



## **Town of Cortland**

### **Planning Commission Meeting**

Town Hall, 59 S. Somonauk Road Cortland, IL 60112

February 05, 2026 at 7:00 PM

#### **AGENDA**

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**CALL TO ORDER / PLEDGE OF ALLEGIANCE**

**SWEARING IN OF NEW PLANNING COMMISSIONER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**PUBLIC WISHING TO SPEAK**

**APPROVAL OF MINUTES**

1. Approve Planning Commission Minutes of December 5, 2025

**PUBLIC HEARING**

2. Town of Cortland, as the Applicant, has filed a request for text amendments in Title 9, Section 9, Chapter 2B of the Cortland Town Code to allow ground-mounted solar energy systems as a permitted accessory use as well as amendments to Section 9-4-34 to specify additional criteria of lot, size, and location of accessory use ground-mounted solar energy systems.

**STAFF REPORTS**

**REPORT OF THE CHAIR**

**UNFINISHED BUSINESS FOR DISCUSSION AND POSSIBLE ACTION**

**NEW BUSINESS FOR DISCUSSION AND POSSIBLE ACTION**

**ADJOURNMENT**



## Town of Cortland Planning Commission Meeting

Town Hall, 59 S. Somonauk Road Cortland, IL 60112

December 04, 2025 at 7:00 PM

### MINUTES

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#### **CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL**

Mr. Hedrick called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited. Clerk Cheryl Aldis called the roll showing as present, Commissioners Mark Hedrick, Robert Barnhart, Vicky Torres, Julie Steadman, Brad Lawson. None shown as absent. Quorum was present. Also, present was Brandy Williams, Zoning Administrator, Town Clerk Cheryl Aldis, Deputy Town Clerk Catherine Koks

#### **APPROVAL OF AGENDA**

Ms. Torres moved to approve the agenda as presented, seconded by Mr. Barnhart.

Voice vote carried the motion.

#### **PUBLIC WISHING TO SPEAK**

No public wishing to speak unrelated to the Public Hearings.

#### **APPROVAL OF MINUTES**

1. Approve Planning Commission Minutes of July 18, 2024

Mr. Barnhart moved to approve the minutes of July 18, 2024, seconded by Ms. Steadman. Unanimous voice vote carried the motion.

#### **PUBLIC HEARING**

2. SolarStone Partners, applicant, has filed with the Town of Cortland a request for a Special Use Permit, regarding property located north of IL Route 38, and south of the Union Pacific Railroad, De Kalb County, IL (80.33 ac) PINs 09-27-100-002 and 09-27-300-004, to Construct, Operate and Maintain a Solar Garden as set forth in Title 9, Chapter 4, Section 34 of the Cortland Town Code.

Mr. Hedrick opened the public hearing at 7:04pm

Clerk Aldis read the public hearing notice into the record. The notice was published in the Daily Chronicle on November 12, 2025, meeting the requirements of the law.

#### **Swearing In of Speakers**

Mr. Hedrick swore in Brandy Williams, Zoning Administrator; Conner Sayles, Solar Stone Partners; Jamie Walter, Walter Farms.

#### **Applicant Testimony**

Connor Sayles from Solar Stone Partners, gave background on his 5-year career with the company and the company in general. The company began in Minneapolis,

Minnesota. Solar Stone Partners c currently has sixteen active projects over MN and IL. They also have twenty projects they are permitting and developing for Amren and ComEd.

The proposed project involves approximately 80 acres crossing 2 parcels. It will be on a distribution grid with ComEd. The intent of these projects is to continue to farm around the array, and it would remain as an A1 use and continue to be farmed after installation of the solar farm.

He stated that annexation of the two parcels is anticipated before work can begin.

The total grid load is 7 megawatts, split into two grids, one 5 megawatts and one 2 megawatts. He stated no permit will be required from the Army Corps. Of Engineers and the anticipated construction start date is July 2026.

There would be a 4 mile reconductoring with ComEd as there is currently no direct line to the project.

Electrical infrastructure will be buried underground per Town Code. Each project will have it's own interconnection with ComEd poles on either side of the driveway. Access Drive 18ft in width, which is up to IDOT standards. Road Use agreements will be in place when they go to submit for the Town permits.

The project will utilize single axis trackers, sensor technology and bi-facial panels. Remote monitoring and operation. Regular and as-needed maintenance will be completed. These facilities are in operation and are rated for 30+ years. None of the equipment will be over the 10ft height restriction. The only concrete planned for the facility is the transformer pad, where transformer equipment is housed. A livestock fence is planned around the perimeter of the array. There is no energy storage assigned to these projects.

He mentioned details on some legislation related to the CRGA (Clean and Reliable Affordability Act) as well as updates from the county on data center standards and the goal to have centers be self-sufficient.

### **Public Testimony**

Zoning Administrator Williams read two letters from the public:

*Brad and Candace Snow:* IL Rte. 38. The Snows wrote to strongly oppose the project and felt it was unsuitable for this rural and scenic part of Cortland. They stated they felt the solar field would devastate the rural character of the area and would be incompatible with the surrounding community. They cited noise concerns, health concerns, a decrease property values, and felt there were better suited areas to develop.

*Alex Robinson:* IL Rte. 38. Robinson wrote to oppose the project because of incompatibility with residential areas, negative impact on property values, environmental and ecological concerns, safety issues and glare, availability of more suitable locations, and lack of community input and transparency. He also mentions concerns with visual impact, and electrical equipment as a fire risk. He asked the commission for additional public hearings and studies to be completed before making a decision on the special use permit.

### **Rebuttal**

Jamie Walter, Whiskey Acres Distilling Company and owner of the subject property: Walters explained that Whiskey Acres Distilling Company is 100% run off the sun for their company operations and feels that alternative energy options like solar are an important part of decarbonization of the grid. Solar costs per watt are the cheapest and fastest sources of energy today. He is very supportive of the project. He is also sensitive to the neighbors concerns about aesthetics and explained that the array will be surrounded by crops and some landscape screening has also been planned for. Overall, they feel it will be a minimal intrusion and he stated that directly across the tracks is the wastewater treatment plant. The lease term is 25 years and two 5 year extensions.

Connor Sayles gave visual of the setbacks for the project to address the concerns with the distance buffers- approximately 700 feet.

Walter stated that noise would be minimal.

Sayles explained a vegetation screen plan would be provided along the fence line. A native plant mix/pollinator habitat would be utilized and would help with hydrology.

### **Staff Report**

Williams reviewed the advisory report as follows:

#### PROPOSAL

SolarStone Partners, as applicant, has filed with the Town of Cortland a request for a Special Use Permit (SUP) in accordance with Title 9, Chapter 10, Section 6B of the Cortland Town Code regarding the property located at Illinois Route 38, DeKalb County, Illinois. The 80.33-acre site is located north of Illinois Route 38 and south of the Union Pacific Railroad comprised of PIN 09-27-100-002 and PIN 09-27-300-004. The applicant is requesting a Special Use Permit on the subject property to, upon annexation, construct, operate, and maintain a Solar Garden as set forth in Title 9, Chapter 4, Section 34 of the Cortland Town Code. The petitioner's application is attached as Exhibit A.

The property is currently not annexed to the Town of Cortland. A joint petition for a Special Use Permit and Annexation was submitted. When a property is annexed to the Town of Cortland, the default zoning is AG, Agricultural. Because AG, Agricultural is

the applicant's desired zoning, rezoning is not requested or required. The Town Board evaluates the annexation request.

### LOCATION AND DESCRIPTION

The subject property is located east of town proper, on the north side of Illinois Route 38, south of the Union Pacific railroad, west of Airport Road. The subject property is comprised of two parcels PIN 09-27-100-002 and PIN 09-27-300-004 for a total of 80.33 acres.

The applicant intends to, upon annexation, construct, operate, and maintain a Solar Garden. Solar Gardens may be operated under a Special Use Permit in AG Agriculture of I-1 Light Industrial zoning districts. Title 9, Chapter 2 Definitions includes

**SOLAR GARDEN:** A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system.

*Existing and Surrounding Zoning:* The subject parcels are zoned DeKalb County A-1. Properties to the west, east and south are zoned DeKalb County A-1. The property to the north across the Union Pacific Railroad Right of Way is annexed to the Town of Cortland and zoned P-1 Recreation & Open Space.

The zoning map has been included as Exhibit B.

The 2024 Official Zoning Map can be found on the Town of Cortland website and at:

chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://www.cortlandil.org/uploads/dm/24901/Zoning\_Map\_2024\_Published\_in\_2025.pdf

*Existing and Surrounding Land Uses:* The subject parcels are listed by DeKalb County as farmland and used as row crop. Properties to the west, east and south across Route 38 are listed by DeKalb County as farmland and used as row crop. Immediately south, adjacent to the subject parcel is a homestead. The property to the north across the Union Pacific Railroad Right of Way is annexed to the Town of Cortland and zoned P-1 Recreation & Open Space.

### BACKGROUND

The subject property has been used as farmland for decades. The subject property is not served by water, sanitary sewer or storm sewer. Roadway access is currently by a farm entrance from Illinois Route 38.

### COMPREHENSIVE PLAN

The Town adopted a Comprehensive Plan in September 2023, which guides development throughout the community. The Future Land Use Map within the Comprehensive Plan depicts the subject property as Agricultural use.

The default zoning does coincide with the Comprehensive Plan. There is no distinction in the Future Land Use Map for Special Use Permits or for Solar Energy Systems, specifically.

Note: An excerpt of the Comprehensive Plan is attached as Exhibit C. The full Comprehensive Plan can be found on the Town of Cortland's website and at:

[https://www.cortlandil.org/vertical/sites/%7B869DC155-25BA-43FB-B05D-BD63FEA0657C%7D/uploads/Cortland\\_2023\\_Comprehensive\\_Plan\\_v05\\_Final.pdf](https://www.cortlandil.org/vertical/sites/%7B869DC155-25BA-43FB-B05D-BD63FEA0657C%7D/uploads/Cortland_2023_Comprehensive_Plan_v05_Final.pdf)

### TECHNICAL REVIEW

Water, sanitary sewer, and storm sewer utilities are not required for the project. Any electric infrastructure will be completed by the developer or ComEd as part of the interconnection agreements. Once the facility is operational and the construction traffic ceases, vehicular access will be nominal. However, because the roadway providing the site access is a state route, IDOT will need to review and approve the entrance design. A building permit will not be issued until confirmation of IDOT approval of the entrance is provided to the Town. Variances from Town Code have not been requested as part of the application. Financial obligations and surety will be in accordance with Town Code which differs from language included in the application under "Financial Framework".

Williams explained the joint petition of the annexation and special use applications. She explained the railroad is not a buffer so the annexation would be contiguous with the current town border. There are no utility adjacent to these properties. The parcels currently have a farm entrance. The town adopted a comprehensive plan in 2023 and this request coincides with this plan.

### **Questions**

Torres asked about the involvement of the County before approval by the Town. Williams explained that the State removed limitations that the County can apply. The County directs petitions to the local municipality's local planning jurisdiction. There was discussion on setbacks. Lawson asked if there were plans to expand in the future. Sayles replied that there was no further expansion planned at this time. Lawson asked about where the electricity generated would go to or be brokered by. Sayles responded that ComEd would be using energy in their substation and felt that it would be used locally (within 10-20 miles).

Lawson questioned the Town's interest in annexation. The board discussion following a comprehensive plan and what would happen if the request is denied what the repercussions would be to Cortland.

Mr. Hendrick closed the public hearing at 8:00 p.m.

### **Deliberations**

Barnhart asked about the decommissioning plan, which was included in the packet documents. Lawson stated that there is a general understanding that ComEd is the factor for these projects but would like to see guidance from the Town Board for logic related to solar projects and locations. Barnhart questioned Williams on areas of in the

comprehensive plan where renewable energy was highlighted. Clerk Aldis gave an opinion about noise and vision of a similar array.

### Review of Standards

#### 9-10-3 Standards

Clerk Aldis read the standards prescribed by the Town Code into the record.

**A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community.**

The commission finds that the proposed use of the project at this location is desirable for the use to the public. It will continue to improve the general welfare of the community.

**B. The proposed structure or use will not have substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare;**

The commission finds that the proposed structure will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare.

**C. The proposed structure or use will designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.**

The commission agrees that the proposed structure will be defined, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

**D. Such other standards and criteria as are established by the ordinance for a particular special use as set forth in section 9-10-4 of this chapter and as applied to planned developments as set forth in chapter 7 of this title (Ord. 2008-23, 1-28-2008)**

Not applicable.

Mr. Barnhart made a motion to approve the Standards A, B, C as read and Standard D as not applicable. Ms. Torres seconded the motion. Unanimous voice vote carried the motion.

### Review of Conditions

There were no conditions.

### Recommendation

Mr. Barnhart moved to approve the request from SolarStone Partners for a Special Use Permit, regarding property located north of IL Route 38, and south of the Union Pacific Railroad, De Kalb County, IL (80.33 ac) PINs 09-27-100-002 and 09-27-300-

004, to Construct, Operate and Maintain a Solar Garden as set forth in Title 9, Chapter 4, Section 34 of the Cortland Town Code. Mr. Lawson seconded the motion.

Yeas: Commissioners Barnhart, Hedrick, Lawson, Torres, Steadman

Nays: None

Absent: None

Roll Call Vote: 5-yea, 0-nay, 0-absent, motion carried.

## PUBLIC HEARING

3. Town of Cortland, as the Applicant, has filed a request for text amendments in Title 4, Title 5, and Title 9 in the Cortland Town Code to allow keeping of domesticated hens.

Mr. Hedrick opened the public hearing at 8:32 p.m.

Clerk Aldis read the public hearing notice into the record. The notice was published in the Daily Chronicle on November 7, 2025, meeting the requirements of the law.

### Swear in those wishing to testify

Ms. Williams remains sworn from previous hearing.

### Applicant Testimony

Williams clarified that the planning commission is only considering text amendments under Title 9- only. The commission reviewed the proposed changes:

- Remove, "*excepting domesticated hens*" from Section 9-3-13.B.2 "Table of Permitted Yard Obstructions"
- Add a new row, "*Chicken coop with enclosed run (in accordance with Section 9-4-35 of this title)*" - permitted in Rear Yard. to Section 9-3-13.B.2 "Table of Permitted Yard Obstructions"
- Add new Subsection 9-4-35: *Chicken Coops and Enclosures* to "Supplementary Regulations for Specific Uses"
  - A. Lot: Only lots zoned and used for single-family purposes (or agricultural property) that are 11,000 square feet or larger may have hens.
  - B. Location: Coops must be in rear yards and at least twelve (12) feet from property lines and not within any easement on the subject property.
  - C. Size: A chicken coop up to one hundred and forty four (144) square feet and an enclosed outside run of at least thirty-two (32) square feet is required.

The commissioners asked Williams questions about lot size, corner lot specifications, height limitations, and visibility from the street.

### **Public Testimony**

There was no public testimony.

### **Rebuttal**

There was no rebuttal.

### **Staff Report**

There was no formal report. Williams mentioned that DeKalb County does allow chickens.

Mr. Hendrick closed the public hearing at 8:44pm

### **Deliberations**

The commission discussed size limitations and issues with sight triangles and general size limits of allowed accessory structures within Town limits. The commission asked Ms. Williams to amend the language of Item C to include "not exceeding ten feet (10') in height." before presentation to the Town Board. The commission discussed sanitation issues related to disease and up-keep/cleanliness of the areas.

### **Recommendation**

A motion was made by Mr. Barnhart to accept proposed text amendments for Title 9 with an additional height limitation of ten feet (10') on item C. of the amendment. Ms. Steadman seconded the motion.

Yea: Commissioners Barnhart, Hedrick, Torres, Steadman

Nay: Commissioner Lawson

Absent: None

Roll call vote: 4-yeas, 1-nay, 0-absent, motion carried.

### **STAFF REPORTS**

Ms. Williams stated she has three other items she's working on. She announced the January 1, 2026 is canceled due to the holiday, but the February 5, 2026 meeting will go on as scheduled.

### **REPORT OF THE CHAIR**

No report given.

### **COMMISSIONER'S REPORT**

No report given.

Planning Commission  
December 5, 2025

**LAISON REPORT**

No report given.

**UNFINISHED BUSINESS FOR DISCUSSION AND POSSIBLE ACTION**

No unfinished business discussed.

**NEW BUSINESS FOR DISCUSSION AND POSSIBLE ACTION**

4. Determination of January 2026 Meeting Date

The January 1, 2026 meeting date has been canceled. The next Planning Commission meeting is February 5th at 7:00 p.m.

**ADJOURNMENT**

Mr. Barnhard made a motion to adjourn, seconded by Ms. Torres.

Unanimous Voice Vote carried the motion.

The meeting adjourned at 9:02 p.m.

Respectfully submitted by:

Catherine Koks, Deputy Town Clerk

Approved:



## NOTICE OF PUBLIC HEARING

Public notice is hereby given that the Town of Cortland, as applicant, has filed a request for text amendment in accordance with Title 9, Chapter 9, Section 2B of the Cortland Town Code. The proposed amendment consists of modifying Title 9 to allow ground-mount solar energy systems as a permitted accessory use. The proposed amendment also includes revisions of Section 9-4-34 to specify additional criteria of lot, size, and location of accessory use ground-mount solar energy systems.

A Public Hearing before the Town's Planning Commission will be held at Town Hall, 59 S. Somonauk Road, Cortland, on **Thursday, February 5, 2026, at 7:00 pm.**

All persons desiring to provide testimony regarding the requested amendment may attend the public hearing to do so or offer testimony in advance thereof in writing. The application for amendment may be viewed through the Town's website at [www.cortlandil.org](http://www.cortlandil.org). Written correspondence regarding the proposal may be directed to the Town of Cortland Zoning Administrator, P.O. Box 519, Cortland, IL 60112 and must be received not later than 4:30 p.m. at Town Hall on the day of the hearing in order to be incorporated into the public record of proceedings for amendment request as appropriate.



Date Filed:	
Job Number:	N/A
PC Number:	PC 25-03

## LAND DEVELOPMENT APPLICATION

THE UNDERSIGNED RESPECTFULLY PETITIONS THE TOWN OF CORTLAND TO REVIEW AND CONSIDER GRANTING THE FOLLOWING APPROVAL ON THE LAND HEREIN DESCRIBED.

*(Check all that apply)*

- Annexation\*                       Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Text Amendment (attached proposed language)
- Special Use Permit for a:       Planned Unit Development                       Other \_\_\_\_\_
- Planned Unit Development:
  - Concept Plan                       Preliminary Development Plan                       Final Development Plan
- Subdivision Plat:                       Preliminary Subdivision Plat                       Final Subdivision Plat

*\* Attach an original copy of the annexation petition to this application*

.....  
*PLEASE PRINT OR TYPE IN BLUE OR BLACK INK*

### PART I. APPLICANT INFORMATION

APPLICANT	LAND OWNER <i>(If not the Applicant)</i>	CONTACT PERSON <i>(If not the Applicant)</i>
Name: <u>Brandy Williams</u>	_____	_____
Company <u>Town of Cortland</u>	_____	_____
Address: <u>59 S. Somonauk Road, PO Box 519</u>	_____	_____
<u>Cortland, IL 60112-0519</u>	_____	_____
E-mail: <u>engineer@cortlandil.org</u>	_____	_____
Phone: <u>815-756-9041</u>	_____	_____

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY?                       YES                       NO

*(If the Applicant is not the owner of the subject property, a notarized letter from the Owner authorizing the Applicant to file the Land Development Application must be attached to this application.)*

IS THE APPLICANT AND/OR OWNER A TRUSTEE OR A BENEFICIARY OF A LAND TRUST?                       YES                       NO

*(If the Applicant and/or Owner of the subject property is a Trustee of a land trust or beneficiary(ies) of a land trust, a disclosure statement identifying each beneficiary of such land trust by name and address and defining his/her interest therein shall be verified by the Trustee and shall be attached hereto.)*

Date Filed:	<input type="text"/>
PC Number:	PC 25-03

# Cortland Land Development Application

## PART II. PROPERTY INFORMATION

ADDRESS OF PROPERTY: \_\_\_\_\_

PARCEL INDEX NUMBER(S): \_\_\_\_\_

LEGAL DESCRIPTION: *A FULL LEGAL DESCRIPTION MUST BE ATTACHED TO THIS APPLICATION*

TOTAL AREA OF SUBJECT PROPERTY(IES) (ACRES): \_\_\_\_\_

IF SUBDIVIDING, NUMBER OF LOTS BEING CREATED: \_\_\_\_\_

CURRENT ZONING: \_\_\_\_\_ PROPOSED ZONING: \_\_\_\_\_

RECOMMENDED LAND USE: \_\_\_\_\_  
*(Based upon the recommendations of the Cortland Town Plan)*

PROPOSED LAND USE: \_\_\_\_\_

NAME OF PROPOSED DEVELOPMENT: \_\_\_\_\_

The subject property is located in which FIRE PROTECTION DISTRICT? \_\_\_\_\_

The subject property is located in which SCHOOL DISTRICT? \_\_\_\_\_

Attach relevant checklist(s) and associated information as outlined during the pre-application meeting.

I, Brandy Williams/Town of Cortland, hereby apply for review and approval of this application and represent that the application and requirements thereof and supporting information have been completed in accordance with the Zoning Ordinance and/or Subdivision Ordinance of the Town of Cortland.

Brandy Williams  
Signature of Applicant

12/4/25  
Date

State of Illinois  
County of DeKalb

Signed before me on December 4, 2025 by Brandy Williams  
*Applicant*

Cheryl L. Aldis  
Signature of Notary Public

(Seal) OFFICIAL SEAL  
CHERYL L. ALDIS  
Notary Public, State of Illinois  
Commission No. 927563  
My Commission Expires March 09, 2029

### 9-4-34. Solar energy systems.

- A. Permitted accessory use: Solar energy systems as a permitted accessory use are intended to provide energy to facilities located within the property the system is constructed on. Roof mount or building-integrated ~~private~~ solar energy systems must meet the building setbacks as required by section 9-3-6.A. Ground-mount systems shall be subject to the following requirements, restrictions, and conditions:
1. The ground-mount system is an accessory use in an Agricultural (AG) district, a Light Industrial (I-1) district, or a Recreation & Open Space (P-1) district.
  2. Bulk Regulations:
    - a. *Minimum Lot Area:* Five (5) Acres.
    - b. *Front and Corner Side Yard:* Fifty feet (50').
    - c. *Side Yard:* Fifty feet (50').
    - d. *Rear Yard:* Fifty feet (50').
    - e. *Height:* Ground or pole mounted solar energy system shall not exceed ten feet (10') in height as measured when the system is oriented at its maximum tilt. All other equipment shall not exceed fifteen feet (15') in height.
- B. Solar Farms and Solar Gardens that are the principal use on the property may only be located and permitted in an Agricultural (AG) district or a Light Industrial (I-1), but only when authorized and approved as a special use by the town board after public hearing and recommendation by the planning commission.

Such special use as may be allowed shall be subject to the following requirements, restrictions, and conditions:

1. *Bulk regulations:*
  - a. *Minimum Lot Area:* Five (5) Acres.
  - b. *Front and Corner Side Yard:* Fifty feet (50').
  - c. *Side Yard:* Fifty feet (50').
  - d. *Rear Yard:* Fifty feet (50').
  - e. *Height:* Ground or pole mounted solar energy system shall not exceed ten feet (10') in height as measured when the system is oriented at its maximum tilt. All other equipment shall not exceed fifteen feet (15') in height.
2. *Off-Street Parking:* There shall be a minimum of two (2) parking spaces with minimum dimensions of ten by twenty feet (10' x 20'). Accessways shall be a minimum of twelve feet (12') wide. Parking spaces and accessways located on private property do not have to be paved but do need to have a minimum of a seven inch (7") compacted stone base. Accessways located within the right-of-way shall meet standards set by the town engineer.
3. *Signage:* An identification sign shall be posted at the entrance(s) to the site. Each such identification sign shall list the name and phone number of the operator. In addition to the identification sign(s) there shall be appropriate warning signage that is posted along all property lines which are clearly visible on the site. Both the identification sign(s) and the warning sign(s) are exempt from section 9-6 of the Municipal Code.
4. *Power and Communication Lines:* Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

5. *Batteries:* If the solar farm or solar garden consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
6. *Interconnection:* An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
7. *Stormwater and NPDES:* Solar farms and solar gardens are subject to the town's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
8. *Ground Cover and Buffer Areas:* The site of a ground mounted solar farm or solar garden energy system shall be improved and maintained with a native perennial vegetative ground cover over the entire property including under and around solar panels. The purpose of this ground cover shall be the prevention of soil erosion and the management of stormwater run-off. Topsoil shall not be removed during development, unless part of a remediation effort.
9. *Foundation:* A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
10. *Other Standards and Codes:* All solar farms and solar gardens shall be in compliance with all applicable local, state and federal regulatory codes.
11. *Site Plan Required:* A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, easements, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the Town.
12. *FAA Compliance:* Solar farms and solar gardens that are located within five hundred feet (500') of an airport or within approach zones of an airport, are required to complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
13. *Endangered Species and Wetlands:* Solar farm and solar garden developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer. Results of this consultation will be included in the special use application packet.
14. Upon request from the town, the owner or operator of a solar farm or solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the town.
15. *Decommissioning:*
  - a. A decommissioning plan shall be required to be submitted when applying for all solar farms and solar gardens, to ensure that facilities are properly removed after their useful life.
  - b. Decommissioning of solar panels must occur in the event they are not in use for ninety (90) consecutive days.
  - c. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden stops being operational.
  - d. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.

- e. The town board of trustees may require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of financial surety may be required prior to the issuance of a building permit for the facility. Said surety shall remain updated and valid until the solar farm/solar garden has been completely decommissioned in accordance with the latest approved decommissioning plan and restored in compliance with section 9-4-34.B.15. As outlined in the chapter establishing the special use permit, the amount of surety shall be periodically reviewed by staff and the surety amount adjusted accordingly.
- f. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm or solar garden, the strictest requirements shall prevail.
- g. The owner of a solar energy facility shall submit an update to this decommissioning plan every three (3) to five (5) years following issuance of the special use.
16. *Restoration Requirements:* The owner of a solar farm or solar garden shall provide the zoning administrator with a written notice of termination of operations or abandonment of the solar energy facility. Within one hundred twenty (120) consecutive calendar days immediately following the town's receipt of such written notice or within one hundred twenty (120) consecutive calendar days immediately following the termination of such special use, whichever first occurs, the owner of each such solar farm or solar garden shall:
- Remove all structures, buildings, solar panels, above ground improvements, outdoor storage, fencing, equipment, and roadways; and
  - Completely remove all foundations, pads, and underground electrical wires; and
  - Remove all hazardous material from the property and dispose of the hazardous material in accordance with all applicable federal, Illinois, and Town laws, statutes, ordinances, rules, and regulations; and
  - Restoration of all soil and vegetation.
17. *Bonds:* Prior to the issuance of a building permit, the owner of a solar energy facility shall provide the town with a performance and payment bond with adequate security or surety bond in an amount determined adequate by the town board to guarantee the performance of the aforesaid restoration requirements and decommissioning plan.
18. *Abandonment:* A decommission plan shall be approved by the town board during the special use permit process. At the time of building permit, a letter of credit, or other financial surety instrument approved by the town attorney, in the amount of the estimated cost of decommission, as approved by the town engineer, shall be submitted to the town. If the solar farm or solar garden is abandoned and not properly decommissioned, the town shall utilize the funds to restore the property to its original or an improved condition.
- C. *Solar Skyspace Easements:* The issuance of a permit for a solar energy system does not constitute a granting of a solar skyspace easement by the town. A solar skyspace easement is not a prerequisite for obtaining a zoning or building certificate from the town but the owner/operator shall assume all responsibility for obtaining covenants, easements, or similar documentation to assure sufficient sunlight to operate the solar energy system unless adequate access to sunlight is provided by the site and assumes all risks associated with operating the solar energy system without a solar energy easement.
- D. For solar farms and solar gardens, commencing with the issuance of building permits, the applicant, owner, or operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least three million dollars (\$3,000,000.00) per occurrence and five million dollars (\$5,000,000.00)

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in the aggregate. The town shall be named as an individual insured on the policy to the extent the town is entitled to indemnification.

- E. Any solar energy system(s), applicant, owner, or operator, whether individual or commercial shall defend, indemnify, and hold harmless the town and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such indemnified parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the solar energy system(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the town's other indemnification rights available under the law. (Ord. 2020-13, 6-22-2020, eff. 7-2-2020)