COMMERCIAL
SOLAR ENERGY SITING ORDINANCE
OF
MENARD COUNTY

A Center of Lincoln's Illinois

Revised October 29, 2026

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TITLE

This Ordinance shall be known, cited, and referred to as the Commercial Solar Energy Siting Ordinance of Menard County.

PURPOSE

The purpose of this ordinance is to provide for the construction, installation, and operation of Commercial Solar Energy Conversion Systems in Menard County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, conservation lands, historical and other sensitive lands. This ordinance is not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances.

DEFINITIONS

"Applicant" means the entity who submits to Menard County a special use permit application for a Commercial Solar Energy facility. All references to “applicant” in this ordinance shall include applicant's successors-in-interest and assigns, including the owner.

"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 or operations and maintenance building in connection with a Commercial Solar Energy facility project. A Commercial Solar Energy facility Building Permit may be issued by Menard County after the proposed facility owners have obtained a Special Use Permit from the Menard County Board and the Menard County Zoning Office determines that all conditions, if any, have been satisfied that are imposed by the Special Use Permit. The Commercial Solar Energy facility Building Permit shall require the applicant to deliver a written "Notice to Proceed" for the project to Menard County prior to commencement of construction of the Commercial Solar Energy facility project. 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 project.

“Commercial operation date” means the calendar date on which the Commercial Solar Energy facility produces power for commercial sale, not including test power.

“Commercial solar energy facility” the same as that defined in Section 10-720 of the Property Tax Code, which states “any device or assembly of devices that (i) is ground

installed and (ii) 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 on which the device or devices reside."

"Facility owner" means (i) a person with a direct ownership interest in a Commercial Solar Energy facility, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility. All references to "owner" in this ordinance shall mean facility owner.

"Financial assurance" 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.

"Nonparticipating property" means real property that is not a participating property.

"Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that a special use permit application for the Commercial Solar Energy facility is filed with Menard County.

"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 Project which identifies the date on which the construction activities are scheduled to commence.

"Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that a special use permit application for the Commercial Solar Energy facility is filed with Menard County: a school, place of worship, day care facility, public library, or community center.

"Operator" means the person or entity responsible for the day-to-day operation and maintenance of the Commercial Solar Energy facility, including any third-party subcontractors, successors-in-interest, and assigns.

"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.

"Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that a special use permit application for the Commercial Solar Energy facility is filed with Menard County.

"Professional engineer" means a qualified individual who is licensed as a professional engineer in the State of Illinois.

“Project” means the Commercial Solar Energy facility and supporting facilities.

"Protected lands" means real property that is: (i) subject to a permanent conservation right consistent with the Illinois Real Property Conservation Rights Act; or (ii) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

"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 contractual relationships with government or non-profit conservation organizations for conservation purposes.

"Special Use Permit" means a permit approved by Menard 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 Menard County Board." Structural Engineer" means a qualified individual who is licensed as a professional engineer in the State of Illinois and will analyze, design, plan, and research structural components and structural systems to achieve design goals and ensure the safety and comfort of users or occupants. Their work takes account mainly of safety, technical, economic, and environmental concerns, but they may also consider aesthetic and social factors of the Commercial Solar Energy facility project.

"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.

“Supporting facilities” means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the Commercial Solar Energy facility. “Supporting facilities” includes energy storage systems capable of absorbing energy and storing it for use at a later

time, including, but not limited to, batteries and other electrochemical and electromechanical technologies or systems.

"Variation" A variation is a minor deviation from the bulk requirements of this ordinance where such variation will not be contrary to the public interest and where, due to conditions peculiar to the property and not the direct result of the actions of the owner, a literal enforcement of this ordinance would result in unnecessary hardship.

APPLICABILITY

This ordinance governs Commercial Solar Energy facilities that generate electricity to be sold to wholesale or retail markets. This ordinance shall apply to the unincorporated areas of Menard County that are outside of the zoning jurisdiction of a municipality.

PROHIBITION

No Commercial Solar Energy facility or supporting facilities governed by this ordinance shall be constructed, erected, installed, or located within Menard County without a special use permit and building permit granted by Menard County. Commercial Solar Energy facilities and supporting facilities are only allowed by special use permit and building permit upon agricultural or industrial zoned properties. Unless otherwise allowed by Menard County, all projects shall conform to the representations made within the special use permit application, representations during the public hearing process, and representations contained within the building permit application and supporting documentation.

SPECIAL USE PERMIT APPLICATION

A. To obtain a special use permit for a Commercial Solar Energy facility and/or its supporting facilities, the applicant must first submit a complete special use permit Menard County Zoning Office to be forwarded onto the Menard County Board of Commissioners for public hearing and approval or denial.

B. Material changes to the special use permit application are not permitted once notice of public hearing on the application has been published, unless otherwise requested or permitted by Menard County.

C. The applicant shall submit at least 10 copies of the special use permit application to Menard County, and at least one copy in electronic format, unless otherwise requested or permitted by Menard County.

D. The special use permit application submitted to Menard County shall contain the following:

1. A project summary for the Commercial Solar Energy facility and its supporting facilities, including:

    a. A general description of the project, including:

        i. Approximate overall nameplate generating capacity;
        ii. Potential equipment manufacturers of the solar panels, racking and any energy storage system;
        iii. Number of solar panels and nameplate generating capacity of each;
        iv. Maximum height of the solar panels at full tilt;
        v. Description of supporting facilities, including energy storage systems (if any);
        vi. Energy storage system nameplate capacity, overall acreage, and types of energy systems to be utilized (if any);
        vii. Project site plan, phasing plan, construction timeline; and
        viii. General location of the project; and
        ix. Transmission location – both above and below ground;

    b. A description of the applicant, owner, and operator, including their respective business structures;

2. The name, address, and phone number of the applicant, owner, operator, participating property owners, and documentation demonstrating land ownership or legal control of the property;

3. A site plan for the project showing the planned location of each wind tower, including parcel number and legal descriptions for each site, guy lines and anchor bases, participating and nonparticipating residences, occupied community buildings, parcel boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, all supporting facilities including any energy storage systems, substations, operations and maintenance buildings, temporary and permanent meteorological towers, concrete batch plants, laydown yards, electrical cabling from the wind tower to the substations, ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures (including surface ditches and subsurface drainage lines), underground mines, scenic and natural areas within 1,500 feet of the project, the location of all known communications towers within two miles of the project, and the layout of all structures within the geographical boundaries of setbacks;

4. A topographic map depicting the project site and surrounding area;

5. A proposed decommissioning plan for the project, including cost estimations and a draft form of financial assurance for same;

6. Written approval from relevant road authorities of the roads to be utilized for construction and a draft form of financial assurance for the protection of said roads;

7. Sound modeling for all potential equipment manufacturers (including solar panels, inverters and energy storage systems) showing the sound emissions, the relevant Illinois Pollution Control Board standards, the impact upon all effected properties, and all supporting data;

8. An "Agricultural Impact Mitigation Agreement" (AIMA) executed between the owner and the Illinois Department of Agriculture (IDOA);

9. Waivers from any setback requirements executed by occupied community building owners, nonparticipating property owners, and/or nonparticipating residence owners bearing a file stamp from Menard County recorder confirming that the waiver was recorded against the title to the affected real property;

10. Waivers from any noise enforcement executed by participating property owners, participating residence owners, nonparticipating property owners and/or nonparticipating residence owners bearing a file stamp confirming that the waiver was recorded against the title to the affected real property. The waiver must reflect the amount of overage to be reasonably expected by the operation of the project;

11. Results and recommendations from consultation with the Illinois Department of Natural Resources (IDNR) obtained through its "Ecological Compliance Assessment Tool" (EcoCAT) or a comparable successor tool;

12. Results and recommendations from consultation with the Illinois State Historic Preservation Office (SHPO) regarding potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act;

13. Evidence demonstrating that the project will avoid protected lands as identified by the Illinois Department of Natural Resources (IDNR) and the Illinois Nature Preserves Commission (INPC);

14. A farmland drainage plan (to include a drain tile survey) which shall be provided to Menard County and any impacted drainage district;

15. Adequate proof that the special use permit application has been submitted to local emergency response agencies;

16. A proposed vegetative screening plan and vegetation/weed management plan;

17. A proposed grading plan if any grading will be necessary for the construction of the project

18. A copy of all communication and interference studies demonstrating the potential impacts of the project on television, radio, telephone (including mobile phone communications), transportation communication devices, emergency, and law enforcement communications including E911 communications, and weather radar utilized by the National Weather Service (NWS) or others to communicate weather events to the public;

19. Unless otherwise provided, information required under Section 5-12024 of the Illinois Counties Code (55 ILCS 5/5-12024) for energy storage systems (if any) utilized for the project;

20. All other required studies, reports, certifications, and approvals necessary for demonstrating compliance with the provisions of this ordinance;

21. Any other information requested by Menard County or its consultants necessary to evaluate the special use permit application and to demonstrate that the project meets the provisions of this ordinance; and

22. Any other information normally required by, or reasonably requested by, Menard County as part of its permitting requirements for buildings or other structures.

DESIGN AND INSTALLATION

A. Design Safety Certification.

1. The project shall conform to applicable industry standards, including
    i. American National Standards Institute (ANSI) (most recent edition)
    ii. National Electric Code (NEC) (most recent edition) and requirements of the public utility

iii. National Fire Protection Agency (NFPA) (most recent edition)
iv. Occupational Safety and Health Administration (OSHA)
v. American Society of Testing and Materials (ASTM)
vi. Institute of Electrical and Electronic Engineers (IEEE)
vii. International Electrotechnical Commission (IEC)
viii. American Society of Civil Engineers (ASCE)
ix. American Concrete Institute ("ACI")
x. United States Environmental Protection Agency (EPA)
xi. National Electrical Testing Association (NETA)
xii. Underwriter's Laboratories (UL)

2. Prior to the issuance of a building permit, applicant shall submit certificates of design compliance from equipment manufacturers obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (CGL), or an equivalent third party. The project shall consist of new equipment and no used or experimental equipment shall be used in the project without approval by Menard County.

3. Following the granting of siting approval under this Ordinance, a structural engineer shall certify, as part of the Commercial Solar Energy facility building permit application process, that the foundation and design of the Commercial Solar Energy facility is within accepted professional standards given local soil, subsurface and climate conditions.

C. Electrical Components

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

D. Aesthetics and Lighting.

1. Solar Panel Consistency: All solar panels shall be of similar design, size, and height; rotate in the same direction; and be consistent in color and direction with nearby facilities.

2. Lighting: All projects shall comply with responsible outdoor lighting provided by the International Dark-Sky Association and shall limit outdoor lighting to that which is minimally required for safety and operational purposes. Any outdoor lighting shall be reasonably shielded and downcast from all residences and adjacent properties.

3. Intra-Project Power and Communication Lines: All power lines used to collect power from solar panels and all communication lines shall be buried underground at a depth in accordance with the "Agricultural Impact Mitigation Agreement" (AIMA) until same reach the property line or a substation adjacent to the property line.

4. Debris and Garbage: The project area shall be kept free of debris and garbage at all times during the life of the project.

5. Vegetative Screening: The project shall provide vegetative screening plan to shield nonparticipating residences. The vegetative screening shall be at least 5 feet in height at the commercial operation date. The Vegetative Screening Plan must be submitted with the special use permit application, and may be subject to revision, review and approval prior to the issuance of the building permit.

6. Vegetation/Weed Management Plan: The project shall perform an assessment of the property for the presence of noxious weeds, in particular, those regulated by the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and the Illinois Exotic Weed Act (525 ILCS 10/1 et seq.). In addition to those weeds specifically regulated by statute or regulation, the applicant shall perform an assessment of the property for all species of Amaranthus, including but not limited to, Amaranthus Tuberculatus (waterhemp, roughfruit waterhemp, roughfruit amaranth, etc.). Such assessment shall include the presence and propensity for such weeds to exist within the project area and a plan for eradication and management of such weeds. The Vegetation/Weed Management Plan must be submitted as part of the special use permit application and may be subject to revision, review and approval prior to the issuance of the building permit.

E. Warnings.

1. A visible warning sign concerning voltage must be placed at all entrances to wind towers, at the base of all pad-mounted transformers, substations, and other locations where high voltage is present and is reasonably accessible by others.

F. Setback Requirements.

1. Commercial solar energy facilities (and all project supporting facilities) shall be setback with the setback distances measured from the nearest edge of any above-ground component of the facility, excluding fencing:

a. Occupied community buildings and dwellings on nonparticipating properties: One hundred fifty (150) feet to the nearest point on the outside wall of the structure.

b. Boundary lines of participating property: None.

c. Boundary lines of nonparticipating property: Fifty (50) feet to the nearest point on the property line of the nonparticipating property.

d. Public road rights-of-way: Fifty (50) feet to the nearest edge of the public right-of-way.

2. Setback requirements for fencing in relation to public rights-of-way shall be those set forth for agriculturally zoned parcels by the county's zoning ordinance.

3. Setback requirements may be waived by the written consent of the property owner of each affected nonparticipating property. Any waiver of the above setback requirements shall run with the land and shall be recorded with the county recorder prior to the issuance of any building permit for project.

4. The project shall be enclosed by fencing having a height of at least 6 feet and no more than 25 feet.

G. Compliance with Additional Regulations.

1. Municipal Commercial Solar Energy facilities that are proposed to be located on lands within the 1.5-mile radius of an incorporated municipality's zoning jurisdiction shall seek zoning and building approval from said municipality.

a. Menard County municipalities may solely require pre-annexation/annexation agreements and shall regulate Commercial Solar Energy facilities (65 ILCS 5/11-13-26) within the 1.5-mile planning jurisdiction.

b. Prior to the start of any construction or ground work, the facility owner must either:

i. Present documentation that the proposed site is the subject of an approved pre-annexation agreement, and facilitate the creation of an Intergovernmental Agreement between the municipality and Menard County identifying that the municipality will be taking full jurisdiction over the project site and affected properties for the life of the project; or

ii. Present documentation that the proposed site has been the subject of an annexation into the municipality.
iii. Present documentation that the property owner maintains sole responsibility of "Brown-Site/EPA" issues should anything arise from contamination of the site at any point during the construction, utilization, or decommissioning of the project.

2. Nothing in this ordinance is intended to preempt any other applicable state and federal laws regulations.

H. Use of Public Roads.

1. An applicant proposing to use any county, municipality, township, or village roads, for the purpose of transporting Commercial Solar Energy facility or supporting facility(s), infrastructure equipment for construction, operation, or maintenance shall follow the Menard County Road Use Agreement executed with the Menard County Engineer and applicable Road District Commissioner.

   a. The Applicant shall: notify the Menard County Engineer of need to use roads and associated infrastructure when performing replacement of infrastructure and:
   b. Identify all such public roads;
   c. Obtain applicable weight and size permits from relevant government agencies prior to construction
   d. Conduct a preconstruction baseline survey to determine existing road conditions for assessing potential future damage;
   e. Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the Special Use Permit. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the facility's equipment, the installation, maintenance, or removal must be completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the Commercial Solar Energy facility Project or are authorized to collect fees for overweight and/or oversized load permits. Further, financial assurance in an amount to be fixed by the Road District Commissioner and/or the County Engineer to ensure the Road District or the County that future repairs are completed to their reasonable satisfaction shall be provided.

Applicant shall submit a draft form of said financial assurance with application for Special Use Permit with the Menard County Zoning Office.

2. Enter into a road use agreement with Menard County and each affected road district that includes the following provisions, at a minimum:

    a. Project layout map;
    b. Transportation impact analysis;
    c. Notification procedures for road closures and/or lane restrictions;
    d. Preconstruction plans;
    e. Project traffic map;
    f. Project scope of repairs;
    g. Post-construction repairs;
    h. Insurance; and
    i. Financial assurance in forms and amounts acceptable to Menard County.

3. The road use agreement shall require applicant to be responsible for the reasonable cost of improving roads used to construct the project and the cost of repairing roads used by the facility owner during construction of the project. Roadways improved in preparation for and during the construction of the project shall be repaired and restored to the improved condition at the cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

4. Any road not shown as being initially utilized for hauling and/or construction traffic, but is noted to have hauling and/or construction traffic on it during construction for a total of two (2) offenses, will then be included into the schedule of initially noted haul routes scheduled for repair and maintenance.

5. All repairs and improvements to Menard County and Road District public roads and roadway appurtenances shall be subject to the prior approval of the Menard County Board of Commissioners before being made and shall also be subject to inspection and acceptance by the Menard County Engineer and Road District Commissioner after such repairs and improvements are completed. The Menard County and Road District's Road Use Agreement, and any further agreements contemplated therein, regarding the maintenance and repair of Menard County and Road District public roads and highways, must be approved by the Menard County Board of Commissioners and respective Road Commissioner 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 project.

I. Site Assessment

1. To ensure that the subsurface conditions of the site will provide proper support for the project and soil restoration, the applicant, at its expense, shall provide soil and geotechnical boring reports to Menard County with respect to each solar array and any energy storage system, as part of its building permit. The applicant shall follow the guidelines for conservation practices impact mitigation submitted by the county's soil and water conservation district (or equivalent regulatory agency). The applicant shall submit grading plans for the project for review and comment by the county's soil and water conservation district (or equivalent regulatory agency) and shall submit said plans to the county prior to the issuance of any building permit.

J. Communications Analysis; Interference.

1. The applicant shall, at its own expense, retain a third-party qualified professional to conduct a television reception analysis within a 1.5-mile radius of the project footprint. The analysis shall document all television stations received in the area and shall serve as the baseline conditions prior to construction. This study shall be submitted as part of the special use permit application for the project.

2. The applicant shall, at its own expense, retain a qualified third-party professional to conduct a communications study demonstrating that E911, other emergency communications, and official county or municipal communications will not be negatively impacted by the project. This study shall be submitted as part of the special use permit application for the project.

3. The owner/operator shall, at its own expense, immediately mitigate and eliminate any interference any interference the project causes with electromagnetic communications, including radio, telephone, microwaves, or television signals, especially those affecting government public safety communications (police, fire, emergency management services, and 911 dispatch.

    a. The applicant shall provide microwave transmission providers and local emergency service providers with a copy of the project summary and site plan. If these providers demonstrate a likelihood of interference, the owner/operator shall take all necessary measures to minimize and mitigate the anticipated interference. For any regarding interference affecting public safety communications, the owner/operator shall immediately implement all necessary and commercially available measures to eliminate the interference.

b. If the owner/operator receives a written interference complaint after construction, it shall respond immediately. For public safety communications complaints, the owner/operator must immediately take all necessary and commercially available steps to eliminate the interference.

4. If, after construction of the project, the owner/operator receives a written complaint related to interference with local residential television or radio reception, the owner/operator shall take commercially reasonable steps to investigate and respond. A summary of the complaint and subsequent response from owner/operator shall be forwarded to Menard County for review. The owner/operator shall have 30 calendar days to verify the complaint, and 15 calendar days to respond. Said response shall be addressed and forwarded to both Menard County and the complainant. Such response shall include, but not be limited to, an acknowledgment that a complaint was made and evaluated by the owner/operator; and if considered valid by the owner/operator, an explanation, including a timeline, as to what the owner/operator intends to do about the complaint. In no event shall valid television reception issues persist beyond 60 calendar days from the date the complaint is validated. If considered invalid by the owner/operator, an explanation, including supporting documentation and expert opinions as to why the applicant believes the complaint is not valid shall be provided to Menard County and the complainant.

K. Noise Levels.

1. Noise levels from the project shall comply with applicable Illinois Pollution Control Board (IPCB) regulations (Illinois Pollution Control Board 35 Ill. Adm. Code Parts 900, 901, and 910). The applicant shall submit manufacturer sound power level characteristics and other relevant data for all project equipment necessary for a competent noise analysis. The applicant, using a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its special use permit application. Any waivers as to noise obtained after the filing of the special use permit application shall be provided to Menard County prior to the issuance of the building permit as outlined in section (415 ILCS 5/Tit. VI NOISE) of Illinois State Statute. Any such waivers shall reflect the amount of overage modeled for the operation of the project and shall be recorded with Menard County recorder of deeds.

L. Agricultural Impact Mitigation.

1. Pursuant to Section 147/15 of the Illinois Renewable Energy Facilities Agricultural Impact Mitigation Act (505 ILCS 147/15), the facility owner shall enter into an “Agricultural Impact Mitigation Agreement” (AIMA) with the

Illinois Department of Agriculture (IDOA). All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the applicant pursuant to the terms of the AIMA. The applicant shall submit a copy of the fully executed AIMA to Menard County as part of its special use permit application.

M. Avian and Wildlife Impact Study.

1. The applicant, at its expense, shall have a third-party, qualified professional conduct an avian and wildlife impact study and submit said study to Menard County as part of the special use permit application. Wind towers and supporting facilities shall be located, designed, constructed, and operated to avoid and mitigate impacts to wildlife. The Applicant will comply with all applicable avian and wildlife protection rules and regulations including:

    a. Endangered Species Act (protects federally listed threatened and endangered species) (16 U.S.C.§§1531 et seq.)
    b. Illinois Endangered Species Protection Act ("IESPA") (520 ILCS 10)
    c. Migratory Bird Treaty Act ("MBTA") (16 U.S.C. §§ 703-712), and
    d. Bald and Golden Eagle Protection Act ("BGEPA") (16 U.S.C. 668-668d and 50 Code of Federal Regulation [CFR] 22.26

N. Illinois Environmental Protection Agency Impact Study

1. The Applicant, at its expense, Illinois Environmental Protection Agency conduct water impact studies and submit said studies to the County as part of the Special Use Permit application. Each Commercial Solar Energy facility or Project shall be located, designed, constructed, and operated to avoid and if necessary, mitigate, the impacts to water under Section 401 of the Clean Water Act, and Section 402 - National Pollutant Discharge Elimination (NPDES) Permit of Construction Site Activities.

O. Coal Mine – Mine Subsidence Study

1. The Applicant, at its expense, shall have a third party, qualified professional engineer licensed in the State of Illinois (after submission and approval of resume and relevant work experience) conduct a Coal Mine – Mine Subsidence impact study and submit said study to the Menard County Board of Commissioners as part of the Special Use Permit application. Each Commercial Solar Energy facility or Project shall be located, designed, constructed, and operated to avoid siting over active or inactive mine areas.

P. Historical Impact Study

1. The Applicant, at its expense, shall have a third party, qualified professional (after submission and approval of resume and relevant work experience) conduct an historical impact study and submit said study to the Menard County Board of Commissioners as part of the Special Use Permit application. Each Commercial Solar Energy facility or Project shall be located, designed, constructed, and operated to avoid and if necessary, mitigate, the impacts to the rich history of Menard County.

Q. Clean Water Act Impact Study

1. The Applicant, at its expense, shall have the U.S. Army Corps of Engineers conduct a water study and submit said study to the County as part of the Special Use Permit application. Each Commercial Solar Energy facility or Project shall be located, designed, constructed, and operated to avoid and if necessary, mitigate, the impacts to Wetlands. Once a wetland delineation has been performed, applicant will consult with USACE and acquire necessary permits under the Clean Water Act Section 404.

R. As-Built Map and Plans.

1. Within 60 calendar days of completion of construction of the project, the owner or operator shall deliver to Menard County "as-built" maps, a final site plan and engineering plans that have been signed and stamped by a professional engineer and surveyor licensed in the State of Illinois.

S. Engineer's Certificate.

1. Prior to the issuance of a building permit, applicant must submit a certification from a structural engineer registered in the State of Illinois that the project design is compatible with and appropriate given the specific soil, subsurface and climate conditions. The engineer's certificate shall be submitted as part of the building permit application.

T. Conformance with Approved Application and Plans.

1. The owner shall construct and operate the project in conformance with the special use permit and any conditions, building permit requirements, this ordinance and all applicable state, federal and local laws, regulations, and permits.

2. The Applicant shall be bound by any and all proposals and representations made under oath at the public hearing before the Menard County Board of Commissioners, which shall be considered supplementary conditions of the Special Use Petition granted by the Menard County Board of Commissioners, even if not directly specified herein.

U. Additional Terms and Conditions.

1. All technical submissions, as defined by the Illinois Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)), contained in the special use permit application and the building permit application shall be prepared and signed by a professional engineer for the relevant discipline.

2. Menard County may retain a qualified, independent code inspector or professional engineer both to make inspections of the project during and after construction and to consult with Menard County to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the project is performed in compliance with applicable ordinance, conditions, electrical and building codes, state and federal law and regulation. The cost and fees so incurred by Menard County in retaining said inspector or engineer shall be promptly reimbursed by the applicant.

3. The owner shall install a locked metal gate or locked chain at the access road entrances of all the Commercial Solar Energy facility locations. An exception may be made when the landowner has filed a written statement with Menard County which states that the owner does not want a locked metal gate installed and has provided a signed liability waiver to Menard County.

4. 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 of approval are held invalid, such invalidity shall not affect any other provision of this ordinance or conditions that can be given effect without the invalid provision and, to this end, the provisions in this ordinance and any conditions are severable.

5. The Applicant shall provide an executed road use agreement to the Menard County Board of Commissioners between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation to the County and Road District showing approved entrances, construction access, and haul routes prior to the issuance of any Commercial Solar Energy facility Building Permit or prior to construction of the Commercial Solar Energy facility Project.

6. Treatment of Existing Drainage Tile; shall be the responsibility of the Commercial Solar Energy facility Owner to notify the Menard County Engineer if the construction of any part of the project encounters underground field drainage tiles. A plan sufficient to provide remediation shall be submitted to, and reviewed and approved by the Menard County Engineer. All existing drainage tiles that will be crossed by private access roads shall be removed and replaced with a load resistant tile as specified by the Menard County Engineer. This shall be done before the private access roads are used for construction purposes. The load resistant tile shall extend a minimum of 30 feet across any private access roads and shall be of the same diameter of the existing tile. To ensure that all drainage tiles have been located, reasonable measures should be made to locate all existing tile in the vicinity of the private access roads by exploratory trench or other appropriate methods. All drainage tile that are encountered during construction shall be noted on the site plan.

7. The Applicant shall provide from U.S. Environmental Protection Agency (EPA) a completed Spill Prevention Control and Countermeasures (SPCC Plan). The Applicant shall submit the executed SPCC Plan to the Menard County Board of Commissioners as part of the Special Use Permit application to be implemented in coordination and at the time of Issue for Construction design documents.

8. The Applicant shall notify the County of any material changes to the information provided in subsections that occur prior to the issuance of a building permit.
    a. The Applicant shall not commence construction activity associated with the Commercial Solar Energy facility Project before 6:00 A.M. nor continue past 9:00 P.M. on any day of the week within one-quarter (¼) of a mile of any non-participating landowner unless a waiver is obtained from such landowner.
    b. Prior to issuance of a building permit, the Applicant shall provide documentation to the Menard County Zoning Administrator specifications for the Commercial Solar Energy facility equipment chosen for the Project.
    c. The Applicant shall commence construction of the Commercial Solar Energy facility Project within thirty-six (36) months of the date of the Special Use Petition approval by the Menard County Board of Commissioners. After construction is complete, the Petitioner shall provide certified “as-built” drawings to the Menard County Zoning Administrator and the Menard County Assessor showing the locations of the Commercial Solar Energy facility panels and a legal description of the land utilized for the improvements. The Special Use Permit shall thereafter automatically be modified to limit the legal description of the

area of the Special Use Petition to the land utilized for the improvements.

OPERATION

A. Maintenance.

1. Annual Report: The applicant must submit, on an annual basis on the anniversary date of the special use permit approval, an operation and maintenance report to Menard County. The report shall contain the following information:
    a. A general description of any physical repairs, replacements, or modifications to the project;
    b. Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads received by the applicant concerning the project and the resolution of such complaints;
    c. Calls for emergency services;
    d. Relevant certificates of insurance; and
    e. A general summary of service calls to the project. Failure to provide the annual report shall be considered a material violation of this ordinance.

2. Within ninety (90) days of the receipt of this annual report, the department of zoning shall review it, conduct an on-site field review of the Commercial Solar Energy facility project, and within one hundred twenty (120) days of the receipt of the report, provide a summary of the report and its on-site field review to the Menard County Board of Commissioners.

3. The department of zoning shall charge a fee for this annual review in the amount of no more than two hundred fifty dollars ($250.00) per Commercial Solar Energy facility project area. This fee shall be provided to the department of zoning by the Commercial Solar Energy facility applicant, owner and/or operator at the time of annual report submission. Failure to provide the annual report and required fee shall be considered a cessation of operations.

4. The applicant, owner and/or operator of a Commercial Solar Energy facility project shall provide that the Menard County Department of Zoning have access to the Commercial Solar Energy facility project site for the purposes described in [OPERATION] (A)(2) above. Failure to provide access shall be deemed a violation of the Special Use Permit.

5. Repower/Modifications: Any modification to an existing project or a project that has received a special use permit that increases the nameplate capacity, adds additional properties or parcels, increases the sound impacts to nonparticipating properties or nonparticipating residences, shall submit to the

county an application for an amendment to the special use permit which shall be subject to a public hearing and all procedural requirements of a special use permit request under the Illinois Counties Code..

B. Coordination with Emergency Responders.

1. The applicant shall submit to all local emergency responders a copy of the site plan and standard operating procedures and guidelines for the project so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers having jurisdiction over the project may evaluate and coordinate emergency response plans with the applicant. Such materials shall be provided prior to the filing of the special use permit application.

2. The owner, at its own expense, shall provide annual training for, and the necessary equipment to, the operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the project.

3. The owner and 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 owner and the operator, at least three designated facility representatives (a primary representative with two alternate representatives, that are on-call 24 hours per day/7 days per week/365 days per year. Any change in the designated facility representative and contact information shall be promptly communicated to Menard County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed, and updated on an annual basis.

4. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire and emergency laws and regulations.

5. Any emergency work or response required in direct response to the Commercial Solar Energy facility project, will be billed directly to the developer outside of the scope of the Special Use Permit pursuant to (70 ILCS 705/11f) for local responders. Any specialized operation requiring municipal responders, response will be billed per their standard base rate of their agency.

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

1. All solid wastes related to the construction, operation, and maintenance of the project shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws and regulations.

2. All hazardous materials related to the construction, operation, and maintenance of the project shall be handled, stored, transported, and disposed of in accordance with all applicable federal, state, and local laws and regulations.

3. The project shall comply with existing septic and well regulations as required by Menard County ordinance, Sangamon County Department of Public Health (contracted for services by Menard County) and the Illinois Department of Public Health (IDPH).

E. Signage

1. Signage regulations are to be consistent with ANSI and AWEA 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 Wind Towers.

F. Drainage Systems.

1. The applicant, at its expense, shall 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/or operation of the project in accordance with the "Agricultural Impact Mitigation Agreement" (AIMA), the Illinois Drainage Code and any agreements related to drainage.

G. Complaint Resolution.

1. The applicant shall, at its expense and in coordination with Menard County, develop a system for logging and investigating complaints related to the project. The applicant shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to Menard County. All costs and fees incurred by Menard County in attempting to or resolving complaints shall be reimbursed by the applicant of the project. The applicant shall also designate and maintain for the duration of the project either a local telephone number or a toll-free telephone number and email address as its public information/inquiry/complaint hotline which shall be answered by a customer service representative on a 24/7 basis. The applicant shall post the telephone number and email address for the customer service representative in a prominent, easy to find location on their websites and at the project site on signage.

LIABILITY INSURANCE AND INDEMNIFICATION

A. Commencing with the issuance of a building permit, the applicant shall maintain a current general comprehensive liability policy, pollution liability and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least $10,000,000 per occurrence and $20,000,000.00 in the aggregate during the life of the project. The applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a building permit, and at each subsequent renewal, at least annually thereafter.

B. The owner 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 and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the 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.

DECOMMISSIONING AND SITE RECLAMATION PLAN

A. Applicant must submit a decommissioning plan with cost estimation to Menard County as part of the special use permit application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the special use permit application.

B. Prior to receiving any building permit for the project, the owner shall enter into an agreed upon decommissioning agreement with Menard County to be approved by Menard County board. That plan shall include:

    1. A Memorandum of Understanding with property owners of each Commercial Solar Energy facility and all accompanying infrastructure, that if decommissioning fees exceed what has been assured through the

decommissioning financial plan, property owners shall be liable for remaining costs.

2. Provisions for the removal of structures, debris, and cabling on the surface and at least five (5) feet below the surface, and the sequence in which removal is expected to occur;
3. Provisions for the restoration of the soil and vegetation;
4. An estimate of the decommissioning costs certified by a professional engineer in current dollars. The engineer providing this estimate shall be engaged under contract by the Menard County Engineer and all costs associated with this engagement shall be borne by the applicant;
5. A financial plan approved by The Menard County Board of Commissioners to ensure funds will be available for decommissioning and land restoration. The applicant shall provide the county with a new estimate of the cost of decommissioning the Commercial Solar Energy facility project every five (5) years under the same conditions as set forth in the Agricultural Impact Mitigation Agreement. Upon receipt of this new estimate, the county may require, and the applicant, owner and/or operator of the Commercial Solar Energy facility project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations;
6. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs; and
7. A provision that Menard County shall have access to the site and to the funds outlined above to effect or complete decommissioning one (1) year after cessation of operations.

C. The owner shall periodically submit an updated estimation, and all accompanying infrastructure decommissioning plan, decommissioning cost estimate and updated financial assurances-based debris, on the agreed upon schedule with Menard County.

REMEDIES

A. An owner/operator's failure to materially comply with any of the provisions under the special use permit, any conditions imposed on the project, building permit, and/or failure to comply with any other law, regulation or permit shall be a default and shall be grounds for revocation of the special use permit and/or building permit.

B. Prior to implementation of the applicable county procedures for the resolution of defaults, the county must first provide written notice to the owner, setting forth the alleged default(s) and provide an opportunity for the owner to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the

owner commence the cure within that 30-day cure period, and diligently pursues a cure, then the owner shall receive an additional 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, health, or safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the owner shall take all necessary and available commercial measures to immediately cure the default. If the owner cannot cure the default(s) or resolve the alleged default(s) within the cure period, then the county may pursue all remedies available at law.

FEE SCHEDULE AND PERMITTING PROCESSES.

A. Special Use Permit Application Fees.

1. Prior to processing any special use permit application for a Commercial Solar Energy facility and supporting facilities, the applicant must submit payment to Menard County Menard Zoning Office equal to $5,000 per megawatt of nameplate capacity, up to a maximum fee of $125,000. Nameplate capacity shall include any energy storage system capacity. Nameplate capacity shall be calculated in terms of direct current nameplate capacity.

2. Should the actual costs to Menard County exceed the special use permit application fee paid, the applicant shall be responsible for those additional costs and shall remit additional funds to Menard County within 15 days of receipt of a request from Menard County with any funds not utilized to be refundable. No hearings on an application shall be conducted nor decisions rendered on any items related to the special use or decisions on any agreements with Menard County if outstanding fees remain due to Menard County.

B. Building Permit Application Fees.

1. Prior to the issuance of a building permit, the owner must submit a certified check to the Menard County Zoning Office for a building permit fee equating to $5,000 per megawatt of nameplate capacity, up to a maximum fee of $75,000. Nameplate capacity shall include any energy storage system capacity. Nameplate capacity shall be calculated in terms of direct current nameplate capacity.

2. Should the actual costs to Menard County exceed the building permit application fee paid, the applicant shall be responsible for the additional costs and shall remit additional funds to Menard County within 15 days of receipt of

a request from Menard County. No building permit shall be issued upon outstanding fees remaining due to Menard County.

C. All Costs Paid by Applicant or Owner.

1. The applicant or owner shall pay all costs incurred by Menard County, those costs associated with all offices, boards and commissions of Menard County, and third-party costs incurred by Menard County, including but not limited to, direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/or negotiations.

2. Due to the complexity of the project and the information submitted, it shall be reviewed by a committee consisting of one or more representatives from:

i. Menard County Departments of Zoning
ii. Menard County Planning Commission;
iii. Menard County Engineer;
iv. Menard County Road Commissioner affected
v. Menard County Drainage District Commissioner affected
vi. Menard County Emergency Telephone System;
vii. Menard County Coordinator;
viii. Menard County State's Attorney;
ix. Applicable Fire Protection District;

VARIATIONS

1. The Menard County Zoning Office and The Menard County Board of Commissioners may permit variations to the regulations of this ordinance but shall do so only when the granting of such a variation would be in harmony with the ordinance's general purpose and intent and may vary them only in specific instances where there would be practical difficulties or hardships in the way of carrying out the strict letter of the regulations of this ordinance.

HEARING FACILITATOR

A. Menard 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 Menard County but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments.

B. The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The applicant shall reimburse Menard County for the fees and costs charged by the facilitator.

HEARING FACTORS

A. Menard County board may approve a special use permit application for a Commercial Solar Energy facility any supporting facilities if it finds the evidence complies with state, federal and local law, and regulations, and with the standards of this ordinance including the factors listed below. The factors listed below shall be applied as a balancing test rather than individual requirements to be met.

1. The establishment, maintenance, or operation of the Commercial Solar Energy facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

2. The Commercial Solar Energy facility will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties;

3. The establishment of the Commercial Solar Energy facility will not impede the normal and orderly development and improvement of the surrounding properties;

4. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

6. The Commercial Solar Energy facility is not contrary to the objectives of the current comprehensive plan of Menard County (if any); and

7. The Commercial Solar Energy facility will, in all other respects, conform to the applicable regulations of this ordinance and the zoning district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by Menard County board.

SPECIAL USE PERMIT CONDITIONS AND RESTRICTIONS

A. Conditions

1. As part of its approval of a special use permit, Menard County board may stipulate conditions, guarantees, and restrictions upon the establishment, location, construction, maintenance, and operation of the facility as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this ordinance.

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 building permit from Menard County, and all other permits required by other government or regulatory agencies to commence construction and commence and actively pursue construction of facility within five years from the date of the granting of the special use permit. If the applicant fails to apply for a building permit from Menard 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 facility within this five-year period, then without further action by Menard County, the special use permit for the facility shall be automatically terminated, revoked and void. Upon written request supported by evidence that the applicant has diligently pursued issuance of all necessary permits for the facility required to commence construction and that any delay in commencement of construction of the facility is due to conditions out of its control, Menard County may allow for a reasonable extension of time.

2. A special use permit shall be automatically terminated, revoked and void if the applicant dissolves or ceases to do business, abandons the facility, or the facility ceases to operate for more than 12 consecutive months.

3. Subject to the provisions of this section, a special use permit may be revoked by Menard County if the facility is not constructed, installed, and/or operated in substantial conformance with Menard County-approved plans, the regulations of this ordinance and the special use permit, conditions and restrictions, or failure to comply with any county, state or federal permits, laws, or regulations.

C. Modification

1. Any modification of a Commercial Solar Energy facility project that alters or changes the essential character or operation of the Commercial Solar Energy

facility project in a way not intended at the time the Special Use Permit was granted, or as subsequently amended, shall require a new Special Use Permit. The Applicant or authorized representative, shall apply for an amended Special Use Permit prior to any modification of the Commercial Solar Energy facility project.

D. Transferability

1. Owner shall provide written notification to Menard County at least 30 days prior to a change in ownership of the project. A change in ownership shall include any assignment, sale, lease, transfer or other conveyance of ownership or operating control of the applicant, the project, or any portion thereof. The owner or successors-in-interest or assignees of the special use permit shall remain liable for compliance with all conditions, restrictions and obligations contained in the special use permit and any conditions, building permit, the provisions of this ordinance and applicable county, state, and federal permits, laws and regulations.

E. Permit Effective Date.

1. A special use permit granted under this ordinance shall become effective upon the date of approval of the special use permit by Menard County board.

INTERPERTATION

A. The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety, and general welfare of Menard County. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of Menard County nor conflict with any statutes of the State of Illinois.

SEVERABILITY

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

EFFECTIVE DATE

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

APPENDIX A

Agricultural Impact Mitigation Agreement – Construction of a Commercial Solar Energy Facility

STANDARD AGRICULTURAL IMPACT MITIGATION AGREEMENT

between

_____

and the

ILLINOIS DEPARTMENT OF AGRICULTURE

Pertaining to the Construction of a Commercial Solar Energy Facility in

_____ County, Illinois

Pursuant to the Renewable Energy Facilities Agricultural Impact Mitigation Act (505 ILCS 147), the following standards and policies are required by the Illinois Department of Agriculture (IDOA) to help preserve the integrity of any Agricultural Land that is impacted by the Construction and Deconstruction of a Commercial Solar Energy Facility. They were developed with the cooperation of agricultural agencies, organizations, Landowners, Tenants, drainage contractors, and solar energy companies to comprise this Agricultural Impact Mitigation Agreement (AIMA).

_____, hereafter referred to as Commercial Solar Energy Facility Owner, or simply as Facility Owner, plans to develop and/or operate a _____ Commercial Solar Energy Facility in _____ County [GPS Coordinates: _____], which will consist of up to acres that will be covered by solar facility related components, such as solar panel arrays, racking systems, access roads, an onsite underground collection system, inverters and transformers and any affiliated electric transmission lines. This AIMA is made and entered between the Facility Owner and the IDOA.

If Construction does not commence within four years after this AIMA has been fully executed, this AIMA shall be revised, with the Facility Owner's input, to reflect the IDOA's most current Solar Farm Construction and Deconstruction Standards and Policies. This AIMA, and any updated AIMA, shall be filed with the County Board by the Facility Owner prior to the commencement of Construction.

The below prescribed standards and policies are applicable to Construction and Deconstruction activities occurring partially or wholly on privately owned agricultural land.

Conditions of the AIMA

The mitigative actions specified in this AIMA shall be subject to the following conditions:

A. All Construction or Deconstruction activities may be subject to County or other local requirements. However, the specifications outlined in this AIMA shall be the minimum standards applied to all Construction or Deconstruction activities. IDOA may utilize any legal means to enforce this AIMA.

B. Except for Section 17. B. through F., all actions set forth in this AIMA are subject to modification through negotiation by Landowners and the Facility Owner, provided such changes are negotiated in advance of the respective Construction or Deconstruction activities.

C. The Facility Owner may negotiate with Landowners to carry out the actions that Landowners wish to perform themselves. In such instances, the Facility Owner shall offer Landowners the area commercial rate for their machinery and labor costs.All provisions of this AIMA shall apply to associated future Construction, maintenance, repairs, and Deconstruction of the Facility referenced by this AIMA.

D. The Facility Owner shall keep the Landowners and Tenants informed of the Facility's Construction and Deconstruction status, and other factors that may have an impact upon their farming operations.

E. The Facility Owner shall include a statement of its adherence to this AIMA in any environmental assessment and/or environmental impact statement.

F. Execution of this AIMA shall be made a condition of any Conditional/Special Use Permit. Not less than 30 days prior to the commencement of Construction, a copy of this AIMA shall be provided by the Facility Owner to each Landowner that is party to an Underlying Agreement. In addition, this AIMA shall be incorporated into each Underlying Agreement.

G. The Facility Owner shall implement all actions to the extent that they do not conflict with the requirements of any applicable federal, state and local rules and regulations and other permits and approvals that are obtained by the Facility Owner for the Facility.

H. No later than 45 days prior to the Construction and/or Deconstruction of a Facility, the Facility Owner shall provide the Landowner(s) with a telephone number the Landowner can call to alert the Facility Owner should the Landowner(s) have questions or concerns with the work which is being done or has been carried out on his/her property.

I. If there is a change in ownership of the Facility, the Facility Owner assuming ownership of the Facility shall provide written notice within 90 days of ownership transfer, to the Department, the County, and to Landowners of such change. The Financial Assurance requirements and the other terms of this AIMA shall apply to the new Facility Owner.

J. The Facility Owner shall comply with all local, state and federal laws and regulations, specifically including the worker protection standards to protect workers from pesticide exposure.

K. Within 30 days of execution of this AIMA, the Facility Owner shall use Best Efforts to provide the IDOA with a list of all Landowners that are party to an Underlying Agreement and known Tenants of said Landowner who may be affected by the Facility. As the list of Landowners

and Tenants is updated, the Facility Owner shall notify the IDOA of any additions or deletions.

L. If any provision of this AIMA is held to be unenforceable, no other provision shall be affected by that holding, and the remainder of the AIMA shall be interpreted as if it did not contain the unenforceable provision.

Definitions

Abandonment	When Deconstruction has not been completed within 12 months after the Commercial Solar Energy Facility reaches the end of its useful life. For purposes of this definition, a Commercial Solar Energy Facility shall be presumed to have reached the end of its useful life if the Commercial Solar Energy Facility Owner fails, for a period of 6 consecutive months, to pay the Landowner amounts owed in accordance with an Underlying Agreement.
Aboveground Cable	Electrical power lines installed above ground surface to be utilized for conveyance of power from the solar panels to the solar facility inverter and/or point of interconnection to utility grid or customer electric meter.
Agricultural Impact Illinois Mitigation Agreement (AIMA)	The Agreement between the Facility Owner and the Department of Agriculture (IDOA) described herein.
Agricultural Land	Land used for Cropland, hayland, pastureland, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government conservation programs used for purposes as set forth above.
Best Efforts	Diligent, good faith, and commercially reasonable efforts to achieve a given objective or obligation.
Commercial Operation Date	The calendar date of which the Facility Owner notifies the Landowner, County, and IDOA in writing that commercial operation of the facility has commenced. If the Facility Owner fails to provide such notifications, the Commercial Operation Date shall be the execution date of this AIMA plus 6 months.
Commercial Solar Energy Facility (Facility)	A solar energy conversion facility equal to or greater than 500 kilowatts in total nameplate capacity, including a solar energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before June 29, 2018. "Commercial solar energy facility" does not include a solar energy conversion facility: (1) for which a permit to construct has been

	issued before June 29, 2018; (2) that is located on land owned by the commercial solar energy facility owner; (3) that was constructed before June 29, 2018; or (4) that is located on the customer side of the customer's electric meter and is primarily used to offset that customer's electricity load and is limited in nameplate capacity to less than or equal to 2,000 kilowatts.
Commercial Solar Energy A Facility Owner be deemed (Facility Owner)	A person or entity that owns a commercial solar energy facility. Commercial Solar Energy Facility Owner is not nor shall it to be a public utility as defined in the Public Utilities Act.
County	The County or Counties where the Commercial Solar Energy Facility is located.
Construction	The installation, preparation for installation and/or repair of a Facility.
Cropland	Land used for growing row crops, small grains or hay; includes land which was formerly used as cropland, but is currently enrolled in a government conservation program; also includes pastureland that is classified as Prime Farmland.
Deconstruction	The removal of a Facility from the property of a Landowner and the restoration of that property as provided in the AIMA.
Deconstruction Plan	A plan prepared by a Professional Engineer, at the Facility's expense, that includes: (1) the estimated Deconstruction cost, in current dollars at the time of filing, for the Facility, considering among other things: i. the number of solar panels, racking, and related facilities involved; ii. the original Construction costs of the Facility; iii. the size and capacity, in megawatts of the Facility; iv. the salvage value of the facilities (if all interests in salvage value are subordinate to that of the Financial Assurance holder if abandonment occurs); v. the Construction method and techniques for the Facility and for other similar facilities; and (2) a comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.
Department	The Illinois Department of Agriculture (IDOA).
Financial Assurance	A reclamation or surety bond or other commercially available financial assurance that is acceptable to the County, with the County or Landowner as beneficiary.

Landowner	Any person with an ownership interest in property that is used for agricultural purposes and that is party to an Underlying Agreement.
Prime Farmland	Agricultural Land comprised of soils that are defined by the USDA Natural Resources Conservation Service (NRCS) as "Prime Farmland" (generally considered to be the most productive soils with the least input of nutrients and management).
Professional Engineer	An engineer licensed to practice engineering in the State of Illinois.
Soil and Water financial Conservation District and (SWCD)	A unit of local government that provides technical and assistance to eligible Landowners for the conservation of soil water resources.
Tenant	Any person, apart from the Facility Owner, lawfully residing or leasing/renting land that is subject to an Underlying Agreement.
Topsoil	The uppermost layer of the soil that has the darkest color or the highest content of organic matter; more specifically, it is defined as the "A" horizon.
Underlying Agreement	The written agreement between the Facility Owner and the Landowner(s) including, but not limited to, an easement, option, lease, or license under the terms of which another person has constructed, constructs, or intends to construct a Facility on the property of the Landowner.
Underground Cable	Electrical power lines installed below the ground surface to be utilized for conveyance of power within a Facility or from a Commercial Solar Energy Facility to the electric grid.
USDA Natural Resources Conservation Service assistance (NRCS)	An agency of the United States Department of Agriculture that provides America's farmers with financial and technical to aid with natural resources conservation.

Construction and Deconstruction Standards and Policies

Support Structures

A. Only single pole support structures shall be used for the Construction and operation of the Facility on Agricultural Land. Other types of support structures, such as lattice towers or H-frames, may be used on nonagricultural land.

B. Where a Facility's Aboveground Cable will be adjacent and parallel to highway and/or railroad right-of-way, but on privately owned property, the support structures shall be placed as close as reasonably practicable and allowable by the applicable County

Engineer or other applicable authorities to the highway or railroad right-of-way. The only exceptions may be at jogs or weaves on the highway alignment or along highways or railroads where transmission and distribution lines are already present.

C. When it is not possible to locate Aboveground Cable next to highway or railroad right-of-way, Best Efforts shall be expended to place all support poles in such a manner to minimize their placement on Cropland (i.e., longer than normal above ground spans shall be utilized when traversing Cropland).

Aboveground Facilities

Locations for facilities shall be selected in a manner that is as unobtrusive as reasonably possible to ongoing agricultural activities occurring on the land that contains or is adjacent to the Facility.

Guy Wires and Anchors

Best Efforts shall be made to place guy wires and their anchors, if used, out of Cropland, pastureland and hayland, placing them instead along existing utilization lines and on land other than Cropland. Where this is not feasible, Best Efforts shall be made to minimize guy wire impact on Cropland. All guy wires shall be shielded with highly visible guards.

Underground Cabling Depth

A. Underground electrical cables located outside the perimeter of the (fence) of the solar panels shall be buried with:

1. a minimum of 5 feet of top cover where they cross Cropland.
2. a minimum of 5 feet of top cover where they cross pastureland or other non-Cropland classified as Prime Farmland.
3. a minimum of 3 feet of top cover where they cross pastureland and other Agricultural Land not classified as Prime Farmland.
4. a minimum of 3 feet of top cover where they cross wooded/brushy land.

B. Provided that the Facility Owner removes the cables during Deconstruction, underground electric cables may be installed to a minimum depth of 18 inches:

5. Within the fenced perimeter of the Facility; or
6. When buried under an access road associated with the Facility provided that the location and depth of cabling is clearly marked at the surface.

C. If Underground Cables within the fenced perimeter of the solar panels are installed to a minimum depth of 5 feet, they may remain in place after Deconstruction.

Topsoil Removal and Replacement

A. Any excavation shall be performed in a manner to preserve topsoil. Best Efforts shall be made to store the topsoil near the excavation site in such a manner that it will not become intermixed with subsoil materials.

B. Best Efforts shall be made to store all disturbed subsoil material near the excavation site and separate from the topsoil.

C. When backfilling an excavation site, Best Efforts shall be used to ensure the stockpiled subsoil material will be placed back into the excavation site before replacing the topsoil.

D. Refer to Section 7 for procedures pertaining to rock removal from the subsoil and topsoil.

E. Refer to Section 8 for procedures pertaining to the repair of compaction and rutting of the topsoil.

F. Best Efforts shall be performed to place the topsoil in a manner so that after settling occurs, the topsoil's original depth and contour will be restored as close as reasonably practicable. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance shall the topsoil materials be used for any other purpose unless agreed to explicitly and in writing by the Landowner.

G. Based on the mutual agreement of the landowner and Facility Owner, excess soil material resulting from solar facility excavation shall either be removed or stored on the Landowner's property and reseeded per the applicable National Pollution Discharge Elimination System (NPDES) permit/Stormwater Pollution Prevention Plan (SWPPP). After the Facility reaches the end of its Useful Life, the excess subsoil material shall be returned to an excavation site or removed from the Landowner's property, unless otherwise agreed to by Landowner.

Rerouting and Permanent Repair of Agricultural Drainage Tiles

The following standards and policies shall apply to underground drainage tile line(s) directly or indirectly affected by Construction and/or Deconstruction:

A. Prior to Construction, the Facility Owner shall work with the Landowner to identify drainage tile lines traversing the property subject to the Underlying Agreement to the extent reasonably practicable. All drainage tile lines identified in this manner shall be shown on the Construction and Deconstruction Plans.

B. The location of all drainage tile lines located adjacent to or within the footprint of the Facility shall be recorded using Global Positioning Systems (GPS) technology. Within 60 days after Construction is complete, the Facility Owner shall provide the Landowner, the IDOA, and the respective County Soil and Water Conservation District (SWCD) with "as built" drawings (strip maps) showing the location of all drainage tile lines by survey station encountered in the Construction of the Facility, including any tile line repair location(s), and any underground cable installed as part of the Facility.

Maintaining Surrounding Area Subsurface Drainage

If drainage tile lines are damaged by the Facility, the Facility Owner shall repair the

lines or install new drainage tile line(s) of comparable quality and cost to the original(s), and of sufficient size and appropriate slope in locations that limit direct impact from the Facility. If the damaged tile lines cause an unreasonable disruption to the drainage system, as determined by the Landowner, then such repairs shall be made promptly to ensure appropriate drainage. Any new line(s) may be located outside of, but adjacent to the perimeter of the Facility. Disrupted adjacent drainage tile lines shall be attached thereto to provide an adequate outlet for the disrupted adjacent tile lines.

Re-establishing Subsurface Drainage Within Facility Footprint

Following Deconstruction and using Best Efforts, if underground drainage tile lines were present within the footprint of the facility and were severed or otherwise damaged during original Construction, facility operation, and/or facility Deconstruction, the Facility Owner shall repair existing drainage tiles or install new drainage tile lines of comparable quality and cost to the original, within the footprint of the Facility with sufficient capacity to restore the underground drainage capacity that existed within the footprint of the Facility prior to Construction. Such installation shall be completed within 12 months after the end of the useful life of the Facility and shall be compliant with Figures 1 and 2 to this Agreement or based on prudent industry standards if agreed to by Landowner.

A. If there is any dispute between the Landowner and the Facility Owner on the method of permanent drainage tile line repair, the appropriate County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

B. During Deconstruction, all additional permanent drainage tile line repairs beyond those included above in Section 6.D. must be made within 30 days of identification or notification of the damage, weather and soil conditions permitting. At other times, such repairs must be made at a time mutually agreed upon by the Facility Owner and the Landowner. If the Facility Owner and Landowner cannot agree upon a reasonable method to complete this restoration, the Facility Owner may implement the recommendations of the appropriate County SWCD and such implementation constitutes compliance with this provision.

2. Following completion of the work required pursuant to this Section, the Facility Owner shall be responsible for correcting all drainage tile line repairs that fail due to Construction and/or Deconstruction for one year following the completion of Construction or Deconstruction, provided those repairs were made by the Facility Owner. The Facility Owner shall not be responsible for drainage tile repairs that the Facility Owner pays the Landowner to perform.Rock Removal

With any excavations, the following rock removal procedures pertain only to rocks found in the uppermost 42 inches of soil, the common freeze zone in Illinois, which emerged or were brought to the site as a result of Construction and/or Deconstruction.

A. Before replacing any topsoil, Best Efforts shall be taken to remove all rocks greater than 3 inches in any dimension from the surface of exposed subsoil which emerged or were brought to the site as a result of Construction and/or Deconstruction.

B. If trenching, blasting, or boring operations are required through rocky terrain, precautions shall be taken to minimize the potential for oversized rocks to become interspersed in adjacent soil material.

C. Rocks and soil containing rocks removed from the subsoil areas, topsoil, or from any excavations, shall be removed from the Landowner's premises or disposed of on the Landowner's premises at a location that is mutually acceptable to the Landowner and the Facility Owner.

Repair of Compaction and Rutting

A. Unless the Landowner opts to do the restoration work on compaction and rutting, after the topsoil has been replaced post-Deconstruction, all areas within the boundaries of the Facility that were traversed by vehicles and Construction and/or Deconstruction equipment that exhibit compaction and rutting shall be restored by the Facility Owner. All prior Cropland shall be ripped at least 18 inches deep or to the extent practicable, and all pasture and woodland shall be ripped at least 12 inches deep or to the extent practicable. The existence of drainage tile lines or underground utilities may necessitate less ripping depth. The disturbed area shall then be disked.

B. All ripping and disking shall be done at a time when the soil is dry enough for normal tillage operations to occur on Cropland adjacent to the Facility.

C. The Facility Owner shall restore all rutted land to a condition as close as possible to its original condition upon Deconstruction, unless necessary earlier as determined by the Landowner.

D. If there is any dispute between the Landowner and the Facility Owner as to what areas need to be ripped/disked or the depth at which compacted areas should be ripped/disked, the appropriate County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

Construction During Wet Weather

Except as provided below, construction activities are not allowed on agricultural land during times when normal farming operations, such as plowing, disking, planting or harvesting, cannot take place due to excessively wet soils. With input from the landowner, wet weather conditions may be determined on a field by field basis.

A. Construction activities on prepared surfaces, surfaces where topsoil and subsoil have been removed, heavily compacted in preparation, or otherwise stabilized (e.g. through cement mixing) may occur at the discretion of the Facility Owner in wet weather conditions.

B. Construction activities on unprepared surfaces will be done only when work will not result in rutting which may mix subsoil and topsoil. Determination as to the potential of subsoil and topsoil mixing will be made in consultation with the underlying Landowner, or, if approved by the Landowner, his/her designated tenant or designee.

Prevention of Soil Erosion

A. The Facility Owner shall work with Landowners and create and follow a SWPPP to prevent excessive erosion on land that has been disturbed by Construction or Deconstruction of a Facility.

B. If the Landowner and Facility Owner cannot agree upon a reasonable method to control erosion on the Landowner's property, the Facility Owner shall consider the recommendations of the appropriate County SWCD to resolve the disagreement.

C. The Facility Owner may, per the requirements of the project SWPPP and in consultation with the Landowner, seed appropriate vegetation around all panels and other facility components to prevent erosion. The Facility Owner must utilize Best Efforts to ensure that all seed mixes will be as free of any noxious weed seeds as possible. The Facility Owner shall consult with the Landowner regarding appropriate varieties to seed.

Repair of Damaged Soil Conservation Practices

Consultation with the appropriate County SWCD by the Facility Owner shall be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of the Facility. Those conservation practices shall be restored to their preconstruction condition as close as reasonably practicable following Deconstruction in accordance with USDA NRCS technical standards. All repair costs shall be the responsibility of the Facility Owner.

Compensation for Damages to Private Property

The Facility Owner shall reasonably compensate Landowners for damages caused by the Facility Owner. Damage to Agricultural Land shall be reimbursed to the Landowner as prescribed in the applicable Underlying Agreement.

Clearing of Trees and Brush

A. If trees are to be removed for the Construction or Deconstruction of a Facility, the Facility Owner shall consult with the Landowner to determine if there are trees of commercial or other value to the Landowner.

B. If there are trees of commercial or other value to the Landowner, the Facility Owner shall allow the Landowner the right to retain ownership of the trees to be removed and the disposition of the removed trees shall be negotiated prior to the commencement of land clearing.

Access Roads

C. To the extent practicable, access roads shall be designed to not impede surface drainage and shall be built to minimize soil erosion on or near the access roads.

D. Access roads may be left intact during Construction, operation or Deconstruction through mutual agreement of the Landowner and the Facility Owner unless otherwise restricted by federal, state, or local regulations.

E. If the access roads are removed, Best Efforts shall be expended to assure that the land shall be restored to equivalent condition(s) as existed prior to their construction, or as otherwise agreed to by the Facility Owner and the Landowner. All access roads that are removed shall be ripped to a depth of 18 inches. All ripping shall be performed consistent with Section 8.

Weed/Vegetation Control

A. The Facility Owner shall provide for weed control in a manner that prevents the spread of weeds. Chemical control, if used, shall be done by an appropriately licensed pesticide applicator.

B. The Facility Owner shall be responsible for the reimbursement of all reasonable costs incurred by owners of agricultural land where it has been determined by the appropriate state or county entity that weeds have spread from the Facility to their property. Reimbursement is contingent upon written notice to the Facility Owner. Facility Owner shall reimburse the property owner within 45 days after notice is received.

C. The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.

D. The Deconstruction plans must include provisions for the removal of all weed control equipment used in the Facility, including weed-control fabrics or other ground covers.

Indemnification of Landowners

The Facility Owner shall indemnify all Landowners, their heirs, successors, legal representatives, and assigns from and against all claims, injuries, suits, damages, costs, losses, and reasonable expenses resulting from or arising out of the Commercial Solar Energy Facility, including Construction and Deconstruction thereof, and also including damage to such Facility or any of its appurtenances, except where claims, injuries, suits, damages, costs, losses, and expenses are caused by the negligence or intentional acts, or willful omissions of such Landowners, and/or the Landowners heirs, successors, legal representatives, and assigns.

Deconstruction Plans and Financial Assurance of Commercial Solar Energy Facilities

A. Deconstruction of a Facility shall include the removal/disposition of all solar related equipment/facilities, including the following utilized for operation of the Facility and located on Landowner property:

1. Solar panels, cells and modules;
2. Solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems;
3. Solar panel foundations, if used (to depth of 5 feet);
4. Transformers, inverters, energy storage facilities, or substations, including all components and foundations; however, Underground Cables at a depth of 5 feet or greater may be left in place;
5. Overhead collection system components;
6. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the Landowner;
7. Access Road(s) unless Landowner requests in writing that the access road is to remain;
8. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and
9. Debris and litter generated by Deconstruction and Deconstruction crews.

B. The Facility Owner shall, at its expense, complete Deconstruction of a Facility within twelve (12) months after the end of the useful life of the Facility.

C. During the County permit process, or if none, then prior to the commencement of construction, the Facility Owner shall file with the County a Deconstruction Plan. The Facility Owner shall file an updated Deconstruction Plan with the County on or before the end of the tenth year of commercial operation.

D. The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Facility. Provision of this Financial Assurance

shall be phased in over the first 11 years of the Project's operation as follows:

10. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
11. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
12. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of Deconstruction of the Facility as determined in the updated Deconstruction Plan provided during the tenth year of commercial operation.

The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced. The salvage value of the Facility may only be used to reduce the estimated costs of Deconstruction if the County agrees that all interests in the salvage value are subordinate or have been subordinated to that of the County if Abandonment occurs.

E. The County may, but is not required to, reevaluate the estimated costs of Deconstruction of any Facility after the tenth anniversary, and every five years thereafter, of the Commercial Operation Date. Based on any reevaluation, the County may require changes in the level of Financial Assurance used to calculate the phased Financial Assurance levels described in Section 17.D. required from the Facility Owner. If the County is unable to its satisfaction to perform the investigations necessary to approve the Deconstruction Plan filed by the Facility Owner, then the County and Facility may mutually agree on the selection of a Professional Engineer independent of the Facility Owner to conduct any necessary investigations. The Facility Owner shall be responsible for the cost of any such investigations.

F. Upon Abandonment, the County may take all appropriate actions for Deconstruction including drawing upon the Financial Assurance.

Concurrence of the Parties to this AIMA

The Illinois Department of Agriculture and _____ concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the Construction and Deconstruction of the solar farm project in ____ County within the State of Illinois.

The effective date of this AIMA commences on the date of execution.

STATE OF ILLINOIS
DEPARTMENT OF AGRICULTURE

By: Jerry Costello II, Director

By

By Clay Nordsiek, Deputy General Counsel

801 E. Sangamon Avenue, State Fairgrounds, POB 19281 Springfield, IL 62794-9281

_____, 20_____
Address

_____, 20_____

APPENDIX B

AIMA - Agriculture Site Review Form

Illinois Department of Agriculture
AGRICULTURAL SITE - REVIEW INFORMATION
For **Solar Projects** Requesting Agricultural Impact Mitigation Agreements

Return to: **Illinois Department of Agriculture**
Bureau of Land and Water Resources
Phone 217-782-6297
Email AGR.AIMA@illinois.gov

Complete this Agricultural Site Review Information sheet and attach to each Solar Agricultural Impact Mitigation Agreement being submitted. Be sure to **include an aerial location map** delineating the site in relation to the city/village's corporate boundaries. **Email** all information to AGR.AIMA@illinois.gov

Date Submitted _____

APPLICANT _____ **County** _____

Contact Person _____ **Phone** _____

Email _____

List the project's contact person in the event that additional information is required. It is preferable to list the project's consultant and/or engineer since they usually possess the more detailed information needed to complete our review. The IDOA has a 30-day review period in which to provide comments to the applicant once all pertinent information has been received.

Address _____

City _____ **ZIP** _____

1. Number of acres in the site _____ TWP _____ Range _____ Section _____
2. Will the site me converted from an agricultural to a non-agricultural use? ☐ Yes ☐ No
3. Site is located within municipality's corporate boundaries ☐ Yes ☐ No
4. Distance of site to nearest incorporated municipal boundaries _____ miles
   (specify to nearest tenth-mile)

LAND USE

5. List the number of acres for each land use.
   Cropland _____ ac Pasture _____ ac Forest _____ ac Other _____ ac
   If ***Other,*** specify land use and land cover _____
6. County Permit issued? ☐ Yes ☐ No
7. Will other state or federal funds be used for this project? ☐ Yes ☐ No
   If **YES**, list the name(s) of participating agencies:

	state $	*federal $*
1) - _____	☐	☐
2) - _____	☐	☐

Submit by Email