

Ordinance for Solar Energy Farm Installations in Unincorporated Hamilton County, Illinois

ORDINANCE # 01-2020

WHEREAS, the Hamilton County Illinois Planning Commission has recommended to the County Board that said amendment be adopted as follows:

A. SCOPE.

This article applies to solar energy farms in unincorporated Hamilton County, Illinois, other than those areas surrounding municipal limits governed by municipal ordinance and the sole purpose of the solar farm is to produce and to sell energy to power providers.

B. PURPOSE.

The purpose of this ordinance is to facilitate the construction, installation, operation and decommission of Solar Farms (Solar Energy Systems SES) in Hamilton 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. This ordinance will not impede personal or business solar collector development for the primary use of self-sustaining energy. This ordinance is not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not nullify any provisions of local, state or federal law.

C. DEFINITIONS.

1. *Active Solar Energy System*: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
2. *Application*: Request for the Solar Farm Permit must be submitted on the application form maintained by the County. Application may be modified from time to time by the County in order to provide sufficient information for permitting decisions to be made. (See EXAMPLE in Appendix A.)
3. *Aviation Protection*: For solar units located within five hundred (500') feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare 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 Federally Obligated Airports, or most recent version adopted by the FAA.
4. *Building-integrated Solar Energy Systems*: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
5. *Construction Permit*: Formal approval of the application by the County Board. (See EXAMPLE in Appendix B.)
6. *Decommissioning*: To return the property to its pre-installation state or better as approved in the decommissioning plan.
7. *Grid-intertie Solar Energy System*: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company
8. *Ground-Mount*: A solar energy system mounted on a rack or pole that rests or is attached to the

- ground. Ground-mount systems can be either accessory or principal uses.
9. *Maximum height*: Solar panel arrays shall be no more than fifteen (15') feet in height, not including power lines.
 10. *Off-grid Solar Energy System*: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.
 11. *Operating Permit*: After the project is substantially completed, according to approval by the County's designee, an operating permit to produce and sell solar generated power must be issued prior to operation. (See EXAMPLE in Appendix C.)
 12. *Passive Solar Energy System*: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
 13. *Photovoltaic System*: An active solar energy system that converts solar energy directly into electricity.
 14. *Renewable Energy Easement, Solar Energy Easement*: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to sunlight passing over the burdened land.
 15. *Renewable Energy System*: A solar energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.
 16. *Set-back*: Minimum distance from a property line, margins of any public road or highwater mark of any lake available for public use, stream banks and drainage ditches from which the Solar Farm is located. The setback set forth herein shall be measured from the exterior of the fencing and gates, which are required around the perimeter of all Solar Farms.
 17. *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.
 18. *Solar Farm*: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A Solar Farm is the principal land use for the parcel on which it is located.
 19. *Solar Resource*: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four (4) hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.
 20. *Solar Collector*: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
 21. *Solar Collector Surface*: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
 22. *Solar Daylighting*: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.
 23. *Solar Energy*: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
 24. *Solar Energy System*: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.
 25. *Solar Heat Exchanger*: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

26. *Solar Hot Air System*: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.
27. *Solar Hot Water System*: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
28. *Solar Mounting Devices*: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
29. *Solar Storage Unit*: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

D. PERMITTING.

1. No Solar Farm subject to this Ordinance shall be erected, built, or constructed without a Solar Farm Development Permit having been provided by the Hamilton County Assessor's Office and approved the Hamilton County Board.
2. The County Board shall not approve any permit until a public hearing is held. Notice of the hearing shall be published, by the Hamilton County Clerk's Office, in a newspaper of general circulation in Hamilton County at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall be published the first time not less than ten (10) days or more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.
3. A Solar Farm development in the un-incorporated areas of Hamilton County shall be required to obtain permits and provides fees as applicable to Hamilton County.
4. The County Board may provide for a final site inspection before the facility is authorized to become operational by County Assessor and County Engineer.
5. An emergency contact name and phone number must be posted at the point of access on all solar developments.
6. The permit holder will allow the County, or its Authorized Agent, access to the property within 30 days of an inspection request by the County. In the event of an emergency, the County, or its Authorized Agent, has the right to access the premises.
7. The County will schedule yearly inspections with the developer. The County Board Chair, or Authorized Agent, will perform the inspection at no cost to the developer.
8. The provisions of this Ordinance shall be administered and enforced by personnel of the Hamilton County Board or their authorized agents.
9. Application(s) for Solar Farm Development Permits shall be accompanied by:
 - a. plans for the Solar Farm in duplicate drawn to scale,
 - i. showing the actual dimensions and shape of the parcel or parcels of land upon which the Solar Farm is to be erected, built or constructed,
 - ii. the size and locations of any road(s), lake(s), pond(s), or streams touching on said parcel or parcels of land,
 - iii. the location and dimensions of the proposed Solar Farm,
 - iv. the fencing and gates required to be around the exterior perimeter of the same,
 - v. the storm water pollution and prevention plan,
 - vi. the decommissioning plan,
 - b. An Ecological Compliance Assessment Tool (EcoCAT) Sign off.
10. Application shall comply with the standards established by this Ordinance.

11. All copies of the plan must be submitted, signed and sealed by a professional engineer, licensed in the State of Illinois.
12. The County Board shall require an independent engineer, chosen by the County Board, to review plans at the petitioner's expense. Findings by the independent engineering firm are to be submitted to the County Engineer.
13. The Hamilton County Assessor's Office shall maintain a record of all Solar Farm Development Permits and copies shall be furnished upon request to any interested person.
14. Any order, requirement, decision or determination of the Hamilton County Board and/or Authorized Agent adverse to the interest of an applicant for a Solar Farm Development Permit shall be provided to the applicant in writing by certified mail, return receipt requested.
15. The failure to obtain any required Solar Farm Development Permit shall be a Violation of this Ordinance. Further, Solar Farm Development Permits shall be issued on the basis of applications approved by the Hamilton County Board and shall authorize only the use, arrangement, and construction applied for and approved. Any use, arrangement or construction not in compliance with that authorized shall be a violation of this Ordinance.

E. COMPLIANCE.

1. *Approved Solar Components:* Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.
2. *Compliance with Building Code:* All active solar energy systems shall meet approval of county building code officials, consistent with the International Building Code; and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any county building codes in existence at the time of application will apply and take precedence where applicable.
3. *Compliance with State Electric Code:* All photovoltaic systems shall comply with the National Electric Code.
4. *Compliance with State Plumbing Code:* Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.
5. *Compliance with State Energy Code:* All photovoltaic systems and Solar thermal systems shall comply with the Illinois State Energy Code.
6. *Compliance with State Drainage Laws:* All Solar Energy Systems shall comply with applicable State Drainage Laws.
7. *Utility Notification:* All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
8. *Agricultural Protection:* Solar Farms must comply with site assessment or soil identification standards (LESA) that are intended to protect agricultural soils.
9. *Endangered Species and Wetlands:* Solar Farm developer(s) shall be required to initiate a natural resource review consultation with the IDNR (Illinois Department of Natural Resources) through the department's online, EcoCAT (Ecological Compliance Assessment Tool) program. Area reviewed through this process will be reviewed for endangered species and wetlands. The cost of the EcoCAT consultation will be borne by the developer(s).
10. *Storm water and NPDES (National Pollutant Discharge Elimination System):* Solar farms are subject to the State of Illinois Storm Water Management regulations, erosion and sediment control provisions if adopted and NPDES permit requirements.

F. PRINCIPAL USES.

1. *Solar Farms:* Ground-mount solar energy, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

- a. *Ground Cover and Buffer Areas:* Ground-mount systems shall be maintained. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage run off and build soil, subject to the Illinois Noxious Weed Law (505 ILCS 100). Due to potential county liability under the Illinois Endangered Species Protection Act, (520 ILCS 10/11(b)) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. Foundations, gravel or compacted soils are considered impervious. Ground-mount systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation, including any access or service roads. A managed vegetative buffer shall be present and maintained at all times around the perimeter of the exterior of the fencing and gate(s) which are required around the perimeter of all Solar Farm(s) and the setback area.
- b. *Foundations:* A qualified engineer shall certify that the foundation and design of the solar panels racking, and support is within accepted professional standards, given local soil and climate conditions.
- c. *Other Standards and Codes:* All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the International Building Code, as amended; and the National Electric Code, as amended.
- d. *Power and Communication Lines:* Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground according to the National Electric Code. Exemptions may be granted by Hamilton County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the County Board or designated representative.
- e. *Site Plan Required:* A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by Hamilton County.
- f. *Setbacks:* A minimum setback of thirty (30') feet must be maintained on all property lines. Projects including multiple, adjoining properties as part of the project plan, need not adhere to this setback at point of connection between the adjoining properties. Solar panels will be kept at least five hundred (500') feet from a residence. Owners of a residence within the 500' perimeter may sign a waiver stating they have agreed to allow the land owner and developer place solar panels closer than the County's set perimeter. This waiver must specifically state terms of the agreement and the County must receive a certified copy from the residence owner.
 - i. Every Solar Farm shall be setback at least thirty (30') feet from all property lines of the parcel land upon which the Solar Farm is located or to be located.
 - ii. Every Solar Farm shall be setback at least sixty (60') feet from the right-of- way of any public road.
 - iii. Every Solar Farm shall be setback at least one hundred (100') feet from the high water mark of any lake available for public use.
 - iv. Every Solar Farm shall be setback at least one hundred (100') feet from the streambanks and/or drainage ditch of any navigable stream.
 - v. All setbacks set forth herein shall be measured from the exterior of the fencing and gates which are required around the perimeter of all Solar Farms.
- g. *Aviation Protection:* For solar farms located within five hundred (500') feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar

Glare 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 Federally Obligated Airports, or most recent version adopted by the FAA.

- h. *Glare*: All solar energy systems shall minimize glare from affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- i. *Safety Fencing*:
 - i. All Solar Farms shall be fenced around the exterior of the Solar Farm with a fence at least six (6') feet in height.
 - ii. All fencing shall be constructed so as to substantially lessen the likelihood of entry into a Solar Farm by unauthorized individuals.
 - iii. The fencing shall be maintained in serviceable condition. Failure to maintain the fencing required hereunder shall constitute a violation of this ordinance.
 - iv. The fencing requirements specified hereunder shall continue notwithstanding the fact that a Solar Farm is no longer operational and/or falls into disuse unless and until the solar farm is properly decommissioned.
- j. *Gates and Locks*:
 - i. All gates to the fences of all Solar Farms shall be at least six (6') feet in height.
 - ii. All gates to the fences of all Solar Farms shall be equipped with locks and shall be remained locked at all times except for those times when the owner and/or operator, or their respective agents is/are using the gate for ingress and/or egress or is/are otherwise present and monitoring the Solar Farm.
 - iii. All gates to the fences of all Solar Farms shall be constructed so as to substantially lessen the likelihood of entry into a Solar Farm by unauthorized individuals.
 - iv. The gates required hereunder shall be maintained in serviceable condition. Failure to maintain the gates required hereunder shall constitute a violation of this ordinance.
 - v. The gate and lock requirements specified hereunder shall continue notwithstanding the fact that a Solar Farm is no longer operational and/or falls into disuse unless and until such Solar Farm is properly decommissioned.

G. DECOMMISSIONING.

- 1. Decommissioning applies to all Solar Farms.
- 2. The Solar Farm developer or property owner shall include a decommissioning plan with:
 - a. the anticipated life expectancy of the solar farm,
 - b. the anticipated cost of decommissioning in current dollars,
 - c. as well as the funding method(s), for the decommission and restoration of the project site to its original, natural condition prior to the solar farm development.
 - i. Funds will be held in a Solar Farm Decommissioning Escrow Account at the Hamilton County Treasurer's Office.
 - d. The cost estimate of decommissioning will be reviewed every five (5) years, by the County's chosen Independent Engineer, and revised if necessary, at the Developers expense. The review and revised plan shall be sent to the Hamilton County Assessor Office for review and for County Board approval.
- 3. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Illinois Environmental

Protection Agency. Hamilton County will require the establishment of an escrow account to ensure proper decommissioning of solar farm(s). This escrow account will be held by the County Treasurer as authorized by the County Board and have a minimum of \$1,000,000 in the account. At the completion of the projects' lifespan, the solar farm operator shall notify the County Assessor and then has twelve (12) months from that date to decommission the site.

4. The County Assessor shall be advised in writing within ninety (90) days by the solar farm operator or property owners (whichever entity/party holds the development and building permits) in the event the project is sold or otherwise transferred to another entity/party and/or the current operator/owner abandons the project.
 - a. If the site is damaged, the solar farm operator shall have six (6) months to bring the project back to its operational capacity. If for any reason the solar farm is not operational after six (6) months, the operator shall have twelve (12) months to complete decommissioning of the solar farm.
 - b. In the event of abandonment, decommissioning of solar panels will occur after non-use for six (6) consecutive months.
 - c. In the event of bankruptcy or similar financial default of the solar farm, the property owner of the project site shall bear the decommissioning costs in excess of escrow funds.

H. LEGAL PROVISION.

1. *Amendments:* The Hamilton County Board may review and make revisions as necessary. The Hamilton County Board may also amend the terms of this ordinance. The County Board shall adopt no amendment until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in Hamilton County at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall be published the first time not less than ten (10) days or more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.
2. *Abrogation:* This section does not apply to any current municipal zoning requirements. It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
3. *Penalties for Violations:* After the effective date of this ordinance, any persons who, being the owner or agent of the owner of any land, or project developer, located within the territorial jurisdiction of this ordinance, thereafter proceeds with development of a solar farm prior to being approved under the terms of this ordinance shall be fined. Further, violators of this ordinance shall be subject to fine of \$2,000.00 for the first violation and up to \$5,000.00 for each additional month the violation is not corrected. The County Assessor will be notified of any violations and the County Assessor will provide the information on the violation to the County Board. The County Board will enforce penalties.

I. LIABILITY INSURANCE

1. *Liability Insurance:* The owner operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name Hamilton County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollar (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars(\$5,000.00). The applicant/owner must provide proof of insurance to the Hamilton County Board through the County Clerk's office prior to construction and then on an annual basis. Applicant must also provide proof of insurance upon any material changes to the terms and conditions of the policy.

After the effective date of this ordinance, no proposed Solar Farm, as defined in this ordinance and within Hamilton County's jurisdiction, shall proceed with construction until it has been submitted to and approved by the Hamilton County Board and/or Designee in accordance with the provisions of this Ordinance.

Appendix A: Solar Application

Appendix B: Construction Permit

Appendix C: Operating Permit

NOW, THEREFORE BE IT ORDAINED that the Hamilton County Board hereby adopts said Solar Farm Ordinance.

BE IT FURTHER ORDAINED that the effective date is immediately upon adoption.

Passed and Adopted, this ____ day of _____, A.D. 2020, by the County Board of Hamilton County.

Brad Miller, Chairman

Attest: _____
Mary Anne Hopfinger, County Clerk

Hamilton County, State of Illinois
100 South Jackson St., McLeansboro, IL 62859
618-643-2721

APPENDIX A

PETITION / APPLICATION / REQUEST FOR A Solar Farm Construction Permit. (Revised and effective [insert effective date of ordinance here])

It is the responsibility of petitioners or requesters of actions placed before the Hamilton County Board to provide specific information and supporting data regarding proposed actions/projects in sufficient detail that will allow a decision to be made or a final course of action chosen. The Board shall not accept a petition or request as properly filed that is not sufficiently detailed, is missing information required by Ordinance, or does not provide sufficient sealed and signed professional studies, reports, and construction documents to support the request or petition based on the reasoned judgment of the Board. The Board is not responsible to make corrections or revise requests/petitions. Incomplete Applications will be returned.

Certain requests, such as a petition / application for a Solar Farm Construction Permit, requires the County Board to conduct a Public Hearing on the matter. No Hearings will be scheduled until such time that petitions/requests have been “Accepted as Properly Filed” by the County Board and reviewed by the County Engineer, Similarly, Petitions/Requests shall not be placed on a County Board meeting agenda until such time that the petition/request has been “Accepted as Properly Filed.”

The Date on which the Petition / Application / Request is “Accepted as Properly Filed” constitutes the Legal Beginning Date of any such Construction for all purposes of defining whether a project has been initiated or was in progress in Hamilton County, Illinois.

This petition/application/request for a Solar Farm Construction Permit shall be completed in its entirety and submitted to the Hamilton County Clerk’s Office, 100 South Jackson St., Room 2, McLeansboro, IL, 62859. Once the petition / application for a Solar Farm Construction Permit is Accepted as Properly Filed by the Board. The application for a Solar Farm will be reviewed by an independent engineer, appointed by the County at the Petitioners expense, to determine the impact of the use on public utilities, traffic volume and circulation, impact on near-by properties, compliance with Ordinances and laws, and other lawful factors as may be determined reasonable by the Board based on the individual Petition/Application. The Board, following a Public Hearing, prepares its Findings of Facts and may then take action regarding issuance of a Construction Permit.

Notice of the Public Hearing.

The County Board shall hold a Public hearing within ninety (90) days of receiving reviewed information from the independent engineer. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, place, and the nature of the proposed Solar Farm Construction Application, shall be given, according to Para. D2. of the Ordinance, before the hearing by:

1. First class mail to the applicant, and to all parties whose property would be directly affected by the proposed use; and
2. Publication in a newspaper of general circulation within this County; and

3. Publication on a state-wide web site.

The Petitioner / Applicant / Requestor is responsible to mail the notices to the last known property tax bill address by PIN number, and submit a Post Office certificate of mailing record to the County but only after receiving the approved text of the Notice from the County. This is at the Petitioner's /Applicant's / Requestor's sole expense.

Properly completed Applications for a Solar Farm Construction, complete with supporting documentation, are to be submitted to the County Board with sufficient lead time for review based on the complexity of the individual request.

All petitioners, or their representative, must attend the County Board meeting(s) considering their request. If there is no representation, the application may be removed from the agenda and rescheduled.

The Hamilton County Board shall make a decision within ninety (90) days of the Public Hearing.

If you have any questions, please contact the Hamilton County Assessor's office at 618-643-3971.

SECTION BELOW TO BE FILLED OUT BY COUNTY OFFICIAL:

Date first Received by the Office of The Hamilton County Assessor and reviewed: _____

Date filing fee has been accepted by the County Clerk on behalf of the County Board: _____

Date(s) County Board Returned application for more information *(if applicable)*: _____

Date County Board requested revisions were received *(if applicable)*: _____

Filing fee of \$5,000.00 Date paid: _____ Cashier's Check #: _____

Date County acceptance letter is sent to Petitioner: _____

Date of required Public Hearing Notice sent to Petitioner: _____

Date(s) published and where published: _____

Date notices sent: _____ Public hearing date: _____

County Board determination: _____

APPLICANT & PROPERTY OWNER INFORMATION (Print or Type):

Company Name: _____

Contact Name and Title: _____

Phone number: _____ Email Address: _____

Mailing address for all official correspondence unless a Legal Representative is designated in which case all correspondence and contact will be made with that Legal Representative:

_____ Zip: _____

Property Owner Name(s): _____ Phone number: _____

Mailing address: _____ Zip: _____

Email address: _____

Designated Legal Representative (*licensed to practice law in the State of IL*) of Applicant (*if any*):

Name: _____ Phone number: _____

Mailing address: _____ Zip: _____

Email Address: _____

Designated Contact Person (if different from Applicant), to whom all phone calls, requests for information, clarifications, and coordinator for all actions regarding this Petition, who has the authority to act on behalf of the Petitioner in regard to this Petition/Application/Request. This does not apply if a Legal Representative has been designated in which case all contact will be made through that Legal Representative.

Name: _____ Phone number: _____

Mailing address: _____ Zip: _____

Email address: _____

PROPERTY INFORMATION:

Note: If additional space is needed, please attach additional sheets to the application and reference attachment description in application.

1. Location of the proposed use or structure, and its relationship to existing adjacent uses or structures:

2. Legal Description and Acreage: _____

3. Area and dimensions of the site for the proposed structure(s) or uses: _____

4. Present Use of property: _____

5. Present Land Classification: _____

6. Proposed Land Use Activity / Nature of the Proposed Use, including type of activity, manner of operation number of occupants or employees, and similar matters: _____

7. Height, setbacks, and property lines of the proposed uses and/or structure(s): _____
- _____
- _____
- _____
8. Location and number of proposed parking/loading spaces by type of vehicles, to include Weight Classifications and size of access drives/ways: _____
- _____
- _____
9. Existing and proposed screening, lighting (including intensity) landscaping, erosion control, and drainage) features on the site, including the parking areas: _____
- _____
- _____
- _____
10. Disclosure of any potential environmental issues and methods for dealing with them: _____
- _____
- _____
- _____
11. Disclosure of any activities requiring outside agency permits and the names, addresses, and phone numbers of the agency points of contact and how those requirements are being met: _____
- _____
- _____
- _____

12. Indicate the suitability of the property in question for Construction: _____

13. ADJACENT LAND USE:

A. North: _____

B. South: _____

C. East: _____

D. West: _____

14. Should this Use be valid only for a specific time period? No _____ Yes _____

If Yes, what length of time? _____

15. Does the proposed Permit meet the following standards? No _____ Yes _____

(If not, attach a separate sheet explaining why.)

A. Will the proposed design, location and manner of operation of the proposed Solar Farm adequately protect the public health, safety and welfare, and the physical environment?

B. Will the proposed Solar Farm have a negative impact on the value of neighboring property?

C. Will the proposed Solar Farm have a negative impact on public utilities and on traffic circulation?

D. Will the proposed Solar Farm have an impact on the facilities near the proposed Solar Farm, such as schools or hospitals or airports that require special protection?

ATTACHMENTS REQUIRED:

1. At the time the application is filed, a non-refundable fee is to be paid by the applicant. The application fee for a Solar Farm Permit is \$5,000.00.
2. For entities governed by governing boards, a copy of the Board Resolution or Board Meeting Minutes authorizing the governing board's approval to carry out the requested project and to authorize the submission to Hamilton County by a designated entity officer of the required specific requests / applications / petitions are required to be submitted.
3. An area map and site plan from a certified Illinois licensed Engineer.
4. List of the names, current property tax addresses and property tax PIN numbers of property owners located within two-hundred feet and fifty (250') of the property.
5. A Decommissioning plan including:
 - a. Process details and cost estimate of decommission
 - b. Anticipated life expectancy of the Solar Farm.
 - c. Method of insuring funds will be available for decommissioning and restoration of the project site to its original, natural condition prior to the solar farm construction.
 - i. This includes a proposed schedule of payments to be deposited into an escrow account, on a minimum of \$200,000.00 on a yearly basis until \$1,000,000.00 is deposited in the escrow account, held by Hamilton County as assurance for available decommissioning funds.
 - d. The cost estimate of decommissioning will be reviewed every five (5) years, by the County's chosen Independent Engineer, and revised if necessary, at the Developers expense. The review and revised plan shall be sent to the Hamilton County Board for Board review through County Clerk's office. If necessary, provisions will be made to the escrow account balance for the decommissioning of the Solar Farm.

CERTIFICATION OF A SOLAR FARM PERMIT PETITION / APPLICATION / REQUEST

I/We the undersigned, agree that the information herein and attached is true. I/We, the undersigned, do hereby permit officials and/or consultants of Hamilton County, to enter the property described herein to complete a thorough review of this application.

Applicant's Printed/Typed Name: _____

Signature: _____ Date: _____

Property Owner's Printed/Typed Name: _____

Signature: _____ Date: _____

Applicant's Legal or other Representative's Printed/Typed Name (if applicable):

Signature: _____ Date: _____

STATEMENT OF CONFORMANCE:

I/We, the undersigned, in making a Petition/ Application / Request to Hamilton County for approval of a Solar Farm Construction Permit described in this application have reviewed the laws and regulations of Hamilton County to the extent that they are applicable to this proposal and understand that: I/We, the undersigned have no reasonable expectation of approval of this request until such time that a Solar Farm Construction Permit is actually issued by the Hamilton County and have been so notified of issuance in writing. I/We hereby acknowledge, attest to, and accept the following as conditions of obtaining a Solar Farm Construction Permit in Hamilton County, Illinois.

- **NO** building, construction, alteration, or use may be started prior to the issuance of a Solar Farm Construction Permit.
- **ALL** building construction and all site construction must conform to the plans and specifications approved by the Hamilton County Board. No deviation from or revision to an approved plan may take place without the prior written approval of the Hamilton County Board.
- Any Permit, once issued, is non-transferrable to any other legal entity without the express prior written approval of the Hamilton County Board.
- That **ALL** actions associated with this Permit process shall be taken, processed, and interpreted under the
- Laws of the State of Illinois and Hamilton County and any legal remedies sought by any party in connection with this Solar Farm Construction Permit shall be brought forth in the Courts of Hamilton County, Illinois for adjudication.
- That if the applicant is an Agent representing the actual owners of multiple properties, or is a lessor, that the Agent has in their possession signed documentation that the actual property owners are aware of their legal responsibilities to be personally liable for the costs associated with Decommissioning if said lessor or Agent fails for any reason to meet this requirement of the Solar Farm Construction Permit.

Applicant's Printed/Typed Name: _____

Signature: _____

Date: _____

Applicant's Legal or other Representative's Printed/Typed Name (if applicable):

Signature: _____

Date: _____

NOTE: It is the responsibility of the Applicant to notify the Hamilton County Assessor at each stage of work completed once the Permit is issued.

Notification of Solar Farm Construction Permit – Hamilton County, Illinois

APPENDIX B

All persons shall be required to post notice, on site, of a Solar Farm construction in unincorporated areas of Hamilton County. Failure to file a Notification of Solar Farm Construction Permit prior to starting construction shall constitute an offense punishable by fine up to \$500.00 each day in which work proceeds and each day following completion of the structure shall constitute a separate offense.

Step 1 - Supervisor of Assessments Office of Building Construction/Improvement Phone: 618-643-3971 / Supervisor of Assessments 100 S. Jackson St. Rm 16, McLeansboro, IL 62859	
Check One: ☐ Solar Farm	
Company Name of Applicant/Petitioner: _____	
Contact Name and Title: _____	
Mailing Address: _____	
Phone Number: _____	E-mail: _____
Property Number: _____	Notification Number: _____
Name of Property Owners: _____	
Current Address: _____	City: _____ State: _____ Zipcode: _____
Property Owner Phone No.: _____	Alternative Phone No.: _____
Estimated Start Cost: _____	Cost Estimate: _____
Legal Description	
Township Name: _____ Sec: _____ Twp: _____ Range: _____	
Legal Description: _____	
Lot/Land Size: _____ Tax/Group Code: _____	
This acknowledgement satisfies the Hamilton County Notification Process. All other city, township, subdivision and state ordinances must be followed!	
Signature: _____ Date: _____	

Step 2 - Highway Dept. Engineer to obtain Flood Plains & Subdivision Approval 618-643- 2714/ Highway Dept. 100 S. Jackson St. Rm 9, McLeansboro, IL 62859	
Is the proposed development within or near the approximate floodplain as shown on FEMA Flood Hazard Boundary Maps? ☐ Yes ☐ No ☐ N/A	
• If yes, the developer must obtain a Development Permit from the Hamilton County Highway Engineer prior to starting any construction.	
Has a development permit been approved? ☐ Yes ☐ No ☐ N/A	
Signature: _____ Date: _____	

Step 3 - New 911 address 618-643-3971 / Supervisor of Assessments 100 S. Jackson St. Rm 16, McLeansboro, IL 62859	
Your new locatable 911 address: _____	
Emergency Response Agencies: _____	Ambulance Agency: _____
Police Agency: _____	Fire Agency: _____
Is a paid Fire Contract required to have this fire department respond? ☐ No ☐ Yes/If yes, Contact Phone # _____	
Signature: _____ Date: _____	

Upon completing construction of the facility, the Applicant/Petitioner must inform the Assessor's office and request an Operating Permit, prior to any production or sale of solar generated power. (APPENDIX C)

Solar Farm Operating Permit
Hamilton County, Illinois
APPENDIX C

*All developers in unincorporated areas of Hamilton County shall be required to post an on-site, laminated, Solar Farm Operating Permit at the front entrance of the construction area, visible to County employees. Failure to file a Solar Farm Operating Permit, prior to production or sale of generated solar power, shall constitute an offense punishable by a fine up to \$500.00 each day in which work proceeds and each day following completion of the structure shall constitute a separate offense, **TO BE ENFORCED BY THE COUNTY BOARD CHAIR.***

Date: _____ ☐ Approved ☐ Disapproved

Operating Permit No.: _____

Signature: _____ Date: _____

DO NOT WRITE ABOVE THIS LINE

Property Information:

Address: _____

Legal Description: _____

Company Name:

Contact Name and Title: _____

Mailing Address: _____

Phone Number: _____ E-mail: _____

Land Owners Name(s) if Different from Company Name: _____

Mailing Address: _____

Phone Number: _____ E-mail: _____

Conditions of Permit:

In applying for and obtaining a Solar Farm Operating Permit from the Hamilton County Assessor's Office, the Applicant agrees to comply with the laws, rules and regulations set forth by the State of Illinois and the Hamilton County Solar Energy Farm Installations Ordinance. The permit is subject to revocation for failure to comply with laws, rules, regulations and fines.