricity to be sold to wholesale or retail markets.

PROHIBITION

- A. No Commercial Solar Energy Facility or Substation governed by this Ordinance shall be constructed, erected, installed, or located within the County unless prior siting approval has been obtained for each individual Commercial Solar Energy Facility or for a group of Commercial Solar Energy Facilities under a joint siting application pursuant to this Ordinance.

SPECIAL USE PERMIT APPLICATION

- A. To obtain siting approval, the Applicant must first submit a Special Use Permit application to the County.
- B. The Special Use Permit application shall contain or be accompanied by the following information:
 - 1. A Commercial Solar Energy Facility summary, including, to the extent available: (a) a general description of the project, including (i) its approximate overall nameplate generating capacity, (ii) the potential equipment manufacturer or manufacturers, (iii) type or types of solar panels, cells, and modules, (iv) the number of solar panels, cells, and modules, (v) the maximum height of the solar panels at full tilt, (vi) the number of substations, (vii) a project site plan, project phasing plan, and project construction timeline plan, and (viii) the general location of the project; and (b) a description of the Applicant, Owner, and Operator, including their respective business structures.
 - 2. The name or names, address or addresses, and phone number or numbers of the Applicant, Owner, and Operator, and all property owners, if known, and documentation demonstrating land ownership or legal control of the property.
 - 3. A site plan for the Commercial Solar Energy Facility showing the planned location of solar panels, including legal descriptions for each site, participating and nonparticipating residences, occupied community buildings, parcel boundary lines, including identification of adjoining properties, setback lines, public access roads and turnout locations, substation or substations, operations and maintenance buildings, electrical cabling to the substation or substations, ancillary equipment, third-party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, underground mines, scenic and natural areas within one thousand five hundred (1,500) feet of the proposed Commercial Solar Energy Facility, and the layout of all structures within the geographical boundaries of any applicable setback.
 - 4. A proposed decommissioning plan for the Commercial Solar Energy Facility.

5. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
 6. An Agricultural Impact Mitigation Agreement executed between the Applicant and the Illinois Department of Agriculture.
 7. The topographic map for the Commercial Solar Energy Facility site and the surrounding area.
 8. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures.
 9. Waivers from the setback requirements executed by the occupied community building owners or the nonparticipating 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.
 10. Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.
 11. Information demonstrating that the Commercial Solar Energy Facility will avoid protected lands.
 12. A farmland drainage plan outlining how surface and subsurface drainage of farmland will be restored during and following construction or deconstruction of the facility and proof that the plan has been filed with impacted drainage districts. The plan shall include the location of any potentially impacted drainage district facilities to the extent this information is publicly available from the County or the drainage district, plans to repair any subsurface drainage affected during construction or deconstruction using procedures outlined in the Agricultural Impact Mitigation Agreement, and procedures for the repair and restoration of surface drainage affected during construction or deconstruction. All surface and subsurface damage shall be repaired as soon as reasonably practicable.
 13. Any other information requested by the County or the County consultants that is necessary to evaluate the siting application and operation of the Commercial Solar Energy Facility and to demonstrate that the Commercial Solar Energy Facility meets each of the regulations in this Ordinance, including the Special Use Permit standards set forth below.
- C. Material changes to the application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the County Board.
- D. The Applicant shall submit twelve (12) copies of the Special Use Permit application to the County, and at least one (1) copy in electronic format.
- E. Before the County grants siting approval or a Special Use Permit for a Commercial Solar Energy Facility, or a modification of an approved siting approval or Special Use Permit, the County Board or the Zoning Board of Appeals shall hold at least one public hearing. The public hearing shall be conducted in accordance with the Open Meetings Act and shall be held not more than sixty (60) days after the filing of the application for the facility. The County shall allow interested parties to the Special Use Permit an opportunity to present evidence and to cross-examine witnesses at the hearing, subject to reasonable restrictions, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses. The County shall also allow public comment at the public hearing in accordance with the Open Meetings Act. The County shall make its siting and permitting decision not more than thirty (30) days after the conclusion of the public hearing. Notice of the hearing shall be published in a newspaper of general circulation in the County. The Facility Owner must enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to the date of the required public hearing.

DESIGN AND INSTALLATION

A. Design Safety Certification

1. Commercial Solar Energy Facilities 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 approval of a variance by the County Board.

2. Following the granting of siting approval under this Ordinance, and before the Applicant delivers a Notice to Proceed or commences construction, a structural engineer shall certify, as part of the Construction Compliance Submittal, that the design of the Commercial Solar Energy Facility is within accepted professional standards, given local soil, subsurface, and climate conditions.

B. Electrical Components.

All electrical components of the Commercial Solar Energy Facility shall conform to applicable local, State, and national codes, and relevant national and international standards.

C. Height

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

D. Aesthetics and Lighting

1. Vegetative screening shall be provided along the portions of a Commercial Solar Energy Facility perimeter that are visible from an occupied Nonparticipating Residence. All required screening shall be installed on the participating parcel and shall be located between the facility fencing and the exterior boundary of the participating parcel, unless an alternative location is approved by the County that provides substantially equivalent screening. Screening shall consist of native evergreen plantings, native shrubs, native trees, existing wooded vegetation, tall native grasses, flowering plants, or a combination thereof. The screening plan shall be designed in a manner that is reasonable in relation to the size and location of the facility, the extent of visibility from the Nonparticipating Residence, the suitability of plant materials for the site, and the practicality of installation and long-term maintenance. Earthen berms shall not be used to satisfy this requirement. Required plantings shall be selected, installed, and maintained so they do not materially interfere with the productive operation of the facility at maturity. Required screening shall be five (5) feet in height at the time of installation or prior to the Commercial Operation Date.
2. If lighting is provided at the Commercial Solar Energy Facility, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
3. All power lines used to collect power and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement until they reach the property line or a substation adjacent to the property line.

E. Fencing

1. A fence of at least six (6) feet and not more than twenty-five (25) feet in height shall enclose and secure the Commercial Solar Energy Facility.

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

1. The Commercial Solar Energy Facility shall be sited as follows, with setback distances measured from the nearest edge of any component of the facility:
 - a. Occupied Community Buildings and dwellings on nonparticipating properties: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
 - b. Nonparticipating residences: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
 - c. Boundary lines of participating property: none.

- d. Boundary lines of nonparticipating property: fifty (50) feet to the nearest point on the property line of the nonparticipating property.
 - e. Public road rights-of-way: fifty (50) feet to the nearest edge of the public road right-of-way.
2. The setback requirements for nonparticipating properties may be waived by the written consent of the owner or owners of each affected nonparticipating property. The Applicant does not need to obtain a variance from the County upon waiver by the property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded with the Recorder of Deeds of the County.

H. Compliance with Additional Regulations.

Nothing in this Ordinance is intended to preempt other applicable State and federal laws and regulations.

I. Use of Public Roads

1. An Applicant proposing to use any County, municipality, township, or village road for the purpose of transporting Commercial Solar Energy Facility or Substation parts or equipment for construction, operation, or maintenance of the Commercial Solar Energy Facility or Substation shall:
 - a. Identify all such public roads.
 - b. 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:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
 - b. 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 Special Use Permit. Traffic for construction purposes shall be limited to these roads. All overweight or oversized loads transported on public roads may require a permit from the respective highway authority. Any road damage caused by construction-related transport, installation, maintenance, or removal activities shall be repaired so that the affected roads are in a condition that is safe for the driving public after completion of construction, subject to the limitations set forth below.
 - c. Enter into a road use agreement with the County and each affected Road District, if required by the affected highway authority. Any road use agreement shall be limited to road improvements and restoration specifically and uniquely attributable to the construction of the Commercial Solar Energy Facility. The road use agreement shall require the Facility Owner to be responsible for:
 - i. the reasonable cost of improving roads used by the Facility Owner to construct the Commercial Solar Energy Facility; and
 - ii. the reasonable cost of repairing roads used by the Facility Owner during construction so that those roads are in a condition that is safe for the driving public after completion of construction.

No road use agreement shall require the Facility Owner to pay costs, fees, charges, fines, or other payment obligations for road work that are not specifically and uniquely attributable to the construction of the Commercial Solar Energy Facility. No road use agreement shall require any road work to be performed by or paid for by the Facility Owner unless that work is specifically and uniquely attributable to road improvements required for construction of the facility or restoration of roads used during construction-related activities. Any permit fee or payment obligation required as part of a road use agreement shall be limited to the actual expenses

incurred by the road district or other unit of local government for negotiating, executing, constructing, or implementing the road use agreement.

3. All repairs and improvements to public roads and roadway appurtenances shall be subject to 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 public roads and highways, must be approved by the County Board or other applicable highway authority before the Applicant delivers a Notice to Proceed or commences construction of the proposed Commercial Solar Energy Facility.

J. Site Assessment.

To ensure that the subsurface conditions of the site will provide proper support for the Commercial Solar Energy Facility and soil restoration, the Applicant, at its expense, shall provide soil and geotechnical boring reports to the County Engineer as part of the Construction Compliance Submittal. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the County Soil and Water Conservation District, or equivalent regulatory agency. The Applicant shall also submit grading plans for the proposed substations for review and comment by the County Soil and Water Conservation District before the Applicant delivers a Notice to Proceed or commences construction of the substations.

K. Noise Levels.

Noise levels from Commercial Solar Energy Facilities shall be in compliance with applicable Illinois Pollution Control Board regulations. The Applicant shall submit manufacturer's 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 Special Use Permit application.

L. Agricultural Impact Mitigation.

Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the Commercial Solar Energy Facility 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 Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture. The Applicant shall submit the executed Agricultural Impact Mitigation Agreement to the County as part of the Special Use Permit application.

M. As-Built Map and Plans.

Within sixty (60) calendar days of completion of construction of the Commercial Solar Energy Facility, the Applicant or Operator shall deliver as-built maps, site plan, and engineering plans for the Commercial Solar Energy Facility that have been signed and stamped by a Professional Engineer and a licensed surveyor.

N. Engineer's Certificate.

The Commercial Solar Energy Facility 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 apparatus, given local soil, subsurface, and climate conditions. The Commercial Solar Energy Facility engineer's certificate shall be a public record and shall be submitted as part of the Special Use Permit application.

O. Conformance with Approved Application and Plans.

The Applicant shall construct and operate the Commercial Solar Energy Facility in substantial conformance with the construction plans contained in a County-approved submitted Special Use Permit application, conditions placed upon the operation of the facility, this Ordinance, and all applicable State, federal, and local laws and regulations.

P. Additional Terms and Conditions

1. All technical submissions as defined in the Professional Engineering Practice Act of 1989 and contained in the Special Use 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 or professional engineer both to make appropriate inspections of the Commercial Solar Energy Facility during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering, or decommissioning of the Commercial Solar Energy Facility 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 Applicant of the Commercial Solar Energy Facility.
3. The Special Use Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest, and assigns. If any provision in this Ordinance, or conditions placed upon the operation of the Commercial Solar Energy Facility, is held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.
4. The Applicant shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation, to the County showing approved entrances before the Applicant delivers a Notice to Proceed or commences construction.

OPERATION

A. Maintenance

1. Annual Report. The Applicant must submit, on an annual basis on the anniversary date of the Special Use Permit 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 modifications to the Commercial Solar Energy Facility or its infrastructure; (ii) complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads received by the Applicant concerning the Commercial Solar Energy Facility and the resolution of such complaints; (iii) calls for emergency services; (iv) status of liability insurance; and (v) a general summary of service calls to the Commercial Solar Energy Facility. Failure to provide the annual report shall be considered a material violation of this Ordinance and subject to the remedies section.
2. Re-Certification. Any physical modification to the Commercial Solar Energy Facility that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under the design and safety certification section of this Ordinance. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require re-certification. Prior to 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 a relevant third-party certifying entity identified in the design and safety certification section of this Ordinance to determine whether the physical modification requires re-certification.

B. Coordination with Emergency Responders

1. The Applicant shall submit to the local emergency responders a copy of the site plan, standard operating procedures, standard operating guidelines, and any amendments to such documents, for the Commercial Solar Energy Facility 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 each site may evaluate and coordinate their emergency response plans with the Applicant of the Commercial Solar Energy Facility.

2. The Applicant, 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 Commercial Solar Energy Facility.
3. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, twenty-four-hour contact information, including names, titles, email addresses, and cell phone numbers, for the Applicant and the Operator and at least three (3) designated Commercial Solar Energy Facility representatives, consisting of a primary representative with two (2) alternate representatives, each of whom are on call twenty-four (24) hours per day, seven (7) days per week, and three hundred sixty-five (365) days per year. Any change in the designated Commercial Solar Energy Facility representative or contact information shall be promptly communicated to the County. The content of the emergency response plan, including the twenty-four-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 and fire or emergency laws and regulations.

C. Water, Sewer, Materials Handling, Storage, and Disposal

1. All solid wastes related to the construction, operation, and maintenance of the Commercial Solar Energy Facility shall be removed from the site promptly and disposed of in accordance with all federal, State, and local laws.
2. All hazardous materials related to the construction, operation, and maintenance of the Commercial Solar Energy Facility shall be handled, stored, transported, and disposed of in accordance with all applicable local, State, and federal laws.
3. The Commercial Solar Energy Facility shall comply with existing septic and well regulations as required by the County Health Department and the 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 Commercial Solar Energy Facility.

E. Drainage Systems.

The Applicant, 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 Commercial Solar Energy Facility in accordance with the Agricultural Impact Mitigation Agreement.

LIABILITY INSURANCE AND INDEMNIFICATION

Upon start of construction of the Commercial Solar Energy Facility, the Applicant or Facility Owner shall maintain liability insurance that is commercially reasonable and consistent with prevailing industry standards for similar energy facilities. Evidence of such coverage shall be provided to the County upon commencement of construction and at each renewal thereafter.

The Applicant 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 Special Use Permit or the construction, operation, maintenance, and removal of the Commercial Solar Energy Facility, including liability for property damage or personal injury, including death or illness, whether said liability is premised on contract or on tort, including strict liability or negligence, or any acts or omissions of the Applicant, the Owner, or the Operator under this Ordinance or the Special Use 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 the Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

DECOMMISSIONING AND SITE RECLAMATION

A. As part of the siting application, the Applicant shall submit a decommissioning plan and cost estimate prepared by an Illinois-licensed professional engineer. The decommissioning plan shall describe how the Commercial Solar Energy Facility will be decommissioned and how the site will be restored at the end of the project. At a minimum, the plan shall provide for the removal and lawful disposition of all solar-related equipment and facilities located on the property, including solar panels, cells, and modules; panel mounts and racking, including helical piles, ground screws, ballasts, and other anchoring systems; foundations to a depth of five (5) feet where foundations are used; transformers, inverters, substations, and other above-ground electrical equipment and their foundations; overhead collection system components; operations and maintenance buildings; spare parts buildings; switchgear buildings; and access roads, unless the landowner requests in writing that the roads remain. Underground cable located at a depth of five (5) feet or greater may remain in place.

B. The decommissioning plan shall also provide for restoration of the site, including restoration of disturbed areas, decompaction where required, repair and restoration of surface drainage and subsurface drainage, reseeding, and restoration of agricultural uses where required. The Owner shall repair, or pay for the repair of, drainage damage caused by construction or decommissioning as soon as reasonably practicable.

C. The cost estimate shall be stated in current dollars at the time it is prepared and shall identify the estimated cost to complete decommissioning and site restoration. Salvage value may be used to reduce the estimated decommissioning cost only if accepted by the County and only if the County's interest in the salvage value is protected.

D. The Owner shall file with the County an updated decommissioning plan and updated decommissioning cost estimate on or before the end of the tenth (10th) year of commercial operation and every five (5) years thereafter for the life of the Facility. Each update shall be prepared by an Illinois-licensed professional engineer and shall state the current estimated cost of decommissioning and site restoration in current dollars.

E. The Owner shall provide and maintain financial assurance for decommissioning in accordance with the most recently approved decommissioning cost estimate as follows: on or before the first anniversary of the commercial operation date, financial assurance equal to ten percent (10%) of the estimated decommissioning cost; on or before the sixth anniversary of the commercial operation date, financial assurance equal to fifty percent (50%) of the estimated decommissioning cost; and on or before the eleventh anniversary of the commercial operation date, financial assurance equal to one hundred percent (100%) of the estimated decommissioning cost. If any updated decommissioning cost estimate shows that the amount of financial assurance must be adjusted, the Owner shall provide the adjusted financial assurance within ninety (90) days after County approval of the updated estimate. The financial assurance shall remain in effect until decommissioning is completed and accepted by the County.

PROPERTY VALUE GUARANTEE PROHIBITED

A. The County shall not condition approval of a Commercial Solar Energy Facility on a property value guarantee.

REMEDIES

- A. The Applicant's failure to materially comply with any of the provisions under the Special Use Permit, any conditions imposed on the project, or failure to comply with any law or regulation shall be a default and shall be grounds for revocation of the Special Use Permit by the County Board.
- B. Prior to implementation of the applicable County procedures for the resolution of default, the County Board must first provide written notice to the Applicant and Operator, setting forth the alleged default and provide an opportunity for the Applicant or the Operator to cure the default within a thirty (30) calendar day period from the date of the notice. Should the Applicant commence the cure within that thirty (30) day cure period and diligently pursue a cure, then the Applicant 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 communications, the Applicant or the Operator shall take all necessary and available commercial measures to immediately cure the default. If the Applicant or Operator cannot cure the default or resolve the alleged default within the cure period, then applicable County ordinance provisions addressing the resolution of such default shall govern.

FEE SCHEDULE AND PERMITTING PROCESSES

A. Application Fees

1. Application Fee. Prior to the processing of any application for a Commercial Solar Energy Facility, the Applicant shall submit an application fee in an amount equal to Five Thousand Dollars (\$5,000.00) per megawatt of nameplate capacity of the facility, not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000.00). The County may use the application fee to pay actual costs incurred in reviewing and processing the application. The Applicant shall also reimburse the County for any reasonable expenses incurred in processing the application that exceed the maximum application fee.
2. Should the actual costs to the County exceed the submitted application fee, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within fifteen (15) days of receipt of a request from the County. No hearings on an application shall be conducted nor final decisions rendered on an application if there are application fees due to the County.

B. All Costs to be Paid by Applicant or Owner

1. In addition to all fees noted above, the Applicant or Owner 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, operations, inspections, decommissioning, litigation, disputes, or negotiations.

C. Outstanding Balances; Withholding of Permits and Approvals.

1. No Commercial Solar Energy Facility Special Use Permit, amended permit, construction authorization, Notice to Proceed approval, inspection approval, or other County permit or approval shall be issued, processed, advanced, or finally approved while any application fee, reimbursement obligation, consultant fee, engineering fee, hearing cost, publication cost, inspection cost, legal cost, road-related cost, decommissioning review cost, or other amount owed to the County under this Ordinance remains unpaid.
2. If the County determines that any amount is due and owing, the County may suspend further processing of the application or permit, withhold issuance of any permit or approval, withhold inspections or acceptance of work, and decline to place the matter on a County Board agenda for final action until the outstanding balance has been paid in full.
3. Payment of all outstanding balances shall be a continuing condition of any Special Use Permit, Notice to Proceed approval, construction authorization, inspection approval, or other approval issued under this Ordinance. Failure to timely pay any amount owed to the County under this Ordinance shall constitute a material violation of this Ordinance and may be addressed under the Remedies section.

HEARING FACILITATOR

The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the Board and the County but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence, and the propriety of any arguments. The hearing facilitator shall be an attorney licensed to practice in the State of Illinois. The Applicant shall reimburse the County for the fees and costs charged by the facilitator.

HEARING FACTORS

The County Board may approve a Commercial Solar Energy Facility Special Use Permit application if it finds the evidence complies with State and federal law and regulations, and with the standards of this Ordinance including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met:

1. The establishment, maintenance, or operation of the Commercial Solar Energy Facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. The Commercial Solar Energy Facility will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties.
3. The establishment of the Commercial Solar Energy Facility will not impede the normal and orderly development and improvement of the surrounding properties.
4. Adequate public utilities, access roads, drainage, and other necessary facilities have been or will be provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on public streets.
6. The proposed Commercial Solar Energy Facility is not contrary to the objectives of the current comprehensive plan of the County, if any.
7. The Commercial Solar Energy Facility shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located, if a zoning ordinance is in effect, except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.

A. Special Use Permit Conditions and Restrictions.

The County Board may stipulate conditions, guarantees, and restrictions, upon the establishment, location, construction, maintenance, and operation of the Commercial Solar Energy Facility as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance.

B. Revocation.

1. A Special Use Permit or siting approval for a Commercial Solar Energy Facility shall not be subject to any time deadline to start construction or satisfy County construction compliance conditions of less than five (5) years from the date of approval. The County shall allow the Applicant to request an extension of the deadline based upon reasonable cause. Any such extension request shall not be unreasonably withheld, conditioned, or denied.
2. The Special Use Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the Commercial Solar Energy Facility, or the Commercial Solar Energy Facility ceases to operate for more than twelve (12) consecutive months for any reason.
3. Subject to the provisions of the remedies section, a Special Use Permit may be revoked by the County Board if the Commercial Solar Energy Facility is not constructed, installed, or operated in substantial conformance with the County-approved project plans, the regulations of this Ordinance, and the stipulated Special Use Permit conditions and restrictions.

C. Transferability; Owner or Commercial Solar Energy Facility Permittee.

The Applicant shall provide written notification to the County Board at least thirty (30) days prior to any change in ownership of a Commercial Solar Energy Facility of any such change in ownership. The phrase "change in ownership of a Commercial Solar Energy Facility" includes any kind of assignment, sale, lease, transfer, or other conveyance of ownership or operating control of the Applicant, the Commercial Solar Energy Facility, or any portion thereof. The Applicant or successors-in-interest or assignees of the Special Use Permit, as applicable, shall remain liable for compliance with all conditions, restrictions, and obligations contained in the Special Use Permit, the provisions of this Ordinance, and applicable County, State, and federal laws.

D. Modification.

Any modification of a Commercial Solar Energy Facility that alters or changes the essential character or operation of the Commercial Solar Energy Facility in a way not intended at the time the Special Use Permit was granted, or as subsequently amended, shall require a new Special Use Permit. The Applicant or authorized representative shall apply for an amended Special Use Permit prior to any modification of the Commercial Solar Energy Facility.

E. Permit Effective Date.

The Special Use Permit shall become effective upon approval of the ordinance by the County Board.

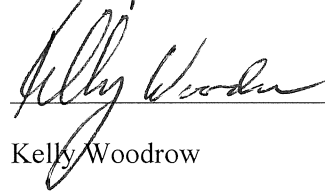
INTERPRETATION

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 Hamilton County. 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.

REPEALER AND SUPERSESION

All prior ordinances, resolutions, rules, policies, or portions thereof governing commercial solar energy facilities in Hamilton County are hereby repealed, replaced, and superseded to the extent they conflict with this Ordinance. This Ordinance shall constitute the County's governing standards for commercial solar energy facilities from and after its effective date.

PASSED AND ADOPTED by the County Board of Hamilton County, Illinois, this 27 day of May, 2026.



Kelly Woodrow

County Board Chairperson

ATTEST:



Heather Bowman

County Clerk

Effective Date: June 1, 2026