

FORD COUNTY, ILLINOIS

ORDINANCE NO. 2024- 61

REGARDING THE SPECIAL USE PERMIT APPLICATION TO CONSTRUCT AND OPERATE
A COMMERCIAL SOLAR ENERGY FACILITY

PARCELS: 09-11-04-100-002; 09-08-33-300-003; 09-08-33-400-005; 09-08-33-400-006; 09-08-32-200-008; 09-08-32-200-005; 09-08-32-200-009; 09-08-32-400-005; 09-08-32-400-006; 09-08-29-300-001; 09-08-29-100-001; 09-08-28-400-004; 09-08-28-400-003; 09-08-28-400-002; 09-08-28-200-005; 09-08-28-200-004; 09-08-28-200-003; 09-08-28-200-002; 09-08-27-100-004; 09-08-27-200-003

WHEREAS, Applicant Archtop Solar II, LLC applied for a Special Use Permit to construct and operate a 135-megawatt Commercial Solar Energy Facility on approximately 1,257 acres of land on the above referenced parcels in Ford County, Illinois (the "Project");

WHEREAS, the Special Use Permit Application of Archtop Solar II, LLC was noticed for public hearing pursuant to 55 ILCS 5/5-12009.5 of the Illinois Counties Code;

WHEREAS, the Ford County Zoning Board of Appeals (the "ZBA") held a public hearing on July 24, 2024 and July 31, 2024 related to the Special Use Permit Application of Archtop Solar II, LLC;

WHEREAS, the ZBA heard evidence regarding the Special Use Permit Application for the Project and made Findings of Fact and recommended Conditions to ensure compliance with law and for the health, safety, and welfare of the community;

WHEREAS, the ZBA has recommended approval of the Special Use Permit Application for the Project subject to its recommended Conditions;

WHEREAS, the Ford County Board (the "County Board") has reviewed the ZBA's Findings of Fact and recommended Conditions. *Findings of Fact (Exhibit A); Conditions (Exhibit B)*;

WHEREAS, the Ford County Zoning Committee reviewed the recommendation of approval and recommended conditions from the ZBA and agreed with the findings and recommended conditions;

WHEREAS, the Ford County Zoning Committee recommended approval of the Project subject to the recommended conditions from the ZBA, and

WHEREAS, that prior to the approval of a Building Permit for the Project, and during all phases of operation, the County Board finds that certain conditions are in the best interests of the County.

NOW, THEREFORE, BE IT ORDAINED by the Ford County Board that the Findings of Fact are well founded and adopted hereto, and that the Special Use Permit Application of Archtop Solar II, LLC is approved subject to the Conditions denoted in *Exhibit B* and continued compliance with other applicable laws, regulations, and ordinances.

PRESENTED, APPROVED, AND ADOPTED by the County Board of Mason County, Illinois, this 12th day of August 2024, by a vote of 10 ~~10~~ ayes, 0 nays, and 2 absent.


Chair, Ford County Board

ATTEST: 
Clerk, Ford County Board

Certification of roll call vote:

Upon Roll Call Vote of County Board Members of ^{Ford} Pulaski County, Illinois Relative to Ordinance No. 24-61: Ordinance Approving a Commercial Solar Energy Facility by Pivot Energy via Project entities Pulaski Solar 2, 2B, 2C, 2D and 2E LLCs:

Debbie Smith (Chair)	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Cindy Ihrke (Vice-Chair)	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Gene May - Absent	Aye <input type="checkbox"/> Nay <input type="checkbox"/>
Tom McQuinn	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Carson Vaughn - Absent	Aye <input type="checkbox"/> Nay <input type="checkbox"/>
Ann Ihrke	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Lesley King	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Tim Nuss	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Chuck Aubry	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Randy Ferguson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Chase McCall	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Sarah Mussman	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>

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**FORD COUNTY, ILLINOIS
CONDITIONS of APPROVAL
ARCHTOP SOLAR II, LLC**

In addition to all necessary requirements imposed by law or ordinance, the Company, Owner and/or Operator shall abide by the following conditions (the "Conditions").

The following are incorporated as Exhibits to these Conditions:

- Exhibit B.1 – Ford County Solar Ordinance for Commercial Solar Energy Facilities
- Exhibit B.2 – Site Layout

For the purposes of these Conditions, "Ordinance" shall mean the "Ford County Solar Ordinance for Commercial Solar Energy Facilities" adopted on or about May 24, 2023, and as may be amended.

For purposes of these Conditions, the term "Project" shall refer to the "Commercial Solar Energy Facility" (as defined by the Ordinance) applied for in Ford County, Illinois, by Archtop Solar II, LLC. The completed Application for the Project ("Gibson City Energy Center – Solar 2") bears a date of April 2024 and was submitted to the County on or about May 6, 2024 (the "Application"). The Application was the subject of a public hearing held on **July 24, 2024 and July 31, 2024**.

The Project is an up to 135 MWac ("Nameplate Capacity") Commercial Solar Energy Facility that is comprised of two primary components: i) the solar arrays and appurtenances thereto (the "Solar Array"); and ii) the electrical substation ("Substation"), both as more particularly depicted and described in the Application. The Project includes all equipment utilized in the operation of the Commercial Solar Energy Facility, including non-essential equipment and vegetation.

Archtop Solar II, LLC is the owner of the Solar Array. As set forth in the disclosures made part of the Application, Archtop Solar II, LLC is a wholly owned subsidiary of Earthrise Energy, PBLLC.

1. Special Use Permit

The **Ordinance (Exhibit B.1)** specifies that all Commercial Solar Energy Facilities be in compliance with any applicable local, state and federal regulatory standards, and the National Electric Code as amended. The County has determined, in consultation with counsel, that its authority is appropriately "Siting" and shall be referred to as such in these Conditions to the approval of Siting for the Project.

No expansion of the layout depicted in Exhibit B.2 or any increase in the Nameplate Capacity of the Project is permitted without seeking and obtaining an amended Special Use Permit which shall be subject to a public hearing as required by the Illinois Counties Code (55 ILCS 5/5-12020).

2. Commencement of Construction

The Company shall apply for Commercial Solar Energy Facility Building Permits in accordance of the requirements of the Ordinance. Once Building Permits are issued, the Company shall have twelve (12) months to begin construction of the Project. The Project shall be substantially completed within thirty-six (36) months of the County's issuance of Building Permits for the Project, subject to force majeure.

3. Term

The term of the Special Use Permit of and Operating Permit shall be forty (40) years beginning with the Commercial Operation Date of the Project.

4. Building Permits and Certificate of Completion

The County and Archtop Solar II, LLC hereby agrees to the Building Permit Fee (as stated in the Ordinance as of the date of issuance of the Special Use Permit).

An Operations Plan shall be filed with the County once the Project has achieved its Commercial Operation Date. The Operations Plan shall contain information on monitoring, preventative maintenance best practices, corrective maintenance best practices, safety training, and an Emergency Response Plan. A copy of the Operations Plan shall be provided to all local emergency responders.

5. Property Legal Descriptions

Prior to the Commercial Operation Date, the Company shall work with the County to create necessary and appropriate tax divisions associated with the development of the Project. At the request of the Assessor, (and subject to the requirements of the Illinois Property Tax Code), the Company shall prepare assessment plats to divide each ownership tract into two or more taxable parcels, with each parcel being divided between areas dedicated to the Project and areas where the underlying property owners retain control.

6. Construction Hours

Construction activities for the initial construction of the Project shall be performed according to the following schedule, absent written consent from the County Zoning Administrator:

- a. Commence no earlier than 7:00 a.m. and cease by 8:00 p.m. during the calendar period Monday through Saturday; however, piles shall not be driven after 6:00 p.m. or on Sundays; and
- b. On twenty-four (24) hours' notice to the County, the Company may work Sundays, provided that work may commence no earlier than 8:00 a.m. and shall cease no later than 6:00 p.m.

- c. Emergency construction or repairs may occur at any time.
- d. The provisions of Paragraph 6(a) and 6(b) do not apply to maintenance activities after the Commercial Operation Date.

7. Utilization of Local Contractors

The Company agrees to make a good faith effort to engage with local contractors for job opportunities related to the construction and operation of the Project. Local contractors shall mean those contractors with offices located in Ford County, Illinois or within 50 miles of Ford County. The Company shall provide the County with a list of all contractors working on the Project during the construction of the Project.

8. Vegetation and Ground Cover and Weed Control

All vegetation and weeds shall be maintained in accordance with the Ordinance.

9. Vegetative Screening and Fencing

All vegetative screening shall be installed and maintained in accordance with the Ordinance. Vegetative screening at planting shall be at least three (3) feet in height.

10. Drainage Survey

The Company has performed a drainage tile survey to identify drainage tiles or subsurface structures on the solar array properties. Tiles or structures identified have been documented and a copy of the drain tile survey has been provided to the County and owner(s) of the surveyed land by attaching it as Appendix L to the Application.

11. Road Use Agreements

The Company shall enter into a Road Use Agreement with the local road authorities whose roads will be used, and the Company shall post financial assurances to such road authorities in accordance with the Ordinance.

12. Decommissioning and Security

Prior to the issuance of Building Permits, the Company shall enter into a Decommissioning Agreement, agreed upon Decommissioning Plan, and post the agreed upon Financial Assurances for the decommissioning of the Project in accordance with the Ordinance.

13. Coordination with Emergency Responders

The Company shall coordinate with all local emergency response agencies every three (3) years

(or upon earlier request by local emergency response agencies) to provide education and training on emergency response to solar projects, which shall be made available at no cost to any local emergency response agency having jurisdiction over the Project.

If additional equipment is reasonably necessary for local emergency response agencies to adequately respond to an emergency at the Project, the Company shall cooperate with local emergency providers to assist in providing such equipment. The Company shall cooperate with all local emergency response agencies to develop and maintain an Emergency Response Plan. The Company shall reimburse emergency response agencies for all costs directly related to responding to an emergency within the Project area or related to Project operations.

14. Validity of Conditions and Ordinance

Upon application for Building Permits, the Company shall be deemed to waive any and all claims concerning the lawfulness, authority or reasonableness of any of the Conditions set forth herein or the Ordinance.

15. Site Debris and Dust Control

During construction and operation, the Company shall reasonably keep the Project clear of debris and garbage, including the areas within the Project fencing, substation, and vegetative screening areas.

During construction and operation of the Project, the Company shall employ dust control measures on site to minimize dust. Prior to the issuance of Building Permits, the Company shall provide the County with information setting forth the dust control measures that the Company expects to utilize during construction and operation.

16. Glare Mitigation

The Application included a Glare Study (Appendix G) performed by Stantec Consulting Services and dated March 21, 2024 (the "Glare Study"). The Company shall establish controls for the Project consistent with the recommendations contained in the Glare Study. To the extent that additional glare issues are identified during construction or commercial operation of the Project, Company shall investigate such issues and take commercially reasonable steps to mitigate same in coordination with the County.

17. Financial Ability to Complete Project

Prior to issuance of Building Permits for the Project, the Company shall provide to the County evidence of financial ability to construct and operate the Project.

18. Compliance with IDNR and USFWS Recommendations

The Company shall comply with all Illinois Department of Natural Resources and U.S. Fish and Wildlife Service requirements and guidance regarding this Project.

19. Lighting

All lighting on the Project area shall be designed consistent with the standards set forth in the the Ordinance. All Project lighting shall be installed, operated and maintained consistent with the Ordinance.

20. Battery Storage

The Project does not include any Battery Energy Storage System ("BESS") and no such component shall be included in the Project without seeking and obtaining an amended Special Use Permit and Building Permit which shall be subject to a public hearing as required by the Illinois Counties Code (55 ILCS 5/5-12020), and may (at the County's discretion) require additional agreements and financial assurances.

21. Permits from other Authorities

The Company shall provide the County a copy of all permits or approvals necessary and appropriate for the physical construction and operations of the Project.

22. Contractors and Sub-Contractors of Company

The Company shall be responsible for advising all contractors and sub-contractors of the Ordinance requirements and these Conditions, and shall be responsible for ensuring adherence thereto. The Company shall be responsible for all corrective actions necessary for adherence to the provisions of the Ordinance and these Conditions. The Company shall be responsible for any financial penalties related to any violation of the Ordinance and these Conditions.

23. Construction Communications

Archtop Solar II, LLC shall maintain a website or other social media presence ("Internet Account") throughout the initial construction of the Project. The Internet Account shall be used to provide the local community with periodic updates on the status of construction and any anticipated traffic disruption.

24. Notice

Any notice required to be given shall be given in writing and either (i) sent by Federal Express or another recognized overnight courier with proof of delivery, or (ii) sent by email transmission with

a hard copy sent on the same day by a nationally recognized overnight courier. A notice shall be deemed received by a party upon the earlier of when the notice is actually received by the intended recipient, delivery is refused or the inability of delivery because of a change of address of the intended recipient without notice to the parties as provided in this Section. Notice must be provided to the parties at the addresses set forth below in this Section. However, any party may change its contact information for the purpose of this Section by giving written notice of the change to the other parties as provided above in this Section. Notices may be given by counsel for any party.

Archtop Solar II, LLC

Archtop Solar II, LLC
545 North Jordan Drive
Gibson City, Illinois 60936
Attn: Gibson City Energy Center – Solar 2

Copy to:
Earthrise Energy, PBLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
Attn: Legal (Real Estate)

Ford County

Ford County
200 West State Street, Room 101
Paxton, Illinois 60957
Attention: County Clerk

Copy to:
Ford County State's Attorney
200 West State Street, Room 204
Paxton, Illinois 60957

***END OF DOCUMENT**

FORD COUNTY, ILLINOIS
FORD COUNTY ZONING BOARD OF APPEALS
FINDINGS AND RECOMMENDATIONS TO THE FORD COUNTY BOARD
REGARDING THE SPECIAL USE PERMIT APPLICATION OF:
ARCHTOP SOLAR II, LLC
JULY 24, 2024; JULY 31, 2024

I. Applicant:

Applicant Archtop Solar II, LLC is a wholly owned subsidiary of Earthrise Energy, LLC (collectively the "Applicant").

II. Project Summary:

Applicant seeks to construct and operate a commercial solar energy facility, the Gibson City Energy Center – Solar 2 (the "Project"), with a nameplate capacity of 135-megawatts at the point of interconnection located on approximately 1,257 acres in southwestern Ford County in Drummer Township, all within 3 miles of Gibson City, Illinois.

III. Application:

Applicant submitted a written application to construct the Project on or about May 6, 2024. The submitted application was reviewed by County consultants. The application was deemed complete and ready for public hearing.

IV. Hearing Process:

As required by the Illinois Counties Code (55 ILCS 5/5-12020), the Ford County Zoning Board of Appeals (the "ZBA") held a public hearing on this matter at the Ford County Courthouse, 200 West State Street, Paxton, Illinois 60957, on July 24, 2024 and July 31, 2024. The application was called for hearing, the Applicant submitted evidence and was subject to cross examination by the ZBA and members of the public. At the conclusion of hearing, the ZBA deliberated as to the issues presented, made Findings of Fact, and made Recommendations to the Ford County Board (the "County Board"), as memorialized herein.

The following witnesses testified or provided public comment in this matter:

On behalf of the Applicant:

- Ellie Ginis, Project Developer, Earthrise Energy
- Melanie Needham, Environmental Compliance Consultant, Stantec
- Joseph Horn, Engineering Manager, Earthrise Energy
- Chris Thankan, Economic Analysis Consultant, Strategic Economic Research LLC
- Andrew Lines, Property Analysis Consultant, CohnReznick

In Support of the Project:

- Various witnesses spoke in support of the Project, whose names/testimony are summarized below and further reflected in the stenographic record.
- Lloyd Campbell – Homeowner living adjacent to the project who was for the project because of the financial benefit and that no new residential construction would be on that land. He was happy to not have neighbors living too close to him.
- Ron Warfield – Farmer and landowner who leased land for this project. Spoke about evolution of growing corn from food to fuel and now the financial benefit of solar to him and the community.
- Jeremy Darnell – School Superintendent who spoke about the financial benefit of the project for the school district.
- Matt Bender – Carpenters Union and School Board President. Spoke about economic benefits and local union job creation as well as financial benefits to school district.
- Daniel Dickey – Mayor of Gibson City. Spoke in favor of the project and Earthrise Energy as a benefit to the community as current owner of the Natural Gas plant in Gibson City.
- Roger Cramer – Owner of Ropps Flower Factory in Gibson City. Spoke about his positive business relationship with Earthrise Energy on securing the trees to plant and state of the current evergreen inventory.
- (Unknown) – Spoke in general about current state of the garden/landscaping industry and difficulty in getting larger trees to plant. All of the inventory was bought up during Covid years when people were stuck at home and became gardeners. Also spoke in favor of project and the financial benefit it would bring to the county. Criticized the County Board member(s) in attendance who always look for a reason to say no to progress (not to be considered by the ZBA).

In Opposition / Neutral to the Project:

- Cindy Ihrke – Entered exhibits into the record regarding removing land from local agriculture production, obtaining a L.E.S.A. score, loss of farming/labor income, water testing and silt management during construction, flooding, and environmental damage from solar project fires.
- Jeff Latz – Retired firefighter and neighbor. Expressed concerns of potential fires and training for the volunteer Ford County Fire Department. Also worried about potential glare on his property located about a mile away at an elevation position.

Exhibits to the written application and exhibits admitted at the public hearing are as follows:

Applicant Exhibits:

Applicant Group Ex. 1	Written Application dated April 2024 <ul style="list-style-type: none">- <u>Appendix A</u>: Ordinance-to-Application Checklist- <u>Appendix B</u>: Preliminary Site Plan
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	<ul style="list-style-type: none"> - <u>Appendix C</u>: Economic Impact Analysis - <u>Appendix D</u>: Property Value Impact Analysis - <u>Appendix E</u>: Landscaping Plan - <u>Appendix F</u>: Sound Study - <u>Appendix G</u>: Glare Study - <u>Appendix H</u>: Vegetation Management Plan - <u>Appendix I</u>: Wetland Delineation Report - <u>Appendix J</u>: Archaeological and Cultural Resources Report and SHPO Correspondence - <u>Appendix K</u>: Threatened and Endangered Species Report and IDNR Correspondence - <u>Appendix L</u>: Drain Tile Survey - <u>Appendix M</u>: Equipment Manufacturer Specifications - <u>Appendix N</u>: Decommissioning Plan - <u>Appendix O</u>: Agricultural Impact Mitigation Agreement (“AIMA”) - <u>Appendix P</u>: Visual Simulations - <u>Appendix Q</u>: Interconnection Documents
Applicant Ex. AA	Article on Soil Rejuvenation
Applicant Ex. Q	Road Use Permit Bond
Applicant Ex. R	PPT Presentation
Applicant Ex. S	Expert Resumes
Applicant Ex. T	Gibson City Ordinance In Support
Applicant Ex. U	Newspaper Notice
Applicant Ex. V	Petition Signatures
Applicant Ex. W	Letter in Support (Keaton)
Applicant Ex. X	Archtop II Adjacent Property Notices
Applicant Ex. Y	Proposed Conditions
Applicant Ex. Z	Answers for Earthrise
Applicant Ex. Z-2	Email Chain re Killian’s Answers

Opposition / Neutral Party Exhibits:

Cindy Ihrke Exhibit A	IDOA Farmland Protection – Ag & LESA scores (admitted but not relevant to Ford County Ordinance Consideration)
Cindy Ihrke Exhibit B	MSU Study - Economics (admitted but not relevant to Ford County Ordinance Consideration)
Cindy Ihrke Exhibit C	Article re Construction Runoff and Silt (Relevant)
Cindy Ihrke Exhibit D	Article re Tree Nursery Flooding (admitted but not relevant to Ford County Ordinance Consideration)
Cindy Ihrke Exhibit E	Article re Solar Project Fires (Relevant)
Cindy Ihrke Exhibit F	Letter from Champaign County Engineer (admitted but not relevant to Ford County Ordinance Consideration)

V. Applicable Standards:

The ZBA has considered the written application and all evidence in light of the criteria of the Ford County Solar Ordinance (Resolution 23-50) adopted May 24, 2023 (the "Ford County Solar Ordinance"), which governs the siting of commercial solar energy facilities in Ford County, Illinois.

VI. Evidence:

All evidence submitted by written application, written evidence, and oral presentation during the hearing process has been considered, except for that evidence specifically excluded. The oral evidence is reflected in the stenographic record. Documentary evidence and the stenographic record is kept by the Ford County Board Office, located at the Ford County Courthouse, 200 West State Street, Paxton, Illinois 60957.

VII. Findings of Fact:

VII(A) – Assessment of Technical Requirements of the Ford County Solar Ordinance:

- 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.

Applicant's Project will comply with the above standard.

- b. **Other standards and codes.** All commercial solar energy facilities shall be in compliance with any applicable local, state, and federal regulatory standards, and the National Electric Code as amended. All materials shall be federally sourced and manufactured.

Applicant's Project will comply with the above standard.

- 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.

Applicant's Project will comply with the above standard. All power and communication lines will be buried underground.

- d. **Minimum lot size.** No commercial solar energy facility shall be erected on any lot less than 20 acres in size.

Applicant's Project complies with the above standard. The Project is being built on approximately 1,257 acres.

- 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.

Applicant's Project complies with the above standard. Panels are estimated to be less than 10 feet at full tilt.

- 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 feet from the nearest point on the outside wall of the structure, measured from the nearest edge of any component of the facility from the 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;
 4. 50 feet to the nearest point on the property line of nonparticipating property.

Applicant's Project complies with these required setbacks. Please see Appendix B (Preliminary Site Plan) of written application.

- g. **Screening and fencing.** Systems equipment and structure 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 or 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 the Ford County Solar 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.

Applicant's Project complies with the above standards. The Project will be enclosed with a wildlife-friendly security fence 6-8 feet tall. To facilitate the movement of small wildlife through the site, there will be 5-inches to 7-inches of ground clearance from the bottom of the fence to the finished grade. Fencing will have Knox Boxes and keys for emergency personnel. Prior to construction, Applicant will plant evergreen trees, such as Norway Spruce, Techny Arborvitae, and/or Skybound Arborvitae to surround the entire perimeter of the Project. Following consultation with arborists and local nurseries, as well as the County's legal guidance, Applicant plans to plant and maintain 3-foot trees spaced 8- 12 feet apart in two rows that will grow quickly to screen the Project. The details of the landscaping plan, including renderings, are included in the written application as Appendix E and Appendix P. See also Appendix B (Preliminary Site Plan) for fencing locations.

- h. **Lighting.** If lighting is provided at the site, the lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

Applicant's Project's EPC (Engineering, Procurement and Construction) Contractor will design lighting for security purposes only and will comply with the above standards.

- 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 9I-0.

Applicant's Project will comply with the Illinois Pollution Control Board regulations. The Project will produce very minimal noise. Inverter fans produce a low sound that is effectively inaudible outside the Project boundary. A sound study conducted by a qualified professional demonstrating

the Project's compliance with the IPCB regulations is included in the written application as Appendix F.

- 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.

Applicant's Project complies with this standard. The solar panels contemplated for the Project are coated with anti-reflective material to maximize light absorption and prevent glare. A glare study is included in the written application as Appendix G.

- k. **Inspections.** Each commercial solar energy facility shall be required to have the facility inspected by an independent certified inspector approved by the 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 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.

Applicant's Project will comply with the above standard.

- 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.

Applicant's Project will comply above requirement.

- 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 the Ford County Solar Ordinance and subject to all appropriate remedies.

Applicant's Project will comply with the above requirement.

- 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.

1. **A commercial solar energy 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 Natural Preserve Commission.**

Applicant's Project complies with the above standards. The EcoCAT results and recommendations from the Illinois Department of Natural Resources (IDNR) and the results of the United States Fish and Wildlife Service's Information for Planning and Consulting are included in the written application as Appendix K. Recommendations from IDNR will be incorporated into the Project's final design.

- 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 consists 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.**

Applicant's Project will plant a pollinator buffer along the entire perimeter of the Project within the setback to meet the standards necessary to be designated a "Pollinator Friendly" Solar Site pursuant to 525 ILCS 55/15. The details of this pollinator friendly habitat are included in the landscaping plan (Appendix E) and the vegetation management plan (Appendix H).

- p. **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.**

Applicant's Project conducted an Archeological and Cultural Resources study across all parcels. The Project found nothing associated with an event or person significant to the past and following consultation with the Illinois State Historic Preservation Office (SHPO), none are recommended as being eligible for listing in the National Register of Historic Places (NRHP). The results of this study and consultation with the State Historic Preservation Office are included in the written application as Appendix J.

- q. **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 nature resource review report.**

Applicant's Project will comply with this requirement.

VII(B) – Assessment of Hearing Factors:

1. **The establishment, maintenance, or operation of the commercial solar energy facility will not be detrimental to the public health, safety, morals, comfort, or general welfare.**

The Project will generate significantly more tax revenue than is currently being generated on the property. While there may be some safety issues related to the Project, those safety issues should be manageable through an Emergency Response Plan developed with local emergency response agencies.

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 property; The establishment of the commercial solar energy facility will not impede the normal or orderly development and improvement of the surrounding properties.**

The written application, testimony and hearing exhibits demonstrate the Project will not impact adjacent agricultural properties nor negatively impact drainage or surface flow. As to property values, the evidence presented, including Applicant's Property Value Impact Analysis (Appendix D), demonstrates property values of surrounding properties will not be negatively impacted.

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

Solar projects are low impact uses requiring no public utilities or facilities. The Preliminary Site Plan (Appendix B) shows the proposed access roads to the site. The Applicant will be required to submit a drain tile survey and SWPPP prior to receipt of building permits.

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

Applicant will be required to enter into a Road Use Agreement with the Drummer Township Highway Commissioner and make necessary efforts to reduce the impact on area residents.

5. The proposed commercial solar energy facility is not contrary to the objectives of the current comprehensive plan of the County (if any).

N/A. The County does not have a comprehensive plan.

VIII. FINDINGS AND RECOMMENDATION:

NOW, THEREFORE, BE IT RESOLVED by the Ford County Zoning Board of Appeals, based on the written application, the testimony (as reflected in the stenographic record), and other evidence submitted during the hearing process, the Ford County Zoning Board of Appeals finds that the Applicant HAS MET the criteria established by the Ford County Solar Ordinance, and therefore RECOMMENDS APPROVAL of the Special Use Permit Application of Archtop Solar II, LLC, subject to the recommended conditions as attached hereto.

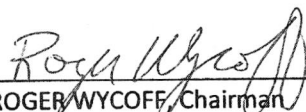
PASSED, ADOPTED, AND APPROVED by the Ford County Zoning Board of Appeals, on this 31st day of July 2024.

PRESENT: 5 (Roger Wycoff, Emily Latz, Victor Johnson, Tammy Kendrick, Ed Moritz)

AYES: 5 (Roger Wycoff, Emily Latz, Victor Johnson, Tammy Kendrick, Ed Moritz)

NAYS: 0

ABSTAIN: 0



ROGER WYCOFF, Chairman
Ford County Zoning Board of Appeals

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