
Res 23 - 50

Ford County
Solar Ordinance

Commercial Solar Energy Facilities Definitions.

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

"Financial Assurance" or "Financial Security" or "Decommission Security" - means assurance from a credit worthy party, examples of which include a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.

Nonparticipating property—real property that is not participating property.

Nonparticipating residence—a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial solar energy facility or the commercial solar energy facility is filed with the county.

Occupied community building—any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

Participating property—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—a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial solar energy facility is filed with the county.

Supporting facilities—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.

Design standards for Commercial Solar Energy Facilities.

- (a) ***Foundations.*** The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- (b) ***Other standards and codes.*** All commercial solar energy facilities be in compliance with any applicant local, state and federal regulatory standards, and the National Electric Code as amended. All materials shall be Federally sourced and manufactured.
- (c) ***Power and communication lines.*** Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

Exemptions or variances may be granted in instances where shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury lines.

- (d) **Minimum lot size.** No commercial solar energy facility shall be erected on any lot less than 20 acres in size.
- (e) **Height.** No component of a solar panel can have a height of more than 20 feet above ground when the solar energy facility's arrays are at full tilt. Excluded from this height requirement, however, are electric transmission lines and utility poles.
- (f) **Setbacks.** The regulations regarding the site of a commercial solar energy facility, with setback distances measured from the nearest edge of any component of the facility, are as follows:
 - 1. 150 from the nearest point on the outside wall of the structure, measured from the nearest edge of any component of the facility from occupied community building and dwellings on nonparticipating properties;
 - 2. No setback distances from boundary lines of participating property;
 - 3. 50 feet from the nearest edge of a public road rights-of-way; and
 - 4. 50 feet to the nearest point on the property line of nonparticipating property.
- (g) **Screening and fencing.** Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of six feet and not more than 25 feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. The entirety of the Commercial Solar Energy Facility shall be enclosed with a living buffer of evergreen trees that must be planted and maintained prior to construction and will meet or exceed the height of the solar panels and all facilities equipment, including fencing. Additionally, the Applicant/ Owner must comply with any screening requirements requested by the zoning administrator and consistent with state law and this ordinance. An alternative buffer may also be considered. Other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements, if they conceal the use from public view and are maintained.
- (h) **Lighting.** If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
- (i) **Noise.** Noise levels must comply with the sound limitations set by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the noise requirements of this siting section and provide contour maps and at intervals of not greater than five feet. Sound pressure levels shall be measured using the measurement procedures set forth in the IPCB regulations, except that sound pressure levels for purposes of establishing a violation of this section may be measured at any point on residentially used property and for agricultural property not more than 150 feet from any portion of the edge of the primary structure. No portion of the property shall exceed the noise levels set by the IPCB. To the extent, any property has multiple uses or classifications, all the land utilized for a particular use must not exceed the IPCB noise regulations for the classification of use. The owner of the receiving land may waive compliance with local measuring point's requirements pertaining to the IPCB regulations for the owner's property.

The commercial solar energy facility project will maintain compliance with the applicable IPCB regulations throughout the entire operational period of the commercial solar energy facility project. At least every twenty-four months, the County shall hire a qualified noise acoustician to conduct testing for a

thirty-day period at the ten most at risk residential property lines and ten most at risk primary structures of any agricultural property as modeled in the application to ensure ongoing compliance with the IPCB noise regulations. The cost to conduct such testing shall be borne by the Facility Owner. If the Facility Owner does not pay within thirty days of being provided an invoice for these costs, its special use permit shall be immediately revoked. If at any time throughout the life of the commercial solar energy facility project, the noise levels are found to not be in compliance with this section, the applicant or facility owner will immediately shut off the commercial solar energy facility until the County approves a solution after a hearing at the ZBA.

- (j) **Installation and design.** Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- (k) **Inspections.** Each commercial solar energy facility shall be required to have the facility inspected by an independent certified inspector approved by the Ford County Zoning Administrator at the completion of the construction of the project. This inspection is to verify compliance with the zoning regulations including compliance with the National Electric Code. Thereafter, the facility shall be inspected annually for three years following construction to verify continued compliance with the zoning regulations. Thereafter inspections shall be performed at least every three years (triennially), unless otherwise determined by the Ford County Zoning Administrator. Additional inspections necessitated by complaints or otherwise shall not replace annual or triennial inspection requirements. All inspections shall be at the cost of the owner of the commercial solar energy facility. Upon completion of the inspections a report of the inspections shall be provided to the County without charge to the County.
- (l) **Signage.** An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the commercial solar energy facility project. The sign at the entrance to the facility shall include a 24-hour emergency contact number.
- (m) **Annual Report.** The Applicant must submit, on an annual basis on the anniversary date of the Special Use Permit application, an operation and maintenance report to the County. The report shall contain the following information: (i) a general description of any physical repairs, replacements or modification(s) to the facility and/or its infrastructure; (ii) complaints pertaining to setbacks, noise, appearance, safety, lighting and use of any public roads received by the Applicant concerning the facility and the resolution of such complaints; (iii) calls for emergency services; (iv) status of liability insurance; and (v) a general summary of service calls to the Commercial Solar Energy Facility. Failure to provide the annual report shall be considered a material violation of this Ordinance and subject to all appropriate remedies.
- (n) **Natural Resources.** The commercial solar energy facility owner shall provide at the public hearing on the special use permit application:
 - 1. The results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and
 - 2. The results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool.

The commercial solar energy facility must adhere to the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

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1. A commercial solar energy facility owner must Demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Natural Preserve Commission; or
 2. Consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
- (o) Biodiversity. All commercial solar energy facilities must obtain and maintain the designation of being a Pollinator Friendly Solar Site in accordance with (525 ILCS 55/) Pollinator-Friendly Solar Site Act
1. Pollinator-friendly habitat shall be designed, installed, and maintained under and around the solar panels in all areas within the perimeter fencing.
 2. Pollinator-friendly habitat will be installed as a buffer outside of the perimeter fencing of the commercial solar energy facility. Buffer width will be a minimum of 36' measured from the perimeter fencing.
 3. Pollinator-friendly habitat shall be installed on properly prepared soils, and Facility Owners will employ Integrated Vegetation Management and/or Conservation Grazing best practices to maintain and maximize operational savings.
 4. Pollinator friendly habitat will be developed, implemented, and maintained in accordance with IDNR's Solar Site Pollinator Scorecard Guidelines and will consist of only native grasses, forbs, and legume species. Native seed mixes shall be approved by the Ford County Soil and Water office prior to implementation.
 5. The Facility Owner must complete the Illinois Planned Habitat on Solar Sites Scorecard with a minimum score of 100 to achieve preliminary recognition as a "Pollinator Friendly Solar Site". This preliminary recognition is good for 3 years and must be recertified at least once every 5 years thereafter. The county shall be provided documentation within the time periods set forth herein showing compliance.
 6. Failure to obtain or maintain recognition as a Pollinator Friendly Solar Site with a minimum score of 100 will result in revocation of the special use permit by the county.
 7. Noxious weeds shall be controlled in accordance with all state and local laws, regulations, and ordinances.

The facility owner must provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

At least every thirty-six months, the County shall hire a qualified wildlife expert to conduct a study to determine whether the commercial solar energy facility is in compliance with the Illinois Department of Natural Resources' recommendations in the form of an EcoCAT natural resource review report. The cost to conduct such testing shall be borne by the Facility Owner. If the Facility Owner does not pay within thirty days of being provided an invoice for these costs, its special use permit shall be immediately revoked. The commercial solar energy facility shall at all times comply with and adhere to the recommendations provided by the Illinois State Historic Preservation Office. If at any time throughout the life of the commercial solar energy facility project, the project is found to not be in compliance with the IDNR recommendations or the Illinois State Historic Preservation Office, the applicant or facility owner will immediately shut down the commercial solar energy facility to ensure compliance with these recommendations until a solution to the violations is found and approved by the county after a hearing at the ZBA.

Application requirements.

The following information shall be provided as part of the application for a special use permit:

1. A site plan with existing conditions showing the following:
 - a. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
 - b. Existing public and private roads, showing widths of the roads and any associated easements.
 - c. Location and size of any abandoned wells, sewage treatment systems.
 - d. Existing buildings and any impervious surfaces.
 - e. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
 - f. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
 - g. Waterways, watercourses, lakes, public water wetlands, and the Mahomet Aquifer.
 - h. Any delineated wetland boundaries.
 - i. A copy of the current FEMA FIRM map that shows the subject property and, the 100-year flood elevation and any regulated flood protection elevation, if available.
 - j. Floodway, flood fringe and/or general floodplain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
 - k. Mapped soils according to the Ford County Soil Survey.
 - l. Surface water drainage patterns.
 - m. The location of any subsurface drainage tiles.
2. Site plan of proposed conditions:
 - a. Location and spacing of solar panels.
 - b. Location of access roads.
 - c. Planned location of underground or overhead electric lines connecting the commercial solar energy facility to a building, substation or other electric load.
 - d. New electrical equipment other than at the existing building or substation that is to be the connection point for the commercial solar energy facility.
 - e. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
 - f. Weed/grass control—Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating company during the operation of the commercial solar energy facility must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of \$500.00 per week if the fence is not secure or the weed/grass control plan is not followed, as per page 4 - #7 of these regulations.

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3. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks. Provide MSDS(Material Safety Data Sheet) information on all panels and materials. No hazardous materials will be allowed.
 4. The number of panels to be installed.
 5. A description of the method of connecting the array to a building or substation.
 6. At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre-operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the county.
 7. A deconstruct/decommission agreement shall be required to ensure that facilities are properly removed after their useful life. No building permits will be issued prior to that. This agreement and financial assurances in benefit to the County must be compliant with the Department of Agriculture's standard solar agricultural impact mitigation agreement, version 8.19.19 and 55ILSC 5/5-12020

An update to this deconstruct/decommission plan should be submitted to the county every three years. In addition, any deconstruct/decommissioning plans signed by the party responsible for deconstruct/decommissioning and the landowner (if different) shall be submitted with the application.

If the Facility Owner does not completely deconstruct/decommission the commercial solar energy facility and the Financial Assurance is not sufficient to deconstruct/decommission the commercial solar energy facility, the property owners of any property with a solar energy facility or a substation on it shall be financially responsible to the County for the costs of deconstruct/decommission incurred by the County with the County having the authority to place a lien on any property that does not pay its share of the cost of deconstruct/decommission within thirty days.

8. The county holds the right to require additional information as the county deems necessary to be part of the review of this plan.

An Applicant proposing to use any County, municipality, township, or village road(s), for the purpose of transporting Commercial Solar Energy Facility or Substation parts and/or equipment for construction, operation, or maintenance of the Commercial Solar Energy Facility or Substation(s), shall:

1. Identify all such public roads; and
2. Obtain applicable weight and size permits from relevant government agencies prior to construction.

To the extent an Applicant must obtain a weight or size permit from the County, municipality, township or village, the Applicant shall:

1. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
2. 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 Community Solar Energy Facility 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 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.

3. Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
 - a. Project layout map;
 - b. Transportation impact analysis;
 - c. Pre-construction plans'
 - d. Project traffic map;
 - e. Project scope of repairs;
 - f. Post-construction repairs;
 - g. Insurance;
 - h. Financial Security in forms and amounts acceptable to the County;

The road use agreement shall require Applicant to be responsible for the reasonable cost of improving roads used to construct Commercial Solar Energy Facility and the reasonable cost of repairing roads used by the facility owner during construction of the Community Solar Energy Facility so that those roads are in a condition that is safe for the driving public after the completion of the Commercial Solar Energy Facility construction. Roadways improved in preparation for and during the construction of the Community Solar Energy Facility shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

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

Fees

Special Use Permit Application Fees

1. Prior to processing any Special Use Permit Application for a commercial solar energy facility, the applicant must submit a certified check to Ford County for the Special Use Permit Application Fee equal to \$5,000 per megawatt (mW) of proposed nameplate capacity, up to a maximum fee of \$250,000. These funds shall be placed in an FDIC insured

money-market account and will be used to cover the county's cost incurred in processing the Special Use Permit Application. Should the actual costs to the County exceed the submitted Special Use Permit Application Fee, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within 15 days of receipt of a request from the County. No hearings on a Special Use Permit Application shall be conducted nor final decisions rendered on a Special Use Permit Application if there are Special Use Permit Application Fees outstanding to the County.

2. Any unused amounts of the Special Use of Permit Application Fee shall be refunded to the Applicant within six months of the County Board rendering a final decision on the matter, unless any pending litigation, disputes or negotiations involving the County exist regarding the commercial solar energy facility, in which case any amounts owed to the Applicant shall be refunded within six months of the conclusion of the litigation, disputes or negotiations. An Applicant may request any unused Special Use Permit Application Fee be applied toward the Building Permit Fees for the Project.
3. Building Permit Fees
4. Prior to the issuance of building permits the Building Permit Applicant must deposit a Building Permit Fee equating to \$10,000 per megawatt (mW) of nameplate capacity. If the project is less than 1 mW in nameplate capacity, the building permit fee is \$10 per kilowatt (kW).
5. All Costs Paid by Applicant or Facility Owner
6. In addition to all fees noted above, the Applicant or Facility Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, or third parties performing work on behalf of the County. This includes, but is not limited to, the direct or indirect costs associated with the permitting, operations, inspections, decommissioning, litigation, disputes, and/ or negotiations involving the County.

Registration Requirements for Solicitation of Land Agreements

Any person intending to solicit a landowner in person for the lease, purchase or use of property for a portion of Commercial Solar Energy Facility shall notify the Ford County Sheriff's Office prior to contacting any property owner or owner's representative in person regarding said lease, purchase or use of said property. The processing fee for the application shall be \$100.00 per year for each person intending to solicit for said agreements.

Prior to solicitation in person, each individual must submit to a criminal background check.

Hearing Facilitator

The county may unilaterally engage the services of a hearing facilitator not affiliated with any pro solar or anti solar group to preside over any required hearings resulting from the siting approval application. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the board and county but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments. Upon conclusion of the evidence and final arguments, the Zoning Board will prepare and submit "findings of fact" and a final recommendation to the county board including special use conditions if applicable.

The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois, jointly selected by the state's attorney (or his designee) and the county zoning administrator and appointed by the chairman

of the county board with the consent of the county board. The applicant shall reimburse the county for the fees and costs charged by the facilitator.

Factors for Consideration

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

1. The establishment, maintenance or operation of the Commercial Solar Energy Facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
2. The Commercial Solar Energy Facility will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties; The establishment of the Commercial Solar Energy Facility will not impede the normal and orderly development and improvement of the surrounding properties;
3. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;
4. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
5. The proposed Commercial Solar Energy Facility is not contrary to the objectives of the current comprehensive plan of the County (if any); and

The Commercial Solar Energy Facility shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.

Liability Insurance.

The facility owner of the commercial solar energy facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$10,000,000.00 per occurrence and \$40,000,000.00 in the aggregate, with an annual certificate of insurance being provided to the county regional planning commission office, with the county being added as an additional insured, with the designation of primary and noncontributory.

The applicant or facility owner shall promptly increase such liability insurance if such amount is increased in this Ordinance and the applicant or facility owner is notified in writing of same by the county. The applicant shall provide evidence of such increased insurance to the zoning administrator.

Insurance coverage shall be maintained without interruption from the date of permitting through the decommissioning. Certificates of insurance acceptable to the county and in compliance with this section shall be filed with the county prior to the commencement of any work on the commercial solar energy facility and thereafter upon renewal or replacement of each required policy of insurance. These certificates and the insurance policies required under this section shall contain a provision that coverages afforded under the policies shall not be cancelled or allowed to expire until at least 60 days written notice has been given to the county.

Applicant shall also, to the fullest extent permitted by law, indemnify, and hold the county, its employees, board members and agents harmless for any action due to or arising out of the construction, maintenance, decommissioning, deconstruction and/or operation of the commercial solar energy facility, including the payment of any attorney's fees and costs arising out of any action due to or arising out of the construction, maintenance and/or operation of the commercial solar energy facility.

Remedies.

1. The applicant's or facility owner's failure to materially comply with any of the provisions of this article shall constitute a default under this article.
2. Prior to implementation of the existing county procedures for the resolution of such defaults, the appropriate county body shall first provide written notice to the facility owner, setting forth the alleged defaults. Such written notice shall provide the facility owner a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged defaults.
3. If the county determines, in its sole discretion, that the parties cannot resolve the alleged defaults within the 60-day good faith negotiation period, the county shall have the right to take the actions allowed in this ordinance, or take any other action permitted by law or in equity.

Special Use Permit Conditions and Restrictions

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

Revocation.

In any case where a Special Use Permit has been approved for a Commercial Solar Energy Facility, the Applicant shall apply for a Commercial Solar Energy Facility Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction, and commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Special Use Permit. If the Applicant fails to apply for a Commercial Solar Energy Facility Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County Board, the Special Use Permit authorizing the construction and operation of the Commercial Solar Energy Facility shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the Project is due to conditions out of his/her/its control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of an ordinance that amends the Special Use Permit up to six (6) months.

- a. The Special Use Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the Commercial Solar Energy Facility or the Commercial Solar Energy Facility ceases to operate for more than twelve (12) consecutive months for any reason.
- b. Subject to the provisions of a Special Use Permit may be revoked by the County Board if

the Commercial Solar Energy Facility is not constructed, installed and/or operated in substantial conformance with the County-approved Project plans, the regulations of this Ordinance and the stipulated Special Use Permit conditions and restrictions.

Transferability.

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

Modification.

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

Permit Effective Date.

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

Interpretation

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

Severability

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

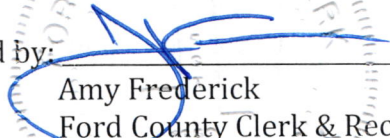
Effective Date

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

Adopted this 24th of May, 2023 at a Special County Board Meeting by the Ford County Board.


Debbie Smith
Ford County Board Chairman

Attested by:


Amy Frederick
Ford County Clerk & Recorder