



**STATE OF ILLINOIS
COUNTY OF ADAMS**

**Commercial Solar Energy Facility
Ordinance Number: 2025-03-001-018**

Updated March 11, 2025

ARTICLE VII – ADAMS COUNTY SOLAR ENERGY FACILITY ORDINANCE

STATE OF ILLINOIS)
) ss.
COUNTY OF ADAMS)

Ordinance Number 2025-03-001-018
Adopted March 11, 2025

5-7-1 DEFINITIONS

I. Definitions

- A. Agricultural Impact Mitigation Agreement (AIMA) means an agreement negotiated between the Illinois Department of Agriculture and a utility company focused on the restoration aspect of impacts that result from utility projects being constructed across a landowner's productive agricultural land.

- B. "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),

- C. "Commercial Operation Date" means the calendar date on which the Commercial Solar Energy Facility produces power for commercial sale, not including test power.

- D. "Commercial Solar Energy Facility" or "Commercial Solar Energy System" or "Commercial Solar Farm" 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.

- E. "Commercial Solar Energy Building Permit" means a permit necessary for the commencement of work performed toward the construction, erection or installation of an approved Commercial Solar Energy Facility, Substation, Supporting Facilities, or operations and maintenance building in connection with a Commercial Solar Energy Facility. A Commercial Solar Energy Building Permit may be issued by the county after a Commercial Solar Energy Facility has obtained a Special Use Permit from the County Board and the Adams County Board determines that all conditions, if any, have been satisfied that are imposed by the Special Use Permit. The Commercial Solar Energy Building Permit shall require the Applicant to deliver a written "Notice to Proceed" for the Commercial Solar Energy Facility to the county prior to commencement of construction of the Commercial Solar Energy Facility. The term "commencement of construction", as used in this Ordinance, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) regarding the Commercial Solar Energy Facility.

- F. "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 a Commercial Solar Energy Facility Permittee's successors-in-interest and assigns.

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- G. "Financial Assurance" or "Financial Security" or "Decommission Security" means assurance from a credit worthy party, examples of which include a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.
- H. "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.
- I. "Nonparticipating property" means real property that is not a participating property.
- J. "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.
- K. "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.
- L. "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 the Ordinance shall include Operator's successors-in-interest and assigns.
- M. "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 a 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.
- N. "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.
- O. "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.

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- P. "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.
- Q. "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.
- R. "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.
- S. "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.
- T. "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.
- U. "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.

II. APPLICABILITY

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

III. PROHIBITION

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 a group of Commercial Solar Energy Facilities under a joint siting application pursuant to this Ordinance.

IV. SPECIAL USE PERMIT APPLICATION

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Due to the unique nature and special requirements of Commercial Solar Energy Facilities and their potential impacts to adjoining properties and government services, solar power facilities shall be required to submit and obtain approval on the following items, or any special conditions required by the Adams County Board. 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.

A. A site plan with existing conditions showing the following:

- Existing property lines and property lines extending 100 feet from the exterior boundaries of the solar project, including the names of adjacent property owners and current use of those properties.
- Existing adjacent public and private roads, showing widths of the roads and any associated easements. Location and size of any abandoned wells, sewage treatment plants within the solar energy facility or on adjacent parcels.
- Existing buildings and any impervious surfaces within the solar energy facility.
- A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
- Existing vegetation (list type and percent of coverage: i.e., cropland/plowed fields, grassland, wooded areas etc.)
- Waterways, watercourses, lakes, public water, and wetlands.
- Any delineated wetland boundaries.
- A copy of the current FEMA FIRM map that shows the subject property. The 100-year flood elevation and any regulated flood protection elevation, if available.
- Floodway, flood fringe and/or general floodplain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
- Mapped soils according to the Adams County Soil Survey.
- Surface water drainage patterns.
- The location of any known subsurface drainage tiles.

B. Plan of proposed conditions:

1. A Commercial Solar Energy Facility Summary, including, to the extent available:
 - A general description and location of the project.
 - The projects approximate overall name plate generating capacity.
 - The potential equipment manufacturer(s).
 - The type(s) of solar panels, cells, and modules.
 - The number of solar panels, cells, and modules.
 - The maximum height of the solar panels at full tilt.
 - The number of Substations.
 - Project phasing plan and project construction timeline plan.
2. Names, addresses and phone numbers of Applicants, Owners , and Operators with documentation of land ownership/leasing and respective business structures.
3. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
4. An Agricultural Impact Mitigation Agreement (AIMA) executed between the Applicant

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and the Illinois Department of Agriculture.

5. Results and Recommendations from the Illinois Department of Natural Resources obtained through Ecological Compliance Assessment Tool or a comparable successor tool.
6. Results of any United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service's solar wildlife guidelines.
7. Information demonstrating that the Commercial Solar Energy Facility will avoid protected lands.
8. 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.
9. A site plan for the Commercial Solar Energy Facility showing:
 - The planned location of solar panels, including legal descriptions for each site.
 - Participating and Non-participating Residences, Occupied Community Buildings.
 - Parcel boundary lines (including identification of adjoining properties) and setback lines.
 - Public access roads and turnout locations.
 - Substation(s), operations and maintenance buildings, electrical cabling to the Substation(s), 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.
 - The layout of all structures within the geographical boundaries of any applicable setback.
10. A proposed Decommissioning Plan for the Commercial Solar Energy Facility.

Material changes to the application are not permitted once the Notice of Public Hearing has been published, unless requested or permitted by the County.

V. DESIGN AND INSTALLATION

A. Design Safety Certification

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,

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ballasts, or other anchoring systems shall be new equipment commercially available; no used or experimental equipment shall be used without the approval of a variance by the County Board.

Following the granting of siting approval under this Ordinance, a structural engineer registered in the State of Illinois shall certify, as part of the Commercial Solar Energy Facility Building Permit application process, that the design of the Commercial Solar Energy Facility is within accepted professional standards, given local soil, subsurface and climate conditions.

B. Power and communication lines

All electrical components of the Commercial Solar Energy Facility shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International electrical Commission).

Power and communications lines running between arrays of solar panels and to electric substations or interconnections with buildings shall be buried underground in accordance with the Agricultural impact Mitigation Agreement. Exemptions or variances may be granted in instances where shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury lines. JULIE shall be contacted before digging/excavating begins.

C. Warnings

A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.

Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along guy wires up to a height of fifteen (15) feet from the ground.

D. Height

Systems, equipment, and structures shall not exceed 20 feet in height at full tilt when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.

E. Setback Requirements

The Commercial Solar Energy Facility shall be sited as follows, with setback distances measured from the nearest edge of any component of the facility.

| | |
|---|--|
| Occupied Community Buildings and Dwellings on Nonparticipating Properties | 150 feet from the nearest point on the outside wall of the structure |
| Boundary Lines of Participating Property | None |
| | |

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| | |
|---|--|
| Public Road Rights-of-Way | 50 feet from the nearest edge of the public road right of way |
| Boundary Lines of Nonparticipating Property | 50 feet to the nearest point on the property line of the nonparticipating property |

The setback requirements for Nonparticipating properties may be waived by the written consent of the owner(s) 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.

F. Fencing

The solar energy system shall be fully enclosed and secured by a chain link fence, with a minimum height of six (6) feet and maximum of twenty-five (25) feet.

For multiple entrances or gates, the entrances must be clearly labeled with a numbering scheme approved by the Adams County Emergency Management Agency and Adams County 9-1-1 Dispatch Center and updated annually.

All locked gates with access to a public road must be locked with a lock that utilizes a numeric code or be equipped with a key box as specified by the Adams County Emergency Management Agency. If equipped with a lock utilizing a numeric code, that code must be on file with the Adams County 9-1-1 Dispatch Center and updated annually.

G. Screening

The lots on which the ground mounted solar energy systems are located shall be buffered/screened from residences and roadways by plantings, vegetation, natural topographical features, or other approved features. The applicant shall propose a vegetative management plan to minimize the visibility of the project from adjacent residential structures and roadways. The vegetative management plan shall take into account the type(s) of vegetation to be planted, along with its approximate location. Along with vegetation and other natural topographical features, other forms of screening/buffers may include, but are not limited to, existing wooded areas.

H. Pollinator Friendly Ground Cover

The company shall plant, establish, and maintain a vegetative ground cover consistent with the goals of the Pollinator Friendly Solar Site Act and include all such activities in the vegetative management plan.

I. Lighting

If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto adjacent residential parcels.

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J. Noise Levels

Noise levels from Commercial Solar Energy Facilities shall be in compliance with applicable Illinois Pollution Control Board (IPCB) 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

K. Performance standards

All solar power plants must conform to the performance standards as set forth by any local, state, federal regulatory standards, Illinois Public Act 099-0906 or the National Electric Code as amended.

L. Signage

An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar energy facility project. The sign at the entrance to the facility shall include the facilities' 911 address and two 24-hour emergency contact numbers in letters that are a minimum of 4 inches.

Signage regulations are to 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.

M. Outdoor storage

Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar energy facility shall be allowed. The Adams County Board shall have the discretion in determining whether outdoor storage is in compliance with this provision. In any event, all outdoor storage areas shall be paved with an impervious surface and either fenced or screened to prevent viewing from adjoining properties and uses. For clarification purposes, during construction periods, it is understood that there may be materials, vehicles and equipment on the site(s) that do not support the operation or maintenance of the solar energy facility. It will be further understood that any materials, vehicles, or equipment on the site during construction that does not directly support the operation and maintenance of the solar energy facility will be removed at the completion of the construction as to be in compliance with this section.

N. Aviation Protection and Glare

For solar energy systems located within five hundred (500) feet of an airport or within approach zones of an airport, the applicant shall 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 Federal Obligated Airports, or most recent version adopted by FAA.

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

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north side of the solar array, modifying the system's orientation, reducing use of the reflector system, or other remedies that limit glare. The County Board, as part of the permitting process, reserves the right to require a glare analysis study of the project site to address non-participating residential or building property owner concerns.

O. 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 its Commercial Solar Energy Facility Building Permit. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the County Soil and Water Conservation District (or equivalent regulatory agency). Also, the Applicant shall submit grading plans for the proposed Substations for review and comment by the County Soil and Water Conservation District prior to the issuance of any Commercial Solar Energy Facility Building Permit for the construction of said substations.

P. Endangered species and wetlands

Solar energy facility developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.

Q. 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 Department of Agriculture prior to any public hearing required before a siting decision on the Commercial Solar Facility application. All impacted agricultural land, whether impacts 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.

R. As-Built Maps and Plans

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

S. 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(s), conditions placed upon the operation of the Facility, this ordinance and all applicable state, federal and local laws, and regulations.

T. Use of Public Roads

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1. An Applicant proposing to use any County, municipality, township, or village road(s), for the purpose of transporting Commercial Solar Energy Facility or Substation parts and/or equipment for construction, operation, or maintenance of the Commercial Solar Energy Facility or Substation(s), shall:
 - i. Identify and map for use all such public roads.
 - ii. Obtain applicable weight and size permits from relevant government agencies prior to and/or during construction.
 - iii. If applicable, enter into a Road Use Agreement with a County, Road District, municipality, or village.
2. To the extent an Applicant must enter into a Road Use Agreement with a County, Road District, municipality, or village, the Applicant shall:
 - i. Identify and obtain approval for the public roads that will be used for construction purposes from the County Engineer, Highway Commissioner, or other local official. All overweight and oversized loads and traffic for construction purposes shall be limited to these roads.
 - ii. Conduct a pre-construction baseline survey to determine the existing road conditions for assessing potential future damage. Conduct a post-construction survey of the road conditions for determination of appropriate repair or remediation.
 - iii. Prepare a Road Use Agreement with the County, Road District or other local road authority that includes the following provisions, at a minimum and if applicable:
 - Project layout map.
 - Transportation impact analysis.
 - Project traffic map.
 - Pre-construction plans.
 - Project scope of repairs.
 - Post-construction repairs.
 - Evidence of Insurance.
 - Financial Security in forms and amounts acceptable to the County or Road District to ensure that repairs are completed to their reasonable satisfaction.

The Road Use Agreement shall require the Applicant to be responsible for the reasonable cost of improving roads used to construct Commercial Solar Energy Facility and the reasonable cost of repairing roads used by the facility owner during construction of the Community Solar Energy Facility so that those roads are in a condition that is safe for the driving public after the completion of the Commercial Solar Energy Facility construction.

Roadways improved in preparation for and during the construction of the Community Solar Energy Facility shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded

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or were damaged as a result of construction-related activities.

The County Engineer or Highway Commissioner may choose to require either remediation of road repair by the Applicant or Owner upon completion of the Commercial Solar Energy Facility or direct financial considerations for remediation and road repair to be performed by the County or Road District at a future date.

3. All repairs and improvements to public roads and roadway appurtenances shall be subject to the prior approval of the County before being made and shall also be subject to inspection and acceptance by the County after such repairs and improvements are completed. The County's Road Use Agreement, and any further agreements contemplated therein, regarding the maintenance and repair of public roads and highways, must be approved by the County Board prior to the Board's approval of any Commercial Solar Energy Facility Building Permit applications related to the construction of the proposed Commercial Solar Energy Facility.

The County or Road District will provide a written acceptance and release to the Applicant or Owner upon acceptable completion of any necessary remediation and road repair or upon receipt of financial considerations.

U. Additional Terms and Conditions

1. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Special Use Permit Application shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for a 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 and/or decommissioning of the Commercial Solar Energy Facility is performed in compliance with applicable electrical and building codes. The cost and fees 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 prior to the issuance of any Commercial Solar Energy Facility Building Permit.

VI. OPERATION

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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:
 - A general description of any physical repairs, replacements, or modification(s) to the Commercial Solar Energy Facility and/or its infrastructure.
 - 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.
 - Calls for emergency services.
 - Status of liability insurance.
 - 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 Article XVI (Remedies).

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 Section V 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 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 (SOPs) and Standard Operating Guidelines (SOGs), 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 shall provide a map of the facility labeling the location of the following:
 - Batteries: The map should clearly call out battery locations and size of battery storage, if applicable.
 - Roads: The Applicant shall work with the Adams County 9-1-1 Dispatch Center to develop a private lane naming and addressing scheme, when applicable.
3. The Applicant shall provide the Adams County Highway Department and Adams County 9-1-1 Dispatch Center with any GIS Shape Files owned by the Applicant for the facility to assist with creating a map for the facility. In the event GIS shape files are not available, facility mapping in Illinois State Plane coordinates will be accepted

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to create a digital map.

4. The Applicant, at its expense, shall provide annual training for, and the necessary equipment and supplies 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.
5. 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, 24-hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated Commercial Solar Energy Facility representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated Commercial Solar Energy Facility representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed, and updated on an annual basis.
6. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire / emergency laws and regulations.

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

1. All solid waste 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 Adams County Health Department and the State of Illinois Department of Public Health.

D. 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.

VII. LIABILITY INSURANCE AND INDEMNIFICATION

- A. The owner operator of the Commercial Solar Energy Facility Building Permit shall maintain a current general comprehensive liability policy and automotive liability coverage covering bodily injury, death and illness, and property with limits of at least five million dollars (\$5,000,000.00) per occurrence and twenty million dollars (\$20,000,000.00) in the during

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the life of the Commercial Solar Energy Facility. The applicant/owner must provide proof of insurance to the Adams County Board prior to issuance of a Commercial Solar Energy Building Permit, and then at least annually thereafter.

- B. 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, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the 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 such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

VIII. DECOMMISSIONING AND SITE RECLAMATION PLAN

Applicant (or Owner, if different from Applicant) must submit a Decommissioning Plan with cost estimation to the County as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application. Prior to receiving any building permit for the Commercial Solar Energy Facility, the Applicant or Owner shall provide a Decommissioning Agreement and post the required Financial Assurances for the benefit of the County. The Decommissioning Agreement and Financial Assurances shall comply with Section 5-12020 of the Illinois Counties Code (55 ILCS 5/5-12020). Periodically, and as required by the Agricultural Impact Mitigation Agreement, the Owner must update the Decommissioning Plan, cost estimates, and provide updated Financial Assurances to the benefit of the County.

IX. FEES AND PERMITTING PROCESS

A. Application Fees

1. Prior to processing any Application for a Commercial Solar Energy Facility, the Applicant must submit a certified, bank, or cashier's check to the County for the Application Fee equal to \$5,000.00 per megawatt (mW) of proposed nameplate capacity, up to a maximum fee of \$100,000.00. These funds shall be placed in an FDIC-insured account and will be used to cover the County's costs incurred in processing the Application.
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 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.

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3. Any unused amounts of the Application Fee shall be refunded to the Applicant within six months of the County Board rendering a final decision on the matter, unless any pending litigation, disputes or negotiations involving the County exist regarding the Commercial Solar Energy Facility, in which case any amounts owed to the Applicant shall be refunded within six months of the conclusion of the litigation, disputes or negotiations. An Applicant may request any unused Application Fee be applied toward the Building Permit Fees for the Facility.

B. Building Permit Fees

Prior to the issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee equating to \$3,000 plus \$500.00 per megawatt (mW) of nameplate capacity.

C. All Costs to be Paid by Applicant or Owner

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, Road Use Agreement, operations, inspections, decommissioning, litigation, disputes, and/or negotiations.

X. VARIANCE

A. Standards for Granting Variances

1. Where an applicant demonstrates that a provision of this Ordinance would cause unnecessary hardship, delay or impediments to the development of a Commercial Solar Energy Facility project if strictly adhered to, and where, in the opinion of the Chair of the County Board, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the County Board, may authorize a variance, if the variance complies with the following provisions:
 - i. The requested variance is required for the development of the Commercial Solar Energy Facility project, and the failure to obtain the requested variance would result in a practical difficulty or unnecessary hardship for the applicant.
 - ii. The granting of the requested variance will not be materially detrimental or injurious to any adjacent property.
 - iii. The granting of the requested variance will not violate the general spirit and intent of this Ordinance.
2. Any variance thus authorized is required to be approved by ordinance passed by the County Board and be entered in the minutes of the County Board's meeting, and the reasoning on which the variance was justified must be described in the minutes as well.

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B. Application for Variance

1. An Applicant for a variance shall file a request for a variance with the Chairman of the County Board at the time of the submittal of the Special Use Permit Application for consideration during the public hearing.
2. The burden of proof shall rest with the applicant to clearly establish that the requested variance satisfies the criteria for granting such a variance under this Ordinance.

C. Approval and Conditions

The County Board may grant or deny the variance after receiving and considering written or verbal recommendations for or against the granting of the variance. In granting a variance, the County Board may impose such conditions and restrictions upon the applicant and the property benefiting from the variance as may be necessary to reduce or minimize any potentially negative impacts on any adjacent properties, and to carry out the general purpose of this Ordinance, which conditions and restrictions shall be set forth in the Special Use Permit.

XI. PUBLIC HEARING

Pursuant to Section 5-12020 of the Illinois Counties Code (55 ILCS 5/5-12020), the County Board shall hold at least one (1) public hearing within 45 days after receipt of an application for a Special Use Permit before a Commercial Solar Energy Facility Project, Substation and Supporting Facilities can be constructed, installed, and operated within Adams County. The County shall comply with the public hearing notice requirements contained in Section 5-12020 of the Illinois Counties Code (55 ILCS 5/5-12020), the Open Meeting Act (5 ILCS 120/) and the following.

- A. There must be at least thirty (30) calendar days' notice before the hearing. The notice must include the time, place and date of the hearing and must be published in a newspaper published in the Township or Road District where the property is located. If there is no newspaper published in the Township or Road District where the property is located, the notice must be published in a newspaper of general circulation in the County.
- B. The notice must contain:
 - The location of the property for which the Siting Approval Permit is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.
 - Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.
 - Whether the petitioner or applicant is a corporation, and, if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation.
 - Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and, if so, the name and residence of all actual owners of the business or entity.

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- Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and, if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.
- A descriptive statement of the proposed Commercial Solar Energy Facility project.

In addition to any other notice required by this Section, the County must give at least fifteen (15) calendar days' notice before the hearing to:

- Any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a Commercial Solar Energy Facility project.
- The owner or owners of any land adjacent to or immediately across any street, alley or public right-of-way from the property proposed as a Commercial Solar Energy Facility project, or any real property that could be defined as an affected Non-participating Property.

XII. 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.

XIII. HEARING FACTORS

The County Board shall allow oral and written testimony of the Applicant and its consultants, any interested parties, County staff and/or the County's consultants and all other written submittals received during the public hearing.

The County shall also allow interested parties to a Special Use permit an opportunity to present evidence and to cross-examine witnesses at the hearing, but the County may impose reasonable restrictions on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses.

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.

- 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.
- The Commercial Solar Energy Facility will not be injurious to the uses and enjoyment of

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other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties.

- The establishment of the Commercial Solar Energy Facility will not impede the normal and orderly development and improvement of the surrounding properties.
- Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.
- Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- The proposed Commercial Solar Energy Facility is not contrary to the objectives of the current comprehensive plan of the County (if any).
- 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.

The County Board may grant or deny any variance after receiving and considering written or verbal recommendations for or against the granting of the variance. In granting a variance, the County Board may impose such conditions and restrictions upon the applicant and the property benefiting from the variance as may be necessary to reduce or minimize any potentially negative impacts on any adjacent properties, and to carry out the general purpose of this Ordinance, which conditions and restrictions shall be set forth in the Special Use Permit.

The County Board reserves the right to conduct another public hearing to require and evaluate additional information from the Applicant and its consultants, any interested parties, County staff and/or the County's consultants in order to respond to any issues or concerns raised by the County Board before making its final decision.

XIV. SPECIAL USE PERMIT

A. Approval or Denial

The County Board will either grant or deny the Application in accordance with the provisions of Section 5-12020 of the Illinois Counties Code (55 ILCS 5/5-12020). If the County Board approves the Special Use Permit Application, such approval may be with or without stipulated 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.

If the County Board approves the application, it shall approve by ordinance a Special Use Permit with or without conditions and restrictions and affix the Board's seal upon the ordinance approving the Special Use Permit together with the signature of the County Board's Chairman and the Adams County Clerk.

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If it disapproves, the County Board shall set forth its reasons in its records and provide the applicant with a copy.

B. Revocation

1. In any case where a Special Use Permit has been approved for a Commercial Solar Energy Facility, the Applicant shall apply for a Commercial Solar Energy Facility Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction and commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Special Use Permit. If the Applicant fails to apply for a Commercial Solar Energy Facility Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County Board, the Special Use Permit authorizing the construction and operation of the Commercial Solar Energy Facility shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the Project is due to conditions out of his/her/its control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of an ordinance that amends the Special Use Permit.
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 Article XVI Remedies, a Special Use Permit may be revoked by the County Board if the Commercial Solar Energy Facility is not constructed, installed and/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

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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.

XV. ADMINISTRATION AND ENFORCEMENT

- A. A Committee, which shall consist of the Chairman of the Adams County Board, the Chairman of the Transportation, Building and Technology Committee, the Chairman of the Legislative and Judicial Committee, a Board Member whose district encompasses the solar energy facility location (if this Board Member holds the position of the previous four mentioned, then one of the remaining two Board Members shall be selected by the Chairman of the Adams County Board) and, the County Engineer for Adams County shall enforce the provisions of this ordinance through an inspection of the solar energy facility every year.

This Committee is hereby granted the power and authority to enter upon the premises of the solar energy facility at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section may face fines of not more than \$750.00 per offense per week and/or rescission of permit. Any challenge to any fine or rescission of permit may be challenged first to the Adams County Board before initiation of any suit through the appropriate court system.

- B. The Applicant shall submit its application to the Subcommittee. The Subcommittee shall review and determine whether the application is complete within thirty (30) days of applicant's filing. If the application is not deemed complete, the Subcommittee shall instruct applicant as to why the application is insufficient and allow Applicant the opportunity to re-submit a complete application. Within 45 days of the application being deemed complete, the Subcommittee shall hold a public hearing in accordance with the Open Meetings Act for interested parties to present evidence and allow public comment. Within 30 days of the conclusion of the public hearing, the Subcommittee shall make a recommendation to the Adams County Board and the Adams County Board shall act upon approval of the application. Applicant shall have thirty (30) days to appeal any decision by the Adams County Board for reconsideration by the Board.
- C. Any approval of a solar project will be valid throughout the useful life of the project, including through decommissioning.

XVI. 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, and/ or failure to comply with any law or regulation shall be a default and shall be grounds for revocation of the Special Use

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Permit by the County Board.

- B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County Board must first provide written notice to the Applicant and Operator, setting forth the alleged default(s) and provide an opportunity for the Applicant or the Operator to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the Applicant commence the cure within that 30-day cure period, and diligently pursues 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 (police, fire, emergency medical services, emergency management services, 911 dispatch) 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(s) or resolve the alleged default(s) within the cure period, then applicable County ordinance provisions addressing the resolution of such default(s) shall govern.

XVII. ANNUAL UPDATE REQUIREMENTS

All contact information including name, phone number, and address of the current property owner, lessor, lessee, the interconnecting utility company, and buyer of the power (if applicable and if this information can be disclosed publicly), shall be submitted annually within 30 days of the anniversary date of the permit until decommissioning has been completed at which point the permit will be null and void.

XVIII. 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 Adams County. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of Adams County nor conflict with any statutes of the State of Illinois.

XIX. SEVERABILITY

If any section, paragraph, clause, phrase, or part of this Ordinance is for any reason held invalid by any court or competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these regulations.

XX. CERTIORARI PROCEDURE

In regard to any final decision by the County Board or any final decision by any other County Board, commission or committee with final decision-making authority and jurisdiction under this Ordinance, any person aggrieved may petition the Circuit Court of Adams County, Illinois,

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for a writ of certiorari or administrative review or other judicial relief as provided by applicable statutory or common law.

XXI. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, publication and approval as required by law.

Ord. Num. 2018-09-001-016

(updated on 08/15/2023 via 2023-08-001-022)

(Updated on 02/13/2024 via 2024-02-001-009)

(Updated on 03/11/2025 via 2025-03-001-018)