

**DRAFT 8.30.2023 (Template Ordinance From Illinois State Association of Counties)**

**COUNTY BOARD OF MACOUPIN COUNTY, ILLINOIS  
ORDINANCE NO. O-2023.0\_\_**

**COMMERCIAL SOLAR ENERGY FACILITY SITING ORDINANCE**

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**I. INTRODUCTION**

**A. Title**

This Ordinance shall be known, cited and referred to as the Macoupin County Commercial Solar Energy Facility Siting Ordinance or the “CSEFS Ordinance”.

**B. Authority and Adoption**

Authority: The CSEFS Ordinance has been adopted in accordance with the constitutional and statutory authority set forth under applicable laws, e.g., Article VII (Local Government), Section 7 (Counties And Municipalities Other Than Home Rule Units) of the Illinois Constitution of 1970 and the Illinois Counties Code (55 ILCS 5/5), including but not limited to Section 5-12020 (Commercial Wind Energy Facilities and Commercial Solar Energy Facilities) of the Illinois County Code (55 ILCS 5/5-12020) and amendments mandated by Illinois Public Act 102-1123 (effective date January 27, 2023), which required that the County update its siting approval permit regulations regarding wind and solar energy conversion systems.

Adoption: Adopted \_\_\_\_\_, 2023.

**C. Findings and Purpose**

This Ordinance has been adopted for the following purposes after the Board made the following determinations and findings:

1. To assure that any development and production of solar-generated electricity in Macoupin County is safe and effective;
2. To facilitate economic opportunities for local residents;
3. To promote the supply of solar energy in support of Illinois’ statutory goal of increasing energy production from renewable energy sources;
4. To adopt regulations to govern the construction, installation, operation and removal of solar energy systems to enhance the protection of the health, safety and welfare of the County’s residents, property owners, business owners and the public within the County’s planning, permitting and zoning jurisdiction (if a zoning ordinance is adopted); and
5. To adopt the general permitting and zoning regulations (as applicable) and add certain new regulations, such as plan review and fee reimbursement regulations, to ensure that the financial costs incurred by the County in the review of new development solar energy proposals are paid by developers of such projects.
6. To conform with Illinois Public Act 102-1123, which mandated the County to adopt solar

energy regulations that comply with the State regulations that:

- a. The County “may establish standards for commercial wind energy facilities, commercial solar energy facilities, or both. The standards may include all of the requirements specified in this Section but may not include requirements for commercial wind energy facilities or commercial solar energy facilities that are more restrictive than specified in this Section.”
- b. The County “may not adopt zoning regulations, that disallow, permanently or temporarily, commercial wind energy facilities or commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses.”
- c. The County “may not require permit application fees for a commercial wind energy facility or commercial solar energy facility that are unreasonable. All application fees imposed by the [C]ounty shall be consistent with fees for projects in the [C]ounty with similar capital value and cost.”
- d. The County “may not condition approval of a commercial wind energy facility or commercial solar energy facility on a property value guarantee and may not require a facility owner to pay into a neighboring property devaluation escrow account.”

The Board of Macoupin County, Illinois find that it is in the best interests of the County residents, the property owners and the businesses of the County, as well as the general public, to enact this Ordinance and the regulations as set forth below.

## II. DEFINITIONS

- A. "Applicant" means the entity who submits to the County an application for the siting and operation of any Commercial Solar Energy Facility or Substation. All references to Applicant in this Ordinance shall include Applicant's successors-in-interest and assigns, which includes a Commercial Solar Energy Facility Permittee (as defined herein),
- B. "Commercial Operation Date" means the calendar date on which the Commercial Solar Energy Facility produces power for commercial sale, not including test power.
- C. "Commercial Solar Energy Facility" ("CSEF") or "Commercial Solar Energy System" ("CSES") means a "commercial solar energy system" as defined in Section 10-720 of the Property Tax Code. "Commercial solar energy facility" does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act. A CSEF or CSES is any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which it is located. The area of the CSEF or CSES includes all the land inside the perimeter of the CSEF or CSES, which extends to any fencing. If the total area of a CSEF or CSES project area consists of three (3) acres of land or more, construction and operation of the CSEF or CSES shall require the issuance of a CSEF Siting Approval Permit under this Ordinance. If the total area of a CSEF or CSES project area is less than three (3) acres, then construction and operation of the CSEF or CSES shall require a County-issued permit and compliance with all applicable national, county and local building codes, utility and electrical codes and national industry standards (i.e., electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent) and the decommissioning requirements of Section IX.

(Decommissioning and Site Reclamation Plan Required) of this Ordinance, but the applicant shall not be required to apply for and receive a CSEF Siting Approval Permit under this Ordinance. All grid-integrated solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement. A CSEF or CSES project area may be located on a single parcel of land or two (2) or more contiguous parcels of land.

- D. "CSEF Pre-Construction Submittal" means a submittal necessary for the commencement of work performed toward the construction, erection or installation of an approved CSEF, Substation or operations and maintenance building in connection with a CSEF Project. A CSEF Pre-Construction Submittal must be submitted to the Chair of the Macoupin County Board at least sixty (60) calendar days prior to commencement of construction and after a CSEF Project has obtained a Siting Approval Permit from the County Board, and the Chair of the Macoupin County Board determines that all pre-construction conditions, if any, have been satisfied that are imposed by the Siting Approval Permit.
- E. "Commercial Solar Energy Siting Approval Permit" means a permit necessary for the commencement of work performed toward the construction, erection, installation or operations of a County-approved Commercial Solar Energy Facility, Substation, Supporting Facilities, or operations and maintenance building in connection with a Commercial Solar Energy Facility. A Commercial Solar Energy Siting Approval Permit may be issued by the County after a Commercial Solar Energy Facility has obtained approval of a Siting Permit from the County Board, after a public hearing is conducted on the Applicant's application, and the County Engineer (or his/her designee) determines that all pre-conditions to construction, if any, have been satisfied that are imposed by the Siting Permit. The Commercial Solar Energy Siting Approval Permit shall require the Applicant to deliver a written "Notice to Proceed" for the Commercial Solar Energy Facility to the County prior to commencement of construction of the Commercial Solar Energy Facility. The term "commencement of construction", as used in this Ordinance, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) regarding the Commercial Solar Energy Facility.
- F. "Commercial Solar Energy Facility Permittee" means an Applicant who applies for and receives a Siting Approval Permit under this Ordinance for the siting, construction and operation of any Commercial Solar Energy Facility or Substation. All references to a Commercial Solar Energy Facility Permittee in this Ordinance shall include a Commercial Solar Energy Facility Permittee's successors-in-interest and assigns.
- G. *"Community Garden Energy System ("CGES")" means a community solar-electric (photovoltaic) array, of no more than fifteen (15) acres in size, that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. Construction and operation of a CGES shall require a County-issued permit and compliance with all applicable national, county and local building codes, utility and electrical codes and national industry standards (i.e., electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent) and the decommissioning requirements of Section IX. (Decommissioning and Site Reclamation Plan Required) of this Ordinance, but the applicant shall not be required to apply for and receive a CSEF Siting Approval Permit under this Ordinance. All grid-integrated solar energy systems*

*shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement. A CGES project area may be located on a single parcel of land or two (2) or more contiguous parcels of land.*

- H. "County Board" means the County Board of Macoupin County.
- I. "Decommissioning" means any activity related to the dismantling, removal and disposal of a CSEF Project (e.g., solar panels, concrete pads, substation, operations and maintenance building(s), access roads and associated infrastructure, and all necessary, related activities involving such work including removal or abandonment-in-place of infrastructure and site restoration (e.g., soil, aggregate, pavement and debris removal or adding topsoil, re-grading, seeding, etc.).
- J. "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.
- K. "Notice to Proceed" means a written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a Commercial Solar Energy Facility and identifying the date on which the construction activities are scheduled to commence.
- L. "Non-participating property" means real property that is not a participating property. "Non-participating residence" means a residence that is located on non-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.
- M. "Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the Commercial Solar Energy Facility is filed with the County: a school, place of worship, day care facility, public library or community center.
- N. "Operator" means the person or entity responsible for the day-to-day operation and maintenance of a Commercial Solar Energy Facility, including any third-party subcontractors. The Operator must be a qualified solar power professional. All references to Operator in this Ordinance shall include the Operator's successors-in-interest and assigns.
- O. "Owner" means the person or entity or entities with an equity interest in a Commercial Solar Energy Facility, including their respective successors-in-interest and assigns. The Owner does not mean: (i) the property owner from whom land is leased for locating a Commercial Solar Energy Facility (unless the property owner has an equity interest in a Commercial Solar Energy Facility); or (ii) any person holding a security interest in a Commercial Solar Energy Facility solely to secure an extension of credit, or a person foreclosing on such security interest, provided that, after foreclosure, such person seeks to sell a Commercial Solar Energy Facility at the earliest practicable date. This definition includes the definition of Facility Owner as defined in 55 ILCS 5/5-12020.
- P. "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.

- Q. "Participating residence" means a residence that is located on a 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.
- R. *"Personal Solar Energy System ("PSES)" means any device or combination of devices or elements, of no more than five (5) acres in size, which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site. Construction and operation of a PSES shall require a County-issued permit and compliance with all applicable national and local building codes, utility and electrical codes and national industry standards (i.e., electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent), but the applicant shall not be required to apply for and receive a CSEF Siting Approval Permit under this Ordinance. All grid-integrated solar energy systems shall comply with the interconnection requirements of the electric utility. A signed interconnection service agreement or evidence of filing required interconnection service applications with the electric utility must be submitted to the County. Off-grid systems are exempt from this requirement. A PSES project area may be located on a single parcel of land or two (2) or more contiguous parcels of land.*
- S. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State of Illinois. Where a structural engineer is required to take some action under the terms of this Ordinance, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.
- T. "Protected lands" means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act, or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- U. "Public Conservation Lands" means land owned in fee title by County, State or federal agencies and managed specifically for conservation purposes, including but not limited to County, State and federal parks, State and federal wildlife management areas, State scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.
- V. "Siting Approval Permit" means a permit approved by the County Board, after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board.
- W. *"Solar Garden" means a commercial solar-electric array, of no more than three (3) acres in size, that provides retail electric power to multiple households or businesses residing in or located off-site from the location of the solar energy system.*
- X. "Solar Panel" means a device for the direct conversion of solar energy into electricity.

- Y. "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.
- Z. "Supporting Facilities" means the transmission lines, substations, access roads, storage containers and equipment associated with the generation and storage of electricity by the Commercial Solar Energy Facility.
- AA. "Test solar energy systems" means a small-scale CSES that may be erected without obtaining a siting approval permit for the purpose of gathering information on the production of electricity from the collection of solar energy. Test solar energy systems may not exceed a building footprint of greater than one (1) acre (43,560 square feet) on a parcel of at least five (5) acres. Test solar energy systems must be dismantled within three (3) years of installation. Test solar energy systems must be set back from all property lines and road rights-of-way according to the current zoning district or as determined by the County. Building permit applications for test solar energy systems must be accompanied by standard drawings of the structure. An engineering analysis of the test solar energy systems showing compliance with the adopted county building codes and certified by an Illinois licensed professional structural engineer must be submitted for County approval prior to the permit being issued.

### III. APPLICABILITY

- A. This Ordinance governs the siting of Commercial Solar Energy Facilities and Substations that generate electricity to be sold to wholesale or retail markets with an aggregate generating capacity in excess of 0.5MW.
- B. Owners of Commercial Solar Energy Facilities with an aggregate generating capacity of 0.5 MW or less who locate the Commercial Solar Energy Facilities on their own property are not subject to this Ordinance.

### IV. PROHIBITION

- A. No Commercial Solar Energy Facility or Substation governed by this Ordinance shall be constructed, erected, installed, located or operated within the County, unless prior siting approval has been obtained for each individual Commercial Solar Energy Facility or for a group of Commercial Solar Energy Facilities under a joint siting application pursuant to this Ordinance.

### V. SITING APPROVAL PERMIT APPLICATION

- A. To obtain siting approval, the Applicant must first submit a Siting Approval Permit Application to the County.
- B. The Siting Approval Permit Application shall contain or be accompanied by the following information:
  - 1. A Commercial Solar Energy Facility Summary, including, to the extent available: (a) a general description of the project, including: (i) its approximate overall name plate generating capacity, (ii) the potential equipment

manufacturer(s), (iii) type(s) of solar panels, cells and modules, (iv) the number of solar panels, cells and modules, (v) the maximum height of the solar panels at full tilt, (vi) the number of Substations, (vii) a project site plan, project phasing plan and project construction timeline plan, and (viii) the general location of the project; and (b) a description of the Applicant, Owner and Operator, including their respective business structures.

2. The name(s), address(es) and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known, and documentation demonstrating land ownership or legal control of the property.
3. A site plan for the Commercial Solar Energy Facility showing the planned location of solar panels, including legal descriptions for each site, Participating and Non-participating Residences, Occupied Community Buildings, parcel boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings, electrical cabling to the Substation(s), ancillary equipment, third party transmission lines, any and all other Supportive Facilities, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, underground mines, scenic and natural areas within one thousand five hundred (1,500) feet of the proposed Commercial Solar Energy Facility, and the layout of all structures within the geographical boundaries of any applicable setback.
4. A proposed Decommissioning Plan for the Commercial Solar Energy Facility.
5. All required studies, reports, certifications and approvals demonstrating compliance with the provisions of this Ordinance.
6. An Agricultural Impact Mitigation Agreement (“AIMA”) executed between the Applicant and the Illinois Department of Agriculture (“IDOA”) based on the template form required by Public Act 102-1123, effective January 1, 2023.
7. The results and recommendations from consultation with the Illinois Department of Natural Resources (“IDNR”) that are obtained through the Ecological Compliance Assessment Tool (“EcoCAT”) or a comparable successor tool.
8. The results of the United States Fish and Wildlife Service’s (“USFWS”) Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable USFWS solar wildlife guidelines that have been subject to public review.
9. Evidence of consultation with the Illinois State Historic Preservation Office (“SHPO”) to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
10. The topographic map shall include the Commercial Solar Energy Facility site and the surrounding area.

11. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures.
  12. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
  13. Information demonstrating that the Commercial Solar Energy Facility will avoid protected lands.
  14. A signed interconnection service agreement or evidence of filing required interconnection service applications with the electric utility.
  15. An operation and maintenance plan of the CSEF, including measures for maintaining safe access to the facility, stormwater controls, facility maintenance (routine and long-term replacement maintenance schedule), as well as general procedures for operation of the facility installation.
  16. An emergency services plan, including but not limited to the CSEF project summary, electrical schematic and means of shutting down the CSEF energy systems throughout the life of the installation.
  17. Notice of notice of development letters. At the time of filing the application, the Applicant must provide proof of mailing of development letters to Macoupin County Board representatives for the district in which the CSEF is to be built as well as to the respective township, the Macoupin County Soil & Water Conservation District, and to all municipalities located within 1.5 miles of the proposed CSEF.
  18. Any other information requested by the County or the County consultants that is necessary to evaluate the siting application and operation of the Commercial Solar Energy Facility and to demonstrate that the Commercial Solar Energy Facility meets each of the regulations in this Ordinance, including the Siting Approval Permit standards set forth below.
- C. Material changes to the Application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the County; and
  - D. The Applicant shall submit twelve (12) copies of the Siting Approval Permit Application to the County, and at least one (1) copy in electronic format.

## VI. DESIGN AND INSTALLATION

### A. Design Safety Certification

1. Commercial Solar Energy Facilities shall conform to all applicable industry



standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), or an equivalent third party, in the CSEF Pre-Construction Submittal. All solar panels, cells and modules, solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems shall be new equipment commercially available; no used or experimental equipment shall be used without the approval of a variance by the County Board.

2. Following the granting of siting approval under this Ordinance, a structural engineer shall certify, as part of the Commercial Solar Energy Facility Siting Approval Permit Application process, that the design of the Commercial Solar Energy Facility is within accepted professional standards, given local soil; subsurface and climate conditions.

B. 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).

C. Height

1. No component of a solar panel, cell or modules may exceed twenty (20) feet in height above the ground at full tilt.

D. Aviation Protection; Aesthetics; Landscaping; and Lighting

1. Aviation protection. For CSEFs located within five hundred (500) feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the solar glaze hazard analysis tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration ("FAA") Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.

2. **Vegetative Screening.** A vegetative screen shall be provided and maintained (i.e., watered, trimmed and/or pruned, etc.) for any part of the Commercial Solar Energy Facility that is visible to a Non-participating Residence. The landscaping screen shall be located between the required fencing and the property line of the participating parcel upon which the facility sits. The vegetative screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants. The Applicant shall submit for County Board approval a landscape planting plan and landscape maintenance plan that conforms to any landscape and vegetation regulations adopted by the County (if any) or applicable State laws, as part of its CSEF Pre-Construction Submittal. The landscape plan shall include: (a) A map of homes within 300 feet of the proposed

CSEF; (b) Locations and type of existing vegetation that provides screening of views of the proposed CSEF; (c) Locations of occupied buildings and residences within the CSEF project area and residential properties that have waived visual screening; (d) Topographic features that provide screening of the proposed CSEF; and (e) weed/grass control plan. The Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The Applicant (CSEF Permittee) during the operation of the CSEF must maintain the fence, vegetative screening and adhere to the fence/landscape/grass/weed control plan. The Applicant (CSEF Permittee) may, but is not required to, install earth berms or similar structures for purposes of screening. If an Applicant desires to install an earth berm or similar structure for screening purposes, the Applicant shall submit for County Engineer review and approval a design and maintenance plan prepared by a Professional Engineer for the earth berm or similar structure that conforms to applicable construction standards (i.e., slope, soil compaction, erosion control measures, etc.) as part of its CSEF Pre-Construction Submittal. If the Applicant (CSEF Permittee) fails to maintain the CSEF project area in accordance with the fence/landscape/screening/grass/weed control plan, the County may issue citations to the Applicant (and CSEF Permittee) in an amount not to exceed \$100.00 per day for each day of non-compliance.

**Illustrative landscaping text to consider:**

“Applicant shall minimize the disruption of natural environment, retain existing vegetation and native plant species to the maximum extent feasible and replant with native vegetation if existing vegetation is disturbed during construction. Landscaping shall be used as part of screening from adjacent residentially used and street view areas.” **Grundy County**

“The PBZ and Village Board shall have shall have the discretion to recommend a twenty foot (20) landscaped buffer all around the proposed solar farm shall be consisting of a compact evergreen hedge or other type of evergreen foliage which shall be recommended along the entire perimeter of the facility, or an alternative buffer may also be considered. The buffer shall be planted at a minimum of four (4) feet tall and with the expectation that this hedge shall reach the height of at least eight (8) feet within three years and shall be maintained in good condition. If a vegetative buffer is to be part of the solar farm development, a landscape plan should be submitted for review and approval. The landscape plan shall take into account the type(s) of evergreens to be planted, along with the proposed spacing of the plantings, along with an evaluation of the soils. An alternative buffer may also be considered. Earth berms 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. In addition, the solar farm area within any perimeter fence shall be planted with any of the following ground cover: a) native grasses and plants; b) turf grass; c) pollinator seed mix; and d) gravel; to minimize maintenance within the solar field and to create natural and sustainable habitats. \*\*\*

Additional Visual Screening: Ground mount mechanical equipment that is visible outside the perimeter of the property on which a solar farm is located must be screened from view of roads and dwelling units located within five hundred feet (500’) of the solar farm. The screening shall consist of:

(a) A landscaped area at least ten feet (10’) in width with at least one (1) shrub per five (5) linear feet, plus at least one (1) evergreen tree per twenty-five (25) linear feet of perimeter area. At the time of planting, shrubs shall be at least three feet (3’) in height and evergreen trees shall be at least five feet (5’) in height; or

(b) A landscaped area at least ten feet (10’) in width with a solid wall or privacy fence with a minimum height of eight feet (8’). At least one (1) evergreen tree is required per thirty feet (30’) of the fence or wall.

(c) In addition, for residences that are adjacent to the solar farm, a landscaped berm of at least five feet (5’) in

height shall be installed. Such berm shall be landscaped with one (1) evergreen tree per twenty-five (25) linear feet along the adjacent property line." **Charleston County**

3. Lighting: If lighting is provided at the Commercial Solar Energy Facility, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel and shall incorporate a minimum illumination of a 0.50 lumen per square foot (candle foot) at the fence line.
4. Intra-project Power and Communication Lines: All power lines used to collect power and all communication lines shall be buried underground at a depth in accordance with the AIMA, until same reach the property line or a substation adjacent to the property line.

**E. Fencing**

1. A fence with locking portals (knox boxes are required) of **at least six (6) feet and not more than twenty-five (25) feet** in height shall enclose and secure the Commercial Solar Energy Facility.

**F. Warnings**

1. A reasonably visible "High Voltage" warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

**G. Setback Requirements**

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

Setback Description	Setback Distance
Occupied Community Buildings and Dwellings on Non-participating Properties	150 feet to the nearest point on the outside wall of the structure
Non-participating Residences	150 feet to the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Boundary Lines of Non-participating Property	50 feet to the nearest point on the property line of the non-participating property
Public Road Rights-of-Way	50 feet the nearest edge of the public road right-of-way

2. The setback requirements for Non-participating properties may be waived by the written consent of the owner(s) of each affected Non-participating property. The Applicant does not need to obtain a variance from the County upon waiver by the property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall be filed with the County Recorder of Deeds Office against title to the affected real property so that it runs with the land and becomes part of the chain of title in the deed of the subject property.

#### H. Compliance with Additional Regulations

Nothing in this Ordinance is intended to preempt other applicable State and federal laws and regulations, including compliance with the electric facility clearances approved or required by the National Electric Code, the National Electric Safety Code, the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and their designees or successors.

#### I. Use of Public Roads

1. An Applicant proposing to use any County, municipality, township or village road(s), for the purpose of transporting Commercial Solar Energy Facility or Substation parts and/or equipment for construction, operation or maintenance of the Commercial Solar Energy Facility or Substation(s), shall: Enter into a road use agreement with the Illinois Department of Transportation, a road district, or other appropriate unit of local government which shall require the Facility Owner to be responsible for: (i) the reasonable cost of improving roads used by the Facility Owner to construct the Commercial Solar Energy Facility; and (ii) the reasonable cost of repairing roads used by the Facility Owner during construction of the Commercial Solar Energy Facility so that those roads are in a condition that is safe for the driving public after the completion of the CSES Facility's construction. Roadways improved in preparation for and during the construction of the Commercial Solar Energy Facility shall be repaired and restored to the improved condition at the reasonable cost of the Facility Owner if the roadways have degraded or were damaged as a result of construction-related activities. The road use agreement shall not require the Facility Owner to pay costs, fees or charges for road work that is not specifically and uniquely attributable to the construction of the Commercial Solar Energy Facility. Road-related fees, permit fees or other charges imposed by the Illinois Department of Transportation, a road district or other unit of local government under a road use agreement with the Facility Owner shall be reasonably related to the cost of administration of the road use agreement.
2. The Applicant shall also:
  - a. Identify all such public roads; and

- b. Obtain applicable weight and size permits from relevant government agencies prior to construction.
3. To the extent an Applicant must obtain a weight or size permit from the County, municipality, township or village, the Applicant shall:
- a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
  - b. 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 Siting Approval 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, or 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 the 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 the application for a Siting Approval Permit.
  - c. Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
    - i. Project layout map
    - ii. Transportation impact analysis
    - iii. Pre-construction plans
    - iv. Project traffic map
    - v. Project scope of repairs
    - vi. Post-construction repairs
    - vii. Insurance
    - viii. 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 the 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.

4. 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 Siting Approval Permit Applications related to the construction of the proposed Commercial Solar Energy Facility.

J. Site Assessment

To ensure that the subsurface conditions of the site will provide proper support for the Commercial Solar Energy Facility and soil restoration, the Applicant, at its expense, shall provide soil and geotechnical boring reports to the County Engineer as part of its Commercial Solar Energy Facility Siting Approval Permit. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the County Soil and Water Conservation District (or equivalent regulatory agency). Also, the Applicant shall submit grading plans for the proposed Supporting Facilities for review and comment by the County Soil and Water Conservation District (or equivalent regulatory agency) as part of the issuance of any Commercial Solar Energy Facility Siting Approval Permit for the construction of the Supporting Facilities.

K. Noise Levels

Noise levels from Commercial Solar Energy Facilities shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations or such other replacement noise regulations adopted by a State regulatory agency. (See, 35 Ill. Adm. Code Parts 900, 901 and 910.) The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics necessary for a competent noise analysis. The Applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its Siting Approval Permit Application. Post construction, a noise study shall be conducted for all Commercial Solar Energy Facilities within one (1) year after commercial operation to verify that noise levels are in compliance with noise standards and, if noise levels exceed standards, the Applicant shall provide mitigation to provide compliance. During the life of the CSES Project, the Applicant shall comply with all applicable IPCB noise regulations (or such other replacement noise regulations adopted by a State regulatory agency) and take all necessary actions to ensure that all components of the CSES Project (e.g., solar panels and Supporting Facilities) comply with such regulations.

L. Agricultural Impact Mitigation

Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an AIMA with the IDOA prior to any public hearing required before a siting decision on the Commercial Solar Energy Facility Application. 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 entered into by the Applicant with the IDOA. The Applicant shall submit the executed AIMA to the County as part of the Siting Approval Permit Application.

M. Avian and Wildlife Impact Study

The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct a wildlife impact study and submit said study to the Macoupin County Board as part of the Siting Approval Permit Application. Each CSES Project shall be located, designed, constructed and operated so as to avoid and, if necessary, mitigate the impacts to wildlife. The Applicant shall review, consider and must adhere to the recommendations provided by the IDNR in an EcoCAT Natural Resource Review Report and may decide to follow the recommendations suggested by the USFWS Endangered Species Consultation Program.

N. As-Built Map and Plans

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

O. Engineer's Certificate

The Commercial Solar Energy Facility engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the CSES Facility and Supporting Facilities, including the solar panel supporting structure and foundation design, are compatible with and appropriate for the solar panel design proposed to be installed and that the specific soils and subsurface conditions at the site can support the CSES Facility and Supporting Facilities, given local soil, subsurface and climate conditions. The Commercial Solar Energy Facility engineer's certificate shall be a public record and shall be submitted as part of the Siting Approval Permit Application as a condition of approval.

P. Conformance with Approved Application and Plans

The Applicant shall construct and operate the Commercial Solar Energy Facility in substantial conformance with the construction plans contained in a County-approved submitted Siting Approval Permit Application(s), conditions placed upon the operation of the Facility, this Ordinance, and all applicable State, federal and local laws and regulations. Nothing contained herein shall be deemed to preclude the agricultural, commercial or industrial use of the balance of the subject property not occupied by the CSES Project. Said agricultural use will be considered as being the principal use of the subject property notwithstanding adoption of the Siting Approval Permit and the

construction and operation of one or more Commercial Solar Energy Facilities on a given lot or parcel of land, at locations approved by the County pursuant to Siting Approval Permit approval and as shown on a final pre-construction site plan map. The Applicant may shift the footprint of a Commercial Solar Energy Facility location up to 75 feet from the footprint location shown in the final site plan, subject to approval of the County Engineer, which approval will not be unreasonably withheld if the relocation does not cause a violation of any of the applicable regulations or conditions of approval.

Q. Additional Terms and Conditions

1. All technical submissions, as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Siting Approval Permit Application, shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.
2. The County may retain a qualified, independent code inspector or Professional Engineer both to make appropriate inspections of the Commercial Solar Energy Facility during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the Commercial Solar Energy Facility is performed in compliance with applicable electrical and building codes and the conditions of the Siting Approval Permit. The cost and fees so incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the Applicant of the Commercial Solar Energy Facility.
3. Applicant shall install locked metal gates or a locked chain at all of the access road entrances of the Commercial Solar Energy Facility. An exception may be made when the landowner has signed a written statement which states that the owner does not want a locked metal gate installed and the statement has been provided to the County Board.
4. The Siting Approval Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest and assigns. If any provision in this Ordinance or conditions placed upon the operation of the Commercial Solar Energy Facility are held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.
5. The Applicant shall provide an executed road use agreement, between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation, to the County showing approved entrances prior to the issuance of any Commercial Solar Energy Facility Siting Approval Permit.

VII. OPERATION

A. Maintenance

1. Annual Report. The Applicant must submit, on an annual basis on the anniversary



date of the approval of the Siting Approval 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 Commercial Solar Energy 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 Commercial Solar Energy 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 Section XI. (Remedies) below.

2. Re-Certification. Any physical modification to the Commercial Solar Energy Facility that alters the mechanical load, mechanical load path or major electrical components shall require re-certification under Section VI.A.1. of this Ordinance. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with a relevant third-party certifying entity identified in the Design and Safety Certification provision of Section VI.A. of this Ordinance to determine whether the physical modification requires re-certification.

B. Coordination with Emergency Responders:

1. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the Commercial Solar Energy Facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the Applicant of the Commercial Solar Energy Facility.
2. The Applicant, at its 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 Commercial Solar Energy Facility. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment such as winches, pulleys, harnesses, etc.
3. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated Commercial Solar Energy Facility representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated Commercial Solar Energy Facility representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response

plan, including the 24-hour contact information, shall be reviewed and updated on an annual basis.

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

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

1. All solid wastes related to the construction, operation and maintenance of the Commercial Solar Energy Facility shall be removed from the site promptly and disposed of in accordance with all federal, State and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the Commercial Solar Energy Facility shall be handled, stored, transported and disposed of in accordance with all applicable local, State and federal laws.
3. The Commercial Solar Energy Facility shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.

D. Signage

Signage regulations are to be consistent with ANSI standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations, and at all entrances to the Commercial Solar Energy Facility.

E. Drainage Systems

The Applicant, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the Commercial Solar Energy Facility in accordance with the AIMA.

F. Complaint Resolution

The Applicant (CSES Permittee) shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the CSES Facility. The Applicant (CSES Permittee) shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the Macoupin County Board. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the Applicant (CSES Permittee) of the CSES Facility. The Applicant (CSES Permittee) shall also designate and maintain, for the duration of the CSES Facility, either a local telephone number or a toll-free telephone number and an email address as its public inquiry / and complaint "hotline. The Applicant (CSES Permittee) shall post the telephone number(s) and email address(es) for the complaint hotline in a prominent, easy-to-find location on their websites and at the CSES Facility site on signage.

## VIII. LIABILITY INSURANCE AND INDEMNIFICATION

- A. Liability Insurance. Commencing with the submittal of a CSES Pre-Construction Submittal, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate; and, shall

further maintain the above-stated lines of insurance from delivery of the Notice to Proceed by the Applicant for the Commercial Solar Energy Facility, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the Commercial Solar Energy Facility. The Applicant shall file the original certificate of insurance prior to commencement of project construction as part of the CSES Pre-Construction Submittal, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

- B. Indemnification. The Applicant shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees, relating to or arising out of the issuance of the Siting Approval Permit or the construction, operation, maintenance and removal of the Commercial Solar Energy Facility including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Applicant, the Owner or the Operator under this Ordinance or the Siting Approval 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.

#### IX. DECOMMISSIONING AND SITE RECLAMATION PLAN REQUIRED

- A. Applicant (or Owner, if different from Applicant) must submit a Decommissioning Plan with cost estimation to the County as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the Application. Prior to receiving any Siting Approval Permit for the Commercial Solar Energy Facility, the Applicant or Owner shall provide a Decommissioning Agreement and post the required Financial Assurances for the benefit of the County. The Decommissioning Agreement and Financial Assurances shall comply with 55 ILCS 5/5-12020. The Decommissioning and Site Reclamation Plan shall be formulated to the standards of the IDOA's standard solar farm AIMA, template version 8.19.19 and in effect on December 31, 2022. A decommissioning payment shall be required in the amount of the cost identified in the Decommissioning and Site Reclamation Plan, as required by the AIMA, minus the salvage value of the CSES Project. This Ordinance intends that the requirements of this Section be in conformity with and not in contradiction of 55 ILCS 5/5-12020, as amended, and shall apply to the CSES Permittees as well as any Permittees whose projects require parity with these standards. In the event of any direct conflict, the provisions of 55 ILCS 5/5-12020 shall control. Periodically, and as required by the AIMA, the Owner must update the Decommissioning Plan, cost estimations and provide updated Financial Assurances to the benefit of the County. The Decommissioning and Site Reclamation Plan shall be binding upon the Applicant (CSES Permittee), and its successors-in-interest and assigns, and shall apply to all participating parcels in the CSES Project, irrespective of the owner of title to such parcels. The CSES Project and its Supporting Facilities shall be decommissioned within eighteen (18) months of the end of the CSES Project life or the CSES Facility abandonment; however, upon written request supported by evidence that the Applicant has diligently pursued activities toward decommissioning the CSES Project and that any delay in completion of decommissioning the CSES Project is due to conditions out of its

control (e.g., weather, labor strikes, acts of nature, pandemic, etc., but economic reasons shall not be a valid condition) the Applicant shall receive a day-for-day extension of the aforementioned eighteen (18) month deadline for any such documented delay. Subject to compliance with removal requirements of Subsection X.C.1. below, the Applicant shall include removal of all physical material of the project improvements to a depth of sixty (60) inches beneath the soil surface and the restoration of the area in accordance with the Agricultural Impact Mitigation Agreement required by Subsection VI.N. above.

B. A Decommissioning and Site Reclamation Plan shall be prepared by an independent Illinois Certified Professional Engineer and shall include:

1. A description of the methodology and cost to remove all above ground and below ground CSES facilities of the approved Siting Approval Permit;
2. Provisions for the removal of all above ground and below ground CSES facilities of the approved Siting Approval Permit;
3. Methodology and cost to restore all areas used for construction, operation and access to a condition equivalent to the land prior to the CSES construction;
4. A work schedule and a permit list necessary to accomplish the required work;
5. Methodology to identify and manage any hazardous or special materials;
6. Submission of a draft form of Financial Security to the County in the form of a surety bond (performance and payment bond), irrevocable letter of credit, a cash escrow account or other type of Financial Security, as determined and approved by the County, in its discretion, that names Macoupin County as the beneficiary. If an irrevocable letter of credit or surety bond (performance and payment bond) is selected, the original of the irrevocable letter of credit or surety bond shall be held by the County. If a cash escrow is selected, the cash escrow shall be held and managed by an independent third party (e.g., escrow agent or title company) on behalf of the County, subject to escrow instructions that incorporate the applicable decommissioning and repair / replacement / restoration obligations of this Ordinance as executed by the County and the Applicant. The amount of Financial Security shall be equal to the positive difference between the total cost of all decommissioning and restoration work and the net salvage value of all removed CSES Facilities and Supporting Facilities and related materials, plus a ten percent (10%) contingency, as adjusted by the County after input from the County's engineer (the "Decommission Security"); provided that any such amount will be capped at the maximum allowable amount of financial assurance for each milestone per the tiered decommissioning security schedule as required by Section 21 (Deconstruction of Commercial Wind Energy Facilities and Financial Assurance) of the AIMA, and as mandated by Public Act 102-1123 (55 ILCS 5/5-12020(j)). To determine that amount, the Applicant and the Macoupin County Board shall: (a) obtain bid specifications provided by a professional structural engineer; (b) request estimates from construction / demolition companies capable of completing the decommissioning of the CSES Project; and (c) certification of the selected estimate by a professional structural engineer. The Macoupin County engineer, an independent engineer of the County's choosing, and the State's Attorney will review all estimates and make a recommendation to the Macoupin County Board for an acceptable estimate. Macoupin County reserves the right to pursue other estimates. All costs to secure the estimates will be funded by the Applicant;
7. A provision that the terms of the Decommissioning and Site Reclamation Plan shall be binding upon the Applicant (which, for the avoidance of doubt, include any of its successors-in-interest and assigns);
8. Confirmation by affidavit from the Applicant that the obligation to decommission the CSES Facilities is included in the lease agreement for every parcel included in the Siting Approval

Permit Application. A list of all landowners should be kept current and an affidavit shall be secured from Applicant stating its financial understanding;

9. A provision that allows for the County to have the legal right to transfer applicable CSES material to salvage firms in the event that the Applicant fails to perform the decommissioning or abandons the CSES Project;
  10. Identification of and procedures for Macoupin County to access the Financial Assurances; and
  11. provision that Macoupin County shall have access to the site, pursuant to reasonable notice to affect or complete decommissioning. Ten percent (10%) of the Decommission Security will be required to be held by the County for one (1) year past the completion date of the decommissioning work to settle any potential disputes or claims.
- C. Provisions triggering the decommissioning of any portion of the CSES Project due to abandonment:
1. Inactive construction for twelve (12) consecutive months.
  2. If no electricity is generated by the CSES Project for twelve (12) consecutive months after electricity is initially generated, unless the inactivity is due to required or ongoing, active maintenance, repairs, replacement or rehabilitation work and written proof is provided that new parts have been ordered and will be received within six (6) months.
  3. If any part of an individual turbine or the CSES Project is taken off-line for more than thirty (30) consecutive calendar days, excluding where ongoing, active maintenance, repairs, replacement or rehabilitation work is being performed.
  4. The Applicant dissolves or abandons the CSES Project without first transferring the CSES Project to a successor-in-interest or assign.
  5. If any part of an individual turbine or the CSES Project falls into disrepair, is in threat of collapsing or any other health and safety issue.

The Applicant shall provide written notice to the County of any of the above decommissioning trigger events within five (5) calendar days of the event. Per Public Act 102-1123 and the AIMA, the decommissioning work shall be completed within eighteen (18) months of the end of the useful life of the Facility or from the occurrence of items 1., 2. and 3. above. The Applicant will immediately remedy, repair, restore or decommission, as appropriate, the occurrence of item 5. above. If the Applicant fails or refuses to immediately remedy, repair, restore or decommission, as appropriate, the occurrence of item 5. above, the County may use the Decommissioning Security to complete such work and the Applicant shall be required to post with the County replacement Decommissioning Security in an amount that covers the estimated decommissioning costs as required by the AIMA and Public Act 102-1123 within ten (10) calendar days of written notice from the County requesting such replacement Decommissioning Security or be in default under this Ordinance.

- D. Provisions for the removal of structures, debris and cabling; both above and below the soil surface: Items required to be removed include but are not limited to: turbines, transformers, foundation pads, electrical collection systems and transporters, underground cables, fencing, access roads and culverts. A landowner must sign an agreement if they wish for the access roads or culverts to remain.
- E. Provisions for the restoration of soil and vegetation:
1. All affected areas shall be inspected, thoroughly cleaned and all construction-related debris shall be removed.

2. All affected areas must be remediated pursuant to the terms of the AIMA with the IDOA required by Subsection VI.N. above.
3. Items required to be restored include but are not limited to: windbreaks, waterways, site grading, drainage tile systems and topsoil to former productive levels.
4. In work areas involving decommissioning from expansion of turbine crane pads, widening access roads or any other work areas, the topsoil must be first removed, identified and stored separately from other excavated material for later replacement as applicable.
5. The 60-inch below-surface excavation area shall be filled with clean sub-grade material of similar quality to that in the immediate surrounding area.
6. All sub-grade material will be compacted to a density similar to surrounding grade material.
7. All unexcavated areas compacted by equipment used in decommissioning shall be de-compacted in a manner that adequately restores the topsoil and sub-grade material to the proper density consistent and compatible with the surrounding area.
8. Where possible, the topsoil shall be replaced to its original depth and surface contours.
9. Any topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of the effected site.
10. Disturbed areas shall be reseeded to promote re-vegetation of the area to a condition reasonably similar to the original condition.
11. Restoration measurements shall include: leveling, terracing, mulching and other necessary steps to prevent soil erosion; to ensure establishment of suitable grasses and forbs; and to control noxious weeds and pests.
12. Items required to be repaired after decommissioning include but are not limited to: roads, bridges and culverts.
13. An independent drainage engineer shall be present to ensure drainage tiles, waterways, culverts, etc. are repaired as work progresses.
14. A soil erosion control plan shall be approved by the Macoupin County Soil and Water Conservation District.
15. All applicable stormwater management, floodplain and other surface water rules, regulations and ordinances shall be followed.

F. Estimating the costs of decommissioning:

1. Costs shall include but not be limited to engineering fees, legal fees, accounting fees, insurance costs, decommissioning and site restoration.
2. When factoring the CSES salvage value into decommissioning costs, the authorized salvage value may be deducted from decommissioning costs if the following standards are met:
  - a. The net salvage value shall be based on the average salvage price of the past five (5) consecutive years, and this includes any deconstruction costs.
  - b. The maximum allowable credit for the salvage value of any CSES shall be no more than the estimated decommissioning costs of removal of the above ground portions of that individual CSES or up to seventy-five percent (75%) of the total estimated decommissioning costs, whichever is greater.
  - c. When determining salvage values, demolition costs, transportation costs and road permits shall be a consideration.
  - d. If salvage value items are removed prior to decommissioning, then the Decommission Security may be adjusted to provide a credit.
3. A Second Decommissioning and Site Reclamation Plan that calculates the cost estimates for decommissioning of the CSES Project prepared in then-current dollars, with the

salvage value of equipment or materials calculated from 5-year average prices, shall be prepared by the Applicant's Professional Engineer, at the Applicant's cost, and shall be provided to the County and the Applicant by the end of the tenth (10th) year of the Commercial Operation Date of the CSES Project.

4. The Second Decommissioning and Site Reclamation Plan shall be updated to include a re-evaluation of the estimated costs of decommissioning activities of the CSES Project every five (5) years after its date of issuance, based on the re-evaluation work performed by an independent third-party Professional Engineer licensed in the State of Illinois and selected by the County Engineer or its designee ("Re-evaluation Report"). The Applicant shall provide new Financial Security based on the revised cost estimate to complete the decommissioning activities, as determined by each subsequent Re-evaluation Report, to the County within sixty (60) calendar days of its receipt of each Re-evaluation Report. The Applicant shall pay the costs and fees of the independent third-party Professional Engineer who prepares each Re-evaluation Report.
5. New Financial Security with an adjusted dollar amount that reflects changes in the revised decommissioning costs based on the Second Decommissioning and Site Reclamation Plan and each subsequent Re-evaluation Report shall be submitted to the County within sixty (60) calendar days after the initial ten (10) years of operation of the CSES Project and then every five (5) years thereafter, subject to the provisions of Subsection VI.J.1. (Design and Installation; Use of Public Roads; Financial Security) above and shall be adjusted for inflation and other factors, and provided that any such amount will be capped at the maximum allowable amount of financial assurance for each milestone per the tiered schedule contained in 55 ILCS 5/5-12020(j). Failure to provide Financial Security as outlined herein shall be considered a cessation of operation and a default under Section X. (Remedies) of this CSES Ordinance.

#### G. Financial Assurance (Financial Security):

1. The Applicant shall post proof of Financial Security for completion of the CSES Project, including posting of the Decommissioning Security, to be eligible to receive a CSES Siting Approval Permit, provided the amount of financial assurance conforms to the tiered schedule contained in 55 ILCS 5/5-12020(j).
2. Decommissioning Security shall be phased in and provided to the County over the first eleven (11) years of the CSES Project as follows:
  - a. On or before the first (1<sup>st</sup>) anniversary of the Commercial Operation Date, the Applicant shall provide the County with Financial Security to cover ten percent (10%) of the estimated costs of decommissioning the CSES Project as determined in the Decommissioning and Site Reclamation Plan.
  - b. On or before the sixth (6<sup>th</sup>) anniversary of the Commercial Operation Date, the Applicant shall provide the County with Financial Security to cover fifty percent (50%) of the estimated costs of decommissioning the CSES Project as determined in the Decommissioning and Site Reclamation Plan.
  - c. On or before the eleventh (11<sup>th</sup>) anniversary of the Commercial Operation Date, the Applicant shall provide the County with Financial Security to cover one hundred percent (100%) of the estimated costs of decommissioning the CSES Project as determined in the Decommissioning and Site Reclamation Plan.
3. The County shall have immediate access, upon written notice to the Applicant, to use the Decommission Security if:

- a. The Applicant dissolves or after abandonment of the CSES Project by the Applicant without first being transferred to a successor-in-interest or assignee; or
  - b. The Applicant, upon a reasonable determination by the County Board, fails to address a health and safety issue in a timely manner; or
  - c. The Applicant fails to decommission abandoned or inoperable turbine(s) or the entire CSES Project in accordance with the Decommissioning and Site Reclamation Plan.
  - d. If possible for the type of Decommission Security provided, the Applicant shall grant perfected security in the Decommission Security by use of a control agreement establishing the County as an owner of record pursuant to the Secured Transit Article of the Uniform Commercial Code, 810 ILCS 9/ *et seq.*
4. The County Board or its escrow agent shall release the Decommission Security when the Applicant has demonstrated and Macoupin County concurs that decommissioning has been satisfactorily completed or Applicant (or its successors-in-interest or assigns) provides the County with replacement Decommission Security that meets the requirements of the Decommissioning Plan, this Ordinance, the CSES Siting Permit Ordinance and the AIMA. Ten percent (10%) of the Decommission Security shall be retained by the County one (1) year past the completion date of the decommissioning work to settle any outstanding disputes or claims.
  5. Any interest accrued on the Decommission Security that is over and above the total value, as determined by the Illinois professional structural engineer, shall go to the Applicant.
  6. The Applicant shall identify procedures for Macoupin County to assess the financial assurances, particularly if it is determined that there is a health and/or safety issue with the CSES and the principal company fails to adequately respond as reasonably determined by the County Board.
  7. The County shall be listed as a debtor in connection with any proceeding in insolvency or bankruptcy, but shall not be responsible for any claims against the Applicant.
  8. The Applicant shall agree that the obligations and liabilities under a Siting Approval Permit shall be binding upon the Applicant (which, for the avoidance of doubt, includes its successors-in-interest and assignees, such as the CSES Permittee) and the Operator. The Applicant further shall agree that the sale, assignment in fact or at law, or other transfer of the Applicant's financial interest in the CSES shall in no way effect or change the Applicant's obligation to continue to comply with the terms, covenants and obligations of a Siting Approval Permit unless such successor-in-interest or assignee agrees to assume all obligations of the Siting Approval Permit, including but not limited to the decommissioning obligations associated with the CSES.
  9. Macoupin County and its authorized representatives have the right of entry onto the CSES premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

## X. REMEDIES

- A. The Applicant's failure to materially comply with any of the provisions under the Siting Approval Permit, any conditions imposed on the project, and/or failure to comply with any law



or regulation shall be a default and shall be grounds for revocation of the Siting Approval Permit by the County Board. In addition, failure to comply with requirements set forth in this Ordinance may result in a fine in the amount of \$250.00 to \$500.00. Each day that a violation remains outstanding will be considered a separate violation.

- B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County Board must first provide written notice to the Applicant and Operator, setting forth the alleged default(s) and provide an opportunity for the Applicant or the Operator to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the Applicant commence the cure within that 30-day cure period, and diligently pursues a cure, then the Applicant shall receive an additional sixty (60) calendar days to continue to pursue the cure before the County pursues procedures for the resolution of default. If the default relates to a life safety issue or interference with local government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant or the Operator shall take all necessary and available commercial measures to immediately cure the default. If the Applicant or Operator cannot cure the default(s) or resolve the alleged default(s) within the cure period, then applicable County ordinance provisions addressing the resolution of such default(s) shall govern.

## XI. HEARING FACILITATOR

The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the Board and the County but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments. The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The Applicant shall reimburse the County for the fees and costs charged by the hearing facilitator. The hearing facilitator shall review the Application for completeness with the requirements of this Ordinance in a preliminary investigation. Upon completion of this preliminary investigation, the hearing facilitator shall schedule a date for a public hearing before the County Board to be held within forty-five (45) days from date of submission of the Application.

## XII. FEE SCHEDULE AND PERMITTING PROCESSES

### A. Application Fees

1. Upon submittal of the Application for a CSES Siting Approval Permit, the Applicant shall submit a check to Macoupin County in the amount of ***One Hundred Twenty-Five Thousand Dollars (\$125,000.00)*** ("Plan Review Deposit"). These funds shall be placed in a guaranteed money market account and will be used to compensate and reimburse the County for actual, documented costs incurred during the review process for the CSES Application. Should the actual, documented costs to the County exceed ***One Hundred Twenty-Five Thousand Dollars (\$125,000.00)***, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within fifteen (15) calendar days of receipt of a request from the County. Any amount remaining in the money market account after the County completes the Application process and pays all bills and invoices shall be refunded to the Applicant. If the Applicant and County Board so agree in writing, the Applicant may advance a portion of the Plan Review Deposit so that the County may retain experts to assist with CSES Project planning prior to the submission of a Siting Approval Permit Application. If the actual costs to the County exceed the submitted Plan Review

Deposit, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within fifteen (15) calendar days of receipt of a request from the County. No hearings on an Application shall be conducted nor final decisions rendered on an Application if there are Application fees due to the County.

2. The Application for a Siting Approval Permit must be accompanied by a consideration fee in the amount of **Five Thousand Dollars (\$5,000.00)**.
3. Upon approval of a Siting Approval Permit by the County Board, a fee of **Five Hundred Dollars (\$500.00) per megawatt** shall be paid in connection with the Pre-Construction Submittal for a CSES Project(s) by the Applicant of the CSES Project(s) to Macoupin County. If the total nameplate capacity is less than 1 MW, the Siting Approval Permit fee shall be reduced pro rata.
4. Any unused amounts of the Application Fee shall be refunded to the Applicant within twelve (12) months of the completion date of the CSES Project, 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 (6) months of the conclusion of the litigation, disputes or negotiations.
5. In addition to all fees noted above, the Applicant or Owner shall pay all costs incurred by the County, including but not limited to those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes and/ or negotiations.

**Illustrative text to consider:**

**Tazwell County**

The fees for processing the applications for building permits shall be collected by the Community Development Administrator who shall be accountable to the county for such fees as follows:

0 - 10 kilowatts (kW)	\$200
11 - 50 kilowatts (kW)	\$350
51 - 100 kilowatts (kW)	\$500
101 - 500 kilowatts (kW)	\$1,000
501 - 1,000 kilowatts (kW)	\$3,000
1,001 - 2,000 kilowatts (kW)	\$5,000
Over 2,000 kilowatts (kW)	\$5,000 + \$100/kW

**B. Review and Consideration of Siting Approval Permit Application**

1. Review by the County Board:
  - a. The County Engineer, or County designee, shall review the Application for completeness with the requirements of this Ordinance in a preliminary investigation and issue a written report to the County Board.
  - b. Upon completion of this preliminary investigation and report, the County Clerk shall schedule a date for a public hearing before the County Board to be held within forty-five (45) calendar days of receiving a Siting Approval Permit Application.
  - c. Notice Requirements: The County shall comply with the public hearing notice requirements contained in Section 5-12020 (Wind Farms) of the Illinois Counties

Code (55 ILCS 5/5-12020). In the event that Section 5-12020 does not provide specific notice requirements, then the County will provide at least thirty (30) calendar days' notice before the public hearing. The notice will include the time, place and date of the public hearing and must be published in a newspaper published in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice will be published in a newspaper of general circulation in the County. The notice will also contain: (i) the particular location of the property for which the Siting Approval Permit is requested by legal description and by street address, or, if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare or intersection; (ii) whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego or representative of a principal and the name and address of the principal; (iii) whether the petitioner or applicant is a corporation, and, if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation; (iv) whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and, if so, the name and residence of all actual owners of the business or entity; (v) whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate or an unincorporated voluntary association, and, if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate or unincorporated voluntary association; and (vi) a descriptive statement of the proposed CSES Project. The County may set reasonable time limits on the presentation of evidence and delivery of oral public comment at the public hearing.

- d. In addition to any other notice required by this Section, the County must give at least fifteen (15) calendar days' notice before the hearing to: (i) any municipality whose boundaries are within 1½ miles of any part of the property proposed as a CSES Project; and (ii) the owner or owners of any land adjacent to or immediately across any street, alley or public right-of-way from the property proposed as a CSES Project.
- e. The petitioner or applicant must pay the cost of the publication of the notice required by this Section.
- f. If the County Board approves the Application, it shall approve by ordinance within thirty (30) days of the public hearing a Siting Approval Permit with or without conditions and restrictions and affix the Board's seal upon the ordinance approving the Siting Approval Permit together with the signature of the County Board's Chairman and the Macoupin County Clerk. If it disapproves, the County Board shall set forth its reasons in its records and provide the applicant with a copy within thirty (30) calendar days of the public hearing.

### C. Siting Approval Permits for CSES Projects

- 1. Siting Approval Permit and Standards. Pursuant to 55 ILCS 5/5-12020, this Ordinance establishes permit standards for the siting approval of a CSES Project, each CSES Tower(s) and its Substation(s) and related Supporting Facilities, which require approval of the County Board, after at least one (1) public hearing, before a CSES Project, CSES Tower, Substation(s) and related Supporting Facilities can be constructed, installed and operated within Macoupin County.
- 2. Authority and Public Hearing. The County Board shall render final decisions on all CSES Siting Approval Permit applications. If a CSES Siting Application is approved, the County Board will pass an ordinance that confirms the approval within thirty (30) calendar days of the public hearing and may stipulate in the ordinance any conditions and restrictions imposed

on the CSES Project. Prior to the County Board issuing its final decision on a CSES Siting Approval Permit Application, the County Board shall hold a public hearing on the Application within forty-five (45) calendar days of receiving a Siting Approval Permit Application in accordance with the applicable provisions of the Illinois Counties Code, including but not limited to Section 5-12020 (Wind Farms) (55 ILCS 5/5-12020) and the provisions of this Ordinance, including this Section XII. (Fee Schedule and Permitting Process).

3. Siting Approval Permit Standards. The County Board may approve a Commercial Solar Energy Facility Siting Approval Permit Application, if it finds the Application and the submitted evidence complies with State and federal law and regulations, specifically the standards and conditions set forth in Section 5-12020 (Commercial Wind Energy Facilities and Commercial Solar Energy Facilities) of the Illinois County Code (55 ILCS 5/5-12020)) and with the standards of this Ordinance, including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met.
  - a. The establishment, maintenance or operation of the Commercial Solar Energy Facility will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare;
  - b. 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;
  - c. The establishment of the Commercial Solar Energy Facility will not impede the normal and orderly development and improvement of the surrounding properties;
  - d. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;
  - e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
  - f. The proposed Commercial Solar Energy Facility is not contrary to the objectives of the current comprehensive plan of the County (if any); and
  - g. The Commercial Solar Energy Facility shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located (if a zoning ordinance is in effect), except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.
4. Siting Approval Permit Conditions and Restrictions. Subject to the restrictions of Public Act 102-1123, 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.
5. Revocation.
  - a. In any case where a Siting Approval Permit has been approved for a Commercial Solar Energy Facility, the Applicant shall apply for a Commercial Solar Energy Facility Siting Approval Permit from the County and all other permits required by other government or regulatory agencies to commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Siting Approval Permit. If the Applicant fails to apply for a Commercial Solar Energy Facility Siting Approval 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 Siting Approval 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 Siting Approval Permit.

- b. The Siting Approval 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.
- c. Subject to the provisions of Section X. (Remedies) above, a Siting Approval 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 Siting Approval Permit conditions and restrictions.

6. Transferability; Owner or Commercial Solar Energy Facility Permittee. The Applicant shall provide written notification to the County Board at least thirty (30) days prior to any change in ownership of a Commercial Solar Energy Facility. 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 Siting Approval Permit, as applicable, shall remain liable for compliance with all conditions, restrictions and obligations contained in the Siting Approval Permit, the provisions of this Ordinance, and applicable County, State and federal laws.

7. 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 Siting Approval Permit was granted, or as subsequently amended, shall require a new Siting Approval Permit. The Applicant or authorized representative shall apply for an amended Siting Approval Permit prior to any modification of the Commercial Solar Energy Facility.

8. Permit Effective Date: The Siting Approval Permit shall become effective upon approval of this Ordinance by the County Board.

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

XIV. SEVERABILITY

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 these regulations.

XV. EFFECTIVE DATE

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

**PASSED** by a roll call vote of the County Board Members, Macoupin County, Illinois, this 14th day of June, 2023, and signed by Larry Schmidt, Chairman/County Board Member, on the same day.

By: \_\_\_\_\_ Date: \_\_\_\_\_, 2023.  
Larry Schmidt, Chairman

**ATTESTED**

By: \_\_\_\_\_ Date: \_\_\_\_\_, 2023.  
Pete Duncan, County Clerk

**Certification of Roll Call Vote of County Board Members of Macoupin County, Illinois on next page.**

Certification of Roll Call Vote of County Board Members of Macoupin County, Illinois Relative to Ordinance No. O-2023. : ACOMMERCIAL SOLAR ENERGY FACILITY SITING ORDINANCE

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Larry Schmidt, Chairman

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Ryan Kilduff, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Gordon Heuer, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Matthew Acord, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Holly Klausung, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Jon C. Payne, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Kristi Dunnagan, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Ross Adden, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
John Blank, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Leann Barr, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Mark Dragovich, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Aaron Stayton, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
James Ibberson, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Harry Starr, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Todd Armour, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Bernard Kiel, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Robert "Tony" Wiggins, County Board Member

\_\_\_ Aye / Nay \_\_\_

\_\_\_\_\_  
Molly Rosentreter, County Board Member

Vote Certification: \_\_\_\_\_  
Pete Duncan, County Clerk

Date: \_\_\_\_\_, 2023

STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF MACOUPIN        )

**CLERK'S CERTIFICATE**

I, Pete Duncan, Clerk of the County of Macoupin, Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. O-2023.0\_ :  
COMMERCIAL SOLAR ENERGY FACILITY  
SITING ORDINANCE

which Ordinance was passed by a roll call vote of the County Board of Macoupin, Illinois, at a Regular / Special [Select One] County Board Meeting on the \_\_\_ day of \_\_\_\_\_, 2023, at which meeting a quorum was present, and approved by the Chairperson of the County Board of Macoupin County, Illinois on the \_\_\_ day of \_\_\_\_\_, 2023.

I further certify that the vote on the question of the passage of said Ordinance by the County Board of Macoupin County, Illinois was taken by Ayes and Nays and recorded in the minutes of the County Board of Macoupin County, Illinois, and that the result of said vote was as follows, to-wit:

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Macoupin, this \_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Pete Duncan, County Clerk

[SEAL]