VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

ADMINISTRATION & ZONING COMMITTEE

Monday, November 12, 2018 - 6:30 PM

or immediately following Finance and Public Works Committee Meeting
200 N. Hill Street, Poplar Grove, IL 61065

AGENDA

ROLL CALL

APPROVAL OF PHONE PARTICIPATION (Roll Call)

APPROVAL OF AGENDA (Voice Vote)

APPROVAL OF MINUTES (Voice Vote)

1. Motion to approve minutes from the October 8, 2018 meeting.

PUBLIC COMMENT *Public Comment is encouraged. The Village Board will receive comments from the public, pursuant to State Statutes. Comments will be limited to five minutes on topics relating to the Village of Poplar Grove. Be further advised that matters brought up at this time may be referred to the appropriate committee or individual for further discussion or consideration.*

PRESENTATION

2. IML RMA Presentation, Aaron Golden

DEPARTMENT REPORTS

3. Code Enforcement & Building Inspection Report, B&F

NEW BUSINESS

4. Discussion and Possible Recommendation to the Village Board to approve **Ordinance 18-35** an Ordinance Granting a Map Amendment from the GB, General Business District to the LI, Light Industrial District (Ne Corner of 4324 IL Route 173)
5. Discussion and Possible Recommendation to Village Board to approve **Ordinance 18-36** An Ordinance Granting a Special Use for a Solar Farm within the LI, Light Industrial District (4324 Illinois Route 173 (East Half)

6. Discussion and Possible Recommendation to Village Board to approve **Ordinance 18-37** An Ordinance Granting a Special Use for a Solar Farm within the LI, Light Industrial District (4324 Illinois Route 173 (West Half)
7. Discussion and possible recommendation to the Village Board to approve **Ordinance 18-28** An Ordinance of the Village of Poplar Grove, Illinois Approving Authorizing the Village to enter into a Spectrum Lease Agreement (Radio Water Meters)
8. Discussion and Possible Recommendation to the Village Board to approve **Ordinance 18-29** An Ordinance Adopting a Policy Prohibiting Sexual Harassment for the Village of Poplar Grove
9. Discussion and Possible Recommendation to Village Board to approve **Ordinance 18-33** An Ordinance Amending Title 10 (Mobile Home Park/Subdivision Regulations), Chapter 2 (Zoning Application Procedure and License Requirement), Section 10-2-2 (License Requirement) of Village of Poplar Grove, Illinois Code of Ordinances
10. Discussion and Possible Recommendation to Village Board to approve **Ordinance 18-34** An Ordinance of the Village of Poplar Grove, Boone County, Illinois, Ascertaining the Prevailing Rate of Wages for laborers, Workmen and Mechanics Employed on Public Works of Said Village
11. Discussion and Possible Recommendation to Village Board to approve **Resolution 18-18** A Resolution of the Village of Poplar Grove, Illinois to Approve and Authorize the Village President to Execute a Propane Contract with Arneson Oil & Propane
12. Discussion and Possible Recommendation to the Village Board to amend the adopted Trick or Treat hours in the Village
13. Discussion and Possible Recommendation to Village Board to approve Class A/Beer Garden Seven Day for Hegbom Inc. (Bravo Pizza & Italian Restaurant)

ADJOURNMENT (Voice Vote)

KJA MM/DD/YYYY

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Monday, October 08, 2018 - 6:30 PM

or immediately following Finance and Public Works Committee Meeting

200 N. Hill Street, Poplar Grove, IL 61065

MINUTES

ROLL CALL

PRESENT

President Owen Costanza

Chairman Ron Quimby

Trustee Neeley Erickson

Trustee Sophia Ramdass

Trustee Eric Miller

Clerk Karri Anderberg

Attorney Roxanne Sosnowski

ABSENT

Trustee Jeff Goings

Trustee Erin Walsh

PLEDGE OF ALLEGIANCE

APPROVAL OF PHONE PARTICIPATION (Roll Call)

APPROVAL OF AGENDA (Voice Vote)

Motion made by Trustee Miller, Seconded by Chairman Quimby. Motion passed by voice vote.

APPROVAL OF MINUTES (Voice Vote)

1. Motion to approve minutes from August 13, 2018 and September 10, 2018

Motion made by Chairman Quimby, Seconded by Trustee Erickson. Motion passed by voice vote.

PUBLIC COMMENT *Public Comment is encouraged. The Village Board will receive comments from the public, pursuant to State Statutes. Comments will be limited to five minutes on topics relating to the Village of Poplar Grove. Be further advised that matters brought up at this time may be referred to the appropriate committee or individual for further discussion or consideration.*

No public comments

DEPARTMENT REPORTS

2. Building and Code Compliance, B&F
   No questions for B&F

NEW BUSINESS

3. Presentation on IML Conference
   President Costanza, Trustee Miller and Clerk Anderberg all went to IML in Chicago. Each talked about what classes they took and what they learned while there.
4. Presentation on MuniCode Meeting.
   Clerk Anderberg gave a presentation on the Muni Code Meeting system that the Village started using back in August. Trustees asked questions and were asked to log in to make sure they can get into the system.

ADJOURNMENT (Voice Vote)

Motion made by Chairman Quimby, Seconded by Trustee Miller. adjourned at 7:06pm motion carried by voice vote.

VILLAGE OF POPLAR GROVE

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200 Hill Street, Poplar Grove, IL 61065
Phone: (815) 765-3201 – Fax: (815)765-3571
www.villageofpoplargrove.com

Code Enforcement Report for October 2018

- 0 Cases for Boone County Court
- 2 Cases for Administrative Hearing at Village Hall
  - Both Cases ended in Default Judgement and have 30 days to pay
    - Case 1) $500 owed
    - Case 2) $1450 owed
- 4 Follow up Cases
- 1 Long standing Follow up Case

KJ 11/2/18

CONSTRUCTION CODE SERVICES, INC.
BUILDING & FIRE PROTECTION PLAN REVIEW
TRAINING • INSPECTIONS • CODE CONSULTING

2420 Vantage Drive
Elgin, IL 60124

847-428-7010 Main
847--428-3151 FAX

INSPECTION REPORT

Date Range: 10/01/2018 - 10/31/2018

Poplar Grove - Code Enforcement

Thursday, October 4, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	McKenney	Approved	241502	0.00
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	McKenney	Approved	241502	0.00
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	McKenney	Approved	241502	0.00
Summary for 'Inspection Date' = 10/4/2018 (3 detail records)					0				0.00

Thursday, October 11, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	McKenney	Cancelled	241503	0.00
Summary for 'Inspection Date' = 10/11/2018 (1 detail record)					0				0.00

Thursday, October 18, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	McKenney	Approved	241504	0.00
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	McKenney	Approved	241504	0.00
Summary for 'Inspection Date' = 10/18/2018 (2 detail records)					0				0.00

Thursday, October 25, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	Ostermann	Approved	245212	0.00
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	Ostermann	Approved	245212	0.00
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	Ostermann	Approved	245212	0.00
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	Ostermann	Approved	245212	0.00
Summary for 'Inspection Date' = 10/25/2018 (4 detail records)					0				0.00

Total Inspections	**10**
Total Reinspections	**0**
Total Amount Due	**0.00**

Poplar Grove - Code Enforcement - Travel - 1 x 4 = 4.00
+23.34
27.34

B & F Construction Code Services, Inc.

Project Report

Project Number: 3121469

Report Date Range: 10/01/2018 - 10/31/2018

Inspection Report By Project Code

Employee 1364 **Tim Ostermann**

Date	Inspection Description	Address	Start Time	End Time	Total Time
10/25/2018					
10/25/2018	Code Compliance	200 Hill Street	8:30	9:00	0.50
10/25/2018	Code Compliance	200 Hill Street	9:20	10:00	0.67
10/25/2018	Code Compliance	200 Hill Street	10:20	12:00	1.67
10/25/2018	Code Compliance	200 Hill Street	13:00	15:00	2.00
			Total Time For Date 10/25/2018:		**4.84**

Project Number: 3121469

Report Date Range: 10/01/2018 - 10/31/2018

Inspection Report By Project Code

Employee 1414 **John McKenney**

Date	Inspection Description	Address	Start Time	End Time	Total Time
10/4/2018					
10/04/2018	Code Compliance	200 Hill Street	8:30	10:00	1.50
10/04/2018	Code Compliance	200 Hill Street	10:30	11:00	0.50
10/04/2018	Code Compliance	200 Hill Street	11:30	15:00	3.50
			Total Time For Date 10/4/2018:		**5.50**
10/11/2018					
10/11/2018	Code Compliance	200 Hill Street	8:30	15:00	6.50
			Total Time For Date 10/11/2018:		**6.50**
10/18/2018					
10/18/2018	Code Compliance	200 Hill Street	8:30	10:30	2.00
10/18/2018	Code Compliance	200 Hill Street	11:00	15:30	4.50
			Total Time For Date 10/18/2018:		**6.50**
		Total Hours for Project 3121469:			**23.34**

B&F CONSTRUCTION CODE SERVICES, INC.

Building & Fire Protection Plan Review

Training • Inspections • Code Consulting

To: Karri Anderberg – Village Clerk

From: Kenneth Garrett – Vice President – B & F Construction Code Services, Inc.

Date: November 2, 2018

Re: Monthly Report – October

Summary

Issued 3 building permits this month. Attended court on October 29th on the Forest Pallet case. Working with the owner on conducting a re-inspection at 14042 Tall Grass which consisted of a single family home being split into three units. Owner has not been very cooperative. Conducted the first building, mechanical, electrical and plumbing rough inspections for Petry Homes. No major issues during these inspections. Property Maintenance continues and attended court for citations issued. The department continues to be active, this month the number of permits, inspections and code enforcement equaled 116. This number decreased from 147 last month to 116 this month.

Below are the statistics for the month of October.

Category

Complaints	8
Verbal/Written Warnings	12
Permits Issued	3
Court Tickets Issued	4
Meetings	3
Phone Calls/Admin. (Thursdays only)	7
B&F Inspections	79
Stop Work Orders	0
Total	***116***

B&F CONSTRUCTION CODE SERVICES, INC
BUILDING & FIRE PROTECTION PLAN REVIEW
TRAINING • INSPECTIONS • CODE EVALUATION
2420 Vantage Drive
Elgin, IL 60124
847-428-7010 Main
847-428-3151 FAX

Inspection Report By Developer
(10/01/2018 Thru 10/31/2018)
Village of Poplar Grove, IL

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
Developer:											
Address:	**509 Birch**										
Permit Number:	**2018-95**										
10/23/2018	3121361				Residential		Foundation Backfill	Approved	241758	☐	
Summary for 'PermitNumber' = 2018-95 (1 detail record)											
Developer:											
Address:	**511 Birch Street**										
Permit Number:	**-**										
10/17/2018	3121361				Residential		Foundation Backfill	Failed	241746	☐	
Summary for 'PermitNumber' = - (1 detail record)											
Developer:											
Address:	**511 Birch Street**										
Permit Number:	**2018-105**										
10/23/2018	3121361				Residential		Foundation Backfill	Approved	241757	☐	
Summary for 'PermitNumber' = 2018-105 (1 detail record)											

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount

Developer:

Address: 515 Birch Street
Permit Number: -

10/17/2018	3121361				Residential		Electric Service	Approved	241747	☐	

Summary for 'PermitNumber' = - (1 detail record)

Developer:

Address: 515 Birch Street
Permit Number: 2018-103

10/11/2018	3121361				Residential		Foundation Backfill	Approved	241728	☐	

Summary for 'PermitNumber' = 2018-103 (1 detail record)

Developer:

Address: 519 Birch
Permit Number: -

10/15/2018	3121361				Residential		Foundation Backfill	Approved	241740	☐	

Summary for 'PermitNumber' = - (1 detail record)

Developer:

Address: 520 Birch
Permit Number: 2018-95

10/3/2018	3121361				Residential		Foundation Backfill	Failed	241712	☐	
10/4/2018	3121361				Residential		Concrete Pour/Basement	Approved	241722	☐	

Summary for 'PermitNumber' = 2018-95 (2 detail records)

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
Developer:											
Address:	**113 Boeing Trail**										
Permit Number:	**2018-111**										
10/18/2018	3121361				Residential		Mechanical Final	Approved	245404	☐	
10/18/2018	3121361				Residential		Electric Final	Approved	245404	☐	
10/19/2018	3121361				Residential		Building Final	Failed	241751	☐	
10/19/2018	3121361				Residential		Plumbing Final	Failed	243293	☐	
10/22/2018	3121361				Residential		Electric Final	Approved	241752	☐	
10/22/2018	3121361				Residential		Plumbing Final	Approved	243290	☐	
10/22/2018	3121361				Residential		Building Final	Approved	241752	☐	
Summary for 'PermitNumber' = 2018-111 (7 detail records)											
Developer:											
Address:	**304 Bree Drive**										
Permit Number:	**2018-135**										
10/2/2018	3121361				Residential		Footing	Failed	239495	☐	
10/31/2018	3121361				Residential		Insulation	Approved	245904	☐	
Summary for 'PermitNumber' = 2018-135 (2 detail records)											
Developer:											
Address:	**304 Bree Drive**										
Permit Number:	**241763**										
10/30/2018	3121361				Residential		Electrical Rough	Approved	241763	☐	
10/30/2018	3121361				Residential		Building Rough	Approved	241763	☐	

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
Summary for 'PermitNumber' = 241763 (2 detail records)											
Developer:											
Address:	**480 Burled Wood**										
Permit Number:	**2018-43**										
10/1/2018	3121361				Residential		Building Rough	Approved as Noted	239491	☐	
10/4/2018	3121361				Residential		Insulation	Approved	241715	☐	
10/30/2018	3121361				Residential		Post Holes - Deck	Approved	241764	☐	
Summary for 'PermitNumber' = 2018-43 (3 detail records)											
Developer:											
Address:	**218 Cress Creek Trail**										
Permit Number:	**2018-122**										
10/10/2018	3121361				Single Family		Foundation Inspection	Approved	241725	☐	
10/15/2018	3121361				Single Family		Foundation Backfill	Approved	241734	☐	
10/22/2018	3121361				Single Family		Concrete Pour	Approved as Noted	241753	☐	
10/22/2018	3121361				Single Family		Underground Plumbing	Approved	243247	☐	
10/26/2018	3121361				Single Family		Electric Service	Approved	241759	☐	
Summary for 'PermitNumber' = 2018-122 (5 detail records)											
Developer:											
Address:	**218 Crest Creek**										
Permit Number:	**-**										
10/17/2018	3121361				Residential		Sewer	Approved	243281	☐	
10/17/2018	3121361				Residential		Water Service	Approved	243281	☐	

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount

Summary for 'PermitNumber' = - (2 detail records)

Developer:

Address: **218 Crest Creek**
Permit Number: **2018-122**

10/4/2018	3121361				Residential		Footing	Approved	241538	☐	

Summary for 'PermitNumber' = 2018-122 (1 detail record)

Developer:

Address: **107 East Street**
Permit Number: **2018-116**

10/4/2018	3121361				Residential		Window Replacement	Approved as Noted	241539	☐	

Summary for 'PermitNumber' = 2018-116 (1 detail record)

Developer:

Address: **308 Greenbrier**
Permit Number: **2018-112**

10/30/2018	3121361				Residential		Fence Final	Approved	241762	☐	

Summary for 'PermitNumber' = 2018-112 (1 detail record)

Developer:

Address: **4540 Harris Drive**
Permit Number: **2018-191**

10/26/2018	3121361				Residential		Other * see special instructions.	Approved	241760	☐	

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
Summary for 'PermitNumber' = 2018-191 (1 detail record)											
Developer:											
Address:	**411 Hughes Parkway**										
Permit Number:	**2018-91**										
10/3/2018	3121361				Residential		Electric Service	Approved	241701	☐	
10/4/2018	3121361				Residential		Concrete Pour/Garage	Approved	241720	☐	
10/25/2018	3121361				Residential		Insulation	Failed	245202	☐	
Summary for 'PermitNumber' = 2018-91 (3 detail records)											
Developer:											
Address:	**411 Hughes Parkway**										
Permit Number:	**2018-96**										
10/18/2018	3121361				Residential		Mechanical Rough	Approved as Noted	244800	☐	
10/18/2018	3121361				Residential		Building Rough	Approved as Noted	244800	☐	
10/18/2018	3121361				Residential		Electrical Rough	Approved as Noted	244800	☐	
10/18/2018	3121361				Residential		Plumbing Rough	Approved	243771	☐	
Summary for 'PermitNumber' = 2018-96 (4 detail records)											
Developer:											
Address:	**415 Hughes Parkway**										
Permit Number:	**2018-96**										
10/3/2018	3121361				Residential		Electric Service	Approved	241702	☐	
Summary for 'PermitNumber' = 2018-96 (1 detail record)											

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
Developer:											
Address:	**419 Hughes Parkway**										
Permit Number:	**2018-92**										
10/3/2018	3121361				Residential		Electric Service	Approved	241703	☐	
10/4/2018	3121361				Residential		Concrete Pour/Garage	Approved	241721	☐	
Summary for 'PermitNumber' = 2018-92 (2 detail records)											
Developer:											
Address:	**423 Hughes Parkway**										
Permit Number:	**2018-97**										
10/3/2018	3121361				Residential		Electric Service	Approved	241704	☐	
10/4/2018	3121361				Residential		Concrete Pour/Garage	Approved	241717	☐	
Summary for 'PermitNumber' = 2018-97 (2 detail records)											
Developer:											
Address:	**427 Hughes Parkway**										
Permit Number:	**2018-93**										
10/3/2018	3121361				Residential		Electric Service	Approved	241705	☐	
10/4/2018	3121361				Residential		Concrete Pour/Garage	Approved	241716	☐	
Summary for 'PermitNumber' = 2018-93 (2 detail records)											

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
Developer:											
Address:	**420 Ironwood Drive**										
Permit Number:	**2018-173**										
10/17/2018	3121361				Residential		Post Holes - Fence	Approved	241745	☐	
Summary for 'PermitNumber' = 2018-173 (1 detail record)											
Developer:											
Address:	**408 jayde**										
Permit Number:	**2018-120**										
10/8/2018	3121361				Residential		Deck Final	Approved	241724	☐	
Summary for 'PermitNumber' = 2018-120 (1 detail record)											
Developer:											
Address:	**13211 Oak Lawn Lane**										
Permit Number:	**2018-117**										
10/12/2018	3121361				Residential		Window Replacement	Approved	241730	☐	
Summary for 'PermitNumber' = 2018-117 (1 detail record)											
Developer:											
Address:	**5151 Orth Road**										
Permit Number:	**-**										
10/15/2018	3121361				Commercial Level 1		Concrete Pour	Approved	241737	☐	
10/18/2018	3121361				Commercial Level 1		Concrete Pour	Approved	241749	☐	
10/22/2018	3121361				Commercial Level 1		Concrete Pour / Slab-on-Grade	Approved	241754	☐	

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
10/23/2018	3121361				Commercial Level 1		Concrete Pour	Approved	241756	☐	

Summary for 'PermitNumber' = - (4 detail records)

Developer:

Address: 5151 Orth Road
Permit Number: 2018-24

10/30/2018	3121361				Commercial Level 1		Slab	Approved	245900	☐	

Summary for 'PermitNumber' = 2018-24 (1 detail record)

Developer:

Address: 384 W. Park Avenue
Permit Number: 2018-140

10/1/2018	3121361				Residential		Concrete Pour	Approved	239492	☐	
10/3/2018	3121361				Residential		Concrete Pour - Serv. Walk	Approved	239499	☐	

Summary for 'PermitNumber' = 2018-140 (2 detail records)

Developer:

Address: 473 Prairie Knoll Drive
Permit Number: 2018-143

10/25/2018	3121361				Residential		Deck Rough	Approved as Noted	245200	☐	

Summary for 'PermitNumber' = 2018-143 (1 detail record)

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount

Developer:

Address: 473 Prairie Knoll Drive
Permit Number: 2018-43

10/23/2018	3121361				Residential		Post Holes - Deck	Approved	241755	☐	

Summary for 'PermitNumber' = 2018-43 (1 detail record)

Developer:

Address: 13551 Route 76
Permit Number: 2018-134

10/1/2018	3121361				Residential		Sign Final	Approved as Noted	239490	☐	

Summary for 'PermitNumber' = 2018-134 (1 detail record)

Developer:

Address: 416 Shaded Rue Drive
Permit Number: 2017-195

10/2/2018	3121361				Residential		Plumbing Final	Failed	243226	☐	
10/2/2018	3121361				Residential		Electric Final	Approved	239497	☐	
10/2/2018	3121361				Residential		Building Rough	Failed	239496	☐	
10/2/2018	3121361				Residential		Driveway Rough	Approved	239498	☐	
10/2/2018	3121361				Residential		Mechanical Final	Approved	239497	☐	
10/3/2018	3121361				Residential		Building Final	Approved	239500	☐	
10/4/2018	3121361				Residential		Plumbing Final	Approved	243229	☐	

Summary for 'PermitNumber' = 2017-195 (7 detail records)

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount

Developer:

Address: **201 N. State**
Permit Number: **2017-198**

10/12/2018	3121361				Residential		Window Replacement	Approved	241733	☐	

Summary for 'PermitNumber' = 2017-198 (1 detail record)

Developer:

Address: **14117 Tallgrass**
Permit Number: **2018-145**

10/31/2018	3121361				Residential		Roof Final	Approved	245905	☐	

Summary for 'PermitNumber' = 2018-145 (1 detail record)

Developer:

Address: **607 Waco Way**
Permit Number: **2017-84**

10/12/2018	3121361				Residential		Window Replacement	Approved	241732	☐	

Summary for 'PermitNumber' = 2017-84 (1 detail record)

Developer:

Address: **381 Wester Gren**
Permit Number: **2018-100**

10/4/2018	3121361				Residential		Concrete Pour/Garage	Approved	241719	☐	

Summary for 'PermitNumber' = 2018-100 (1 detail record)

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
Developer:											
Address:	**385 Wester Gren**										
Permit Number:	**2018-104**										
10/4/2018	3121361				Residential		Concrete Pour/Garage	Approved	241718	☐	
Summary for 'PermitNumber' = 2018-104 (1 detail record)											
Developer:											
Address:	**393 Wester Gren**										
Permit Number:	**2018-94**										
10/15/2018	3121361				Residential		Electric Service	Approved	241741	☐	
Summary for 'PermitNumber' = 2018-94 (1 detail record)											
Developer:											
Address:	**397 Wester Gren**										
Permit Number:	**2018-98**										
10/15/2018	3121361				Residential		Electric Service	Approved	241742	☐	
Summary for 'PermitNumber' = 2018-98 (1 detail record)											
Developer:											
Address:	**381 Westergren**										
Permit Number:	**2018-97**										
10/3/2018	3121361				Residential		Electric Service	Approved	241706	☐	
Summary for 'PermitNumber' = 2018-97 (1 detail record)											

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount

Developer:

Address: 385 Westergren
Permit Number: 2018-104

10/3/2018	3121361				Residential		Electric Service	Approved	241707	☐	

Summary for 'PermitNumber' = 2018-104 (1 detail record)

Developer:

Address: 389 Westergren
Permit Number: 2018-9

10/3/2018	3121361				Residential		Electric Service	Approved	241714	☐	

Summary for 'PermitNumber' = 2018-9 (1 detail record)

Developer:

Address: 393 Westergren Way
Permit Number: 2018-94

10/3/2018	3121361				Residential		Foundation Backfill	Approved	241713	☐	

Summary for 'PermitNumber' = 2018-94 (1 detail record)

Developer:

Address: 397 Westergren
Permit Number: 2018-98

10/3/2018	3121361				Residential		Foundation Backfill	Approved	241710	☐	

Summary for 'PermitNumber' = 2018-98 (1 detail record)

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount

Developer:

Address: **303 WHITE OAK Drive**
Permit Number: **2018-138**

10/2/2018	3121361				Residential		Sidewalk	Approved	239494	☐	

Summary for 'PermitNumber' = 2018-138 (1 detail record)

Developer:

Address: **303 WHITE OAK Drive**
Permit Number: **2018-181**

10/15/2018	3121361				Residential		Driveway Final	Approved	241738	☐	

Summary for 'PermitNumber' = 2018-181 (1 detail record)

Developer:

Address: **303 WHITE OAK Drive**
Permit Number: **2018-700**

10/15/2018	3121361				Residential		Concrete Pour sidewalk	Approved	241739	☐	

Summary for 'PermitNumber' = 2018-700 (1 detail record)

Developer:

Address: **316 WHITE OAK**
Permit Number: **2018-41**

10/12/2018	3121361				Residential		Window Replacement	Approved	241731	☐	

Summary for 'PermitNumber' = 2018-41 (1 detail record)

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount

Summary for 'Developer' =

Total Inspections	**83**
Total Reinspections	**0**
Total Amount	

GRAND TOTALS

Total Inspections	**83**
Total Reinspections	**0**
Total Amount	

ORDINANCE # 2018_____

AN ORDINANCE GRANTING A MAP AMENDMENT FROM THE GB, GENERAL BUSINESS DISTRICT TO THE LI, LIGHT INDUSTRIAL DISTRICT (NE Corner of 4324 IL Route 173)

WHEREAS, a written application has been made by the applicant, Poplar Grove Solar LLC, PO Box 310, Highland Park, IL 60035 on behalf of the property owner, DYN 173 LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114 for a zoning change from the GB, General Business District to the LI, Light Industrial District pursuant to applicable provisions of the Zoning Ordinance (Title 8 of the Village of Poplar Grove Municipal Code) of the Village of Poplar Grove, Illinois; and,

WHEREAS, the application for a zoning district change was published in a newspaper of general circulation that is distributed within the Village of Poplar Grove in accordance to Illinois State Statutes; and,

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the Village of Poplar Grove Planning and Zoning Commission held a public hearing on October 24, 2018 concerning the proposed map amendment; and,

WHEREAS, the Village of Poplar Grove Planning and Zoning Commission having examined said application and having considered the evidence, both oral and documentary, and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the Village considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF POPLAR GROVE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The zoning for the following property legally described as

PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION FOURTEEN (14), TOWNSHIP FORTY-FIVE (45) NORTH, RANGE THREE (3) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 00°36'51" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1326.34 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 89°49'33" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE

SOUTHWEST QUARTER OF SAID SECTION, 2400.02 FEET TO THE WEST LINE OF TRACT "A" OF PREMISES CONVEYED ALLAN B. WARES TO FLOYD NEWHOUSE AND SHIRLEY NEWHOUSE BY QUIT CLAIM DEED DATED DECEMBER 26, 1952 AND RECORDED IN BOOK 111 OF DEEDS ON PAGE 359 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS; THENCE SOUTH 00°38'50" WEST, ALONG THE WEST LINE OF TRACT "A" OF SAID PREMISES SO CONVEYED TO NEWHOUSE AS AFORESAID AND THE SOUTHERLY EXTENSION THEREOF, 1324.88 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 89°51'38" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 2399.26 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHTS OF THE PUBLIC AND STATE OF ILLINOIS IN AND TO THOSE PORTIONS THEREOF TAKEN, USE OR DEDICATED FOR PUBLIC ROAD PURPOSES. SITUATED IN THE COUNTY OF BOONE AND STATE OF ILLINOIS.

WHICH IS BELIEVED TO BE APPROXIMATELY THE EAST 1073 FEET OF THE ABOVE DESCRIBED TRACT. (Part of PIN: 03-14-300-002)

is granted a zoning district change from GB, General Business District to the LI, Light Industrial District.

The Village of Poplar Grove Official Zoning Map shall be modified to reflect this zoning amendment.

A location map identifying the subject properties is herein attached and made a part of this Ordinance (attachment A).

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the pamphlet form as provided by law.

PASSED by the Village Board of the Village of Poplar Grove this ____ day of _____, 2018.

APPROVED by the President of the Village of Poplar Grove this ____ day of _____, 2018.

_____
Owen Costanza, Village President

ATTEST:

_____
Karri Anderberg, Village Clerk

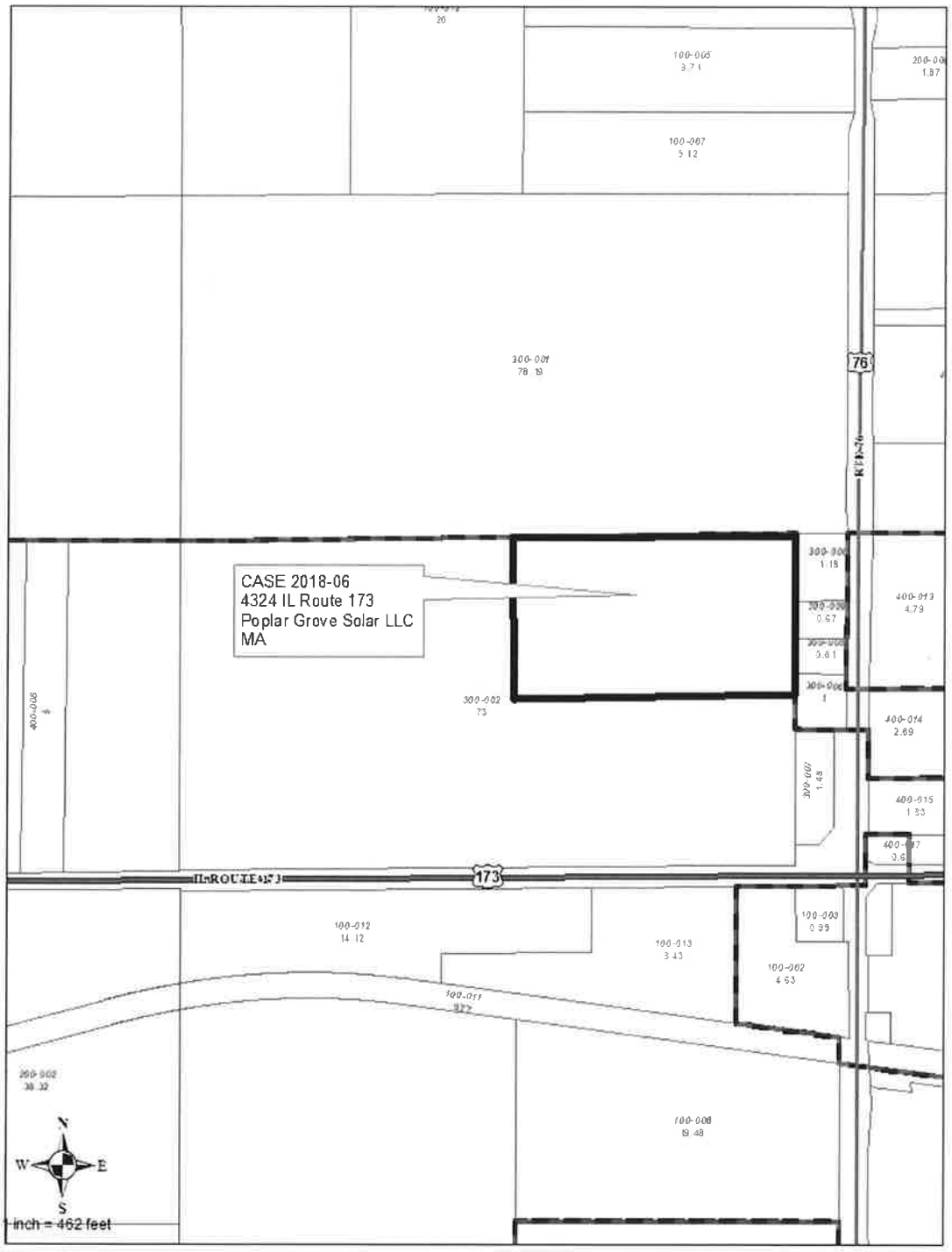
Ayes:____ Nays: ____ Absent ____

Village Board Members Voting Aye:____

Village Board Members Voting Nay:____

Date Published: _____ Sponsor:_____

Attachment A



Memorandum

DATE: October 17, 2018

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Community Development Planner

SUBJECT: Staff advisory memo for case 2018-06, Poplar Grove Solar LLC, 4324 IL Route 173 (East half)

REQUEST AND LOCATION:
The applicant, Poplar Grove Solar, LLC, PO Box 310, Highland Park, IL 60035 on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114 is requesting a map amendment (rezoning) on approximately 17 acres of land from the GB, General Business District to the LI, Light Industrial District located southwest of Illinois Route 173 and Illinois Route 76 in accordance with the Poplar Grove Zoning Ordinance, Section 8-5-5 Map Amendment. Part of PIN: 03-14-300-002.

BACKGROUND:
The subject property is 73 acres in size and located northwest of Illinois Route 173 and Illinois Route 76. It was annexed into the Village in 2005. The western half of the property is zoned Light Industrial while the eastern half of the property is zoned General Business. The applicant is requesting to rezone the northern 17 acres (approximately) of the northeastern section of the property to Light Industrial to allow for a potential solar farm (Case 2018-07). The property will be subdivided at a later date so that the 73 acres will no longer contain multiple zoning districts.

The General Business District allows for personal and professional services, indoor retail sales/services, indoor repair sales/services and utilities by right and public/private institutional, outdoor retail sales/services, indoor lodging, offsite parking and self-storage facilities by special use. Development in the general business district can create 75% lot coverage, buildings can be 35 feet in height and be constructed 10 feet from the side lot line and 25 feet from the rear lot line. The Light Industrial District allows for vehicle related sales/services, light manufacturing/industrial and wireless communication facilities by right and rail transit stations, airports/heliports and indoor warehouse/wholesale by special use. Development in the Light Industrial District can create 65% lot coverage, buildings can be 50 feet in height and constructed 20 feet from the side lot line and 30 feet from the rear lot line.

The adjacent property owners were sent certified notices on October 4, 2018 and the green cards have been returned. The request was published in the Boone County Journal on October 5, 2018. The appropriate village staff and other agencies were notified on October 4, 2018. No objections from the agencies were received.

FINDINGS OF FACT:
To make a recommendation and to adopt the findings of fact, the Commission shall consider whether the change is consistent with the objectives of the Zoning Ordinance prescribed in Section 8-1-3. The objectives are as follows:

A. To promote and protect the public health, safety, morals, convenience and general welfare of the people.

Even though most of the area is in agricultural production, the properties are zoned light industrial, general industrial and a mix of residential. Due to the proximity of Illinois Routes 173 and 76 which are truck routes, commercial and industrial development is favored. The applicant is not requesting to rezone the entire parcel to industrial. The southeastern portion along Illinois 173 will remain commercial, leaving the potential for out-lot development.

B. To secure adequate natural light, pure air and safety from fire and other dangers.

All new development shall adhere to the Zoning Ordinance, Subdivision Ordinance, Building Codes, Health Codes, Fire Codes, etc. All codes ensure that light, air and safety are being protected.

C. To protect the character and maintain the stability of residential, business and industrial areas within the Village of Poplar Grove and to promote the orderly development of the areas.

The Village's 2009 Comprehensive Plan calls for the property to remain general business. The Village has held several meetings to discuss a new Comprehensive Plan. Those discussions and draft plan calls for the property to be light industrial. Previous discussions favored industrial growth along Illinois Route 173 in order to capitalize on the existing truck routes and access to I-90. Illinois Route 76 was intended to become the Village's commercial corridor with the possibility of commercial outlots in front of the industrial developments along Illinois Route 173.

D. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters.

There is a drainage way and agricultural drainage tile on the 73 acres, however, they are located west of the portion of the property being rezoned. All development shall adhere to the Village's stormwater management requirements to assure that ponding does not occur after development.

E. To limit congestion in the public streets and highways.

By focusing industrial growth along the State Routes, the traffic along public streets, especially residential streets, is not anticipated to increase. The rezoning is being requested for a solar farm development that is not anticipated to create a large amount of traffic. However, if the solar farm development does not occur, a different land use permitted within the light industrial zoning district may develop. The property's proximity to Illinois Route 76 and Illinois Route 173 (and its accessibility to I-90) will dictate traffic patterns.

F. To prohibit uses or structures which are incompatible with the character of other appropriate existing or intended uses within specified zoning districts.

The property is currently in agricultural production in which it will remain until time of development. Rezoning the property from commercial to industrial does not limit incompatible uses from developing on the property. Due to the building and site design requirements of the Poplar Grove Zoning Ordinance, future industrial development is not anticipated to negatively impact future commercial development.

The four residences to the east, along Illinois Route 76 are shown as commercial on the 2009 Comprehensive Plan. Until the time they are redeveloped, proper buffer yards (as required in the Poplar Grove Zoning Ordinance) will be utilized to separate the residences from industrial development.

G. To provide for the gradual elimination of those existing uses of land, buildings and structures that do not conform to the standards of the zoning district in which they are located.

The property is currently in agricultural production; there are no existing non-conforming buildings. Although the agricultural use is non-conforming, agricultural practices are often continued until the property is developed.

H. To conserve and enhance the taxable value of land and buildings throughout the Village of Poplar Grove.

The potential for new industrial development will have a beneficial impact on the Village's tax base.

RECOMMENDATION:
The planning staff recommends approval of case 2018-06 for a map amendment from GB, General Business District to LI, Light Industrial District.

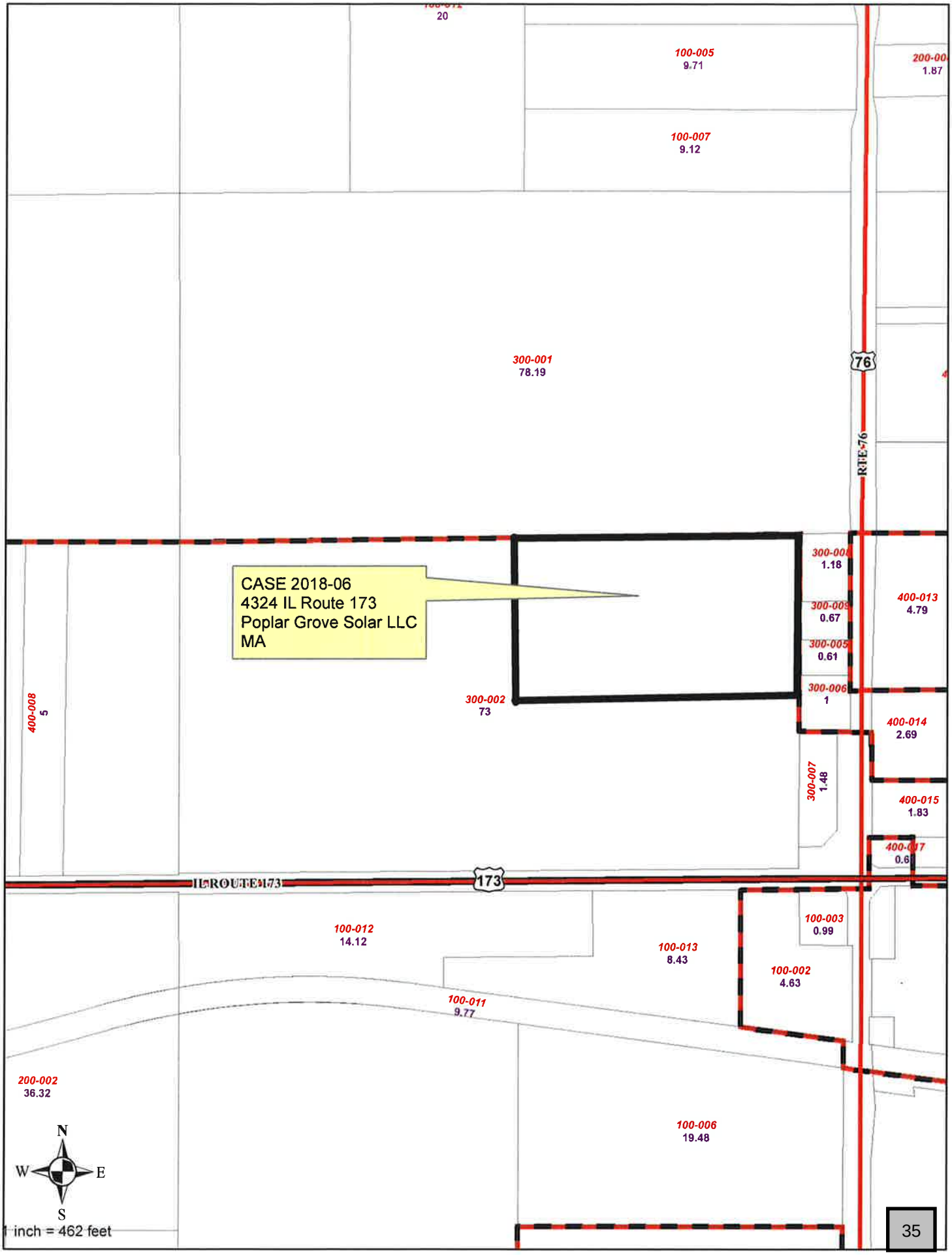
PLANNING AND ZONING COMMISSION/VILLAGE BOARD ACTION
The Commission shall hold a public hearing on the proposed map amendment, after which a recommendation will be made to grant or deny the map amendment application to the Village Board based on the findings of fact by the Commission. The Commission

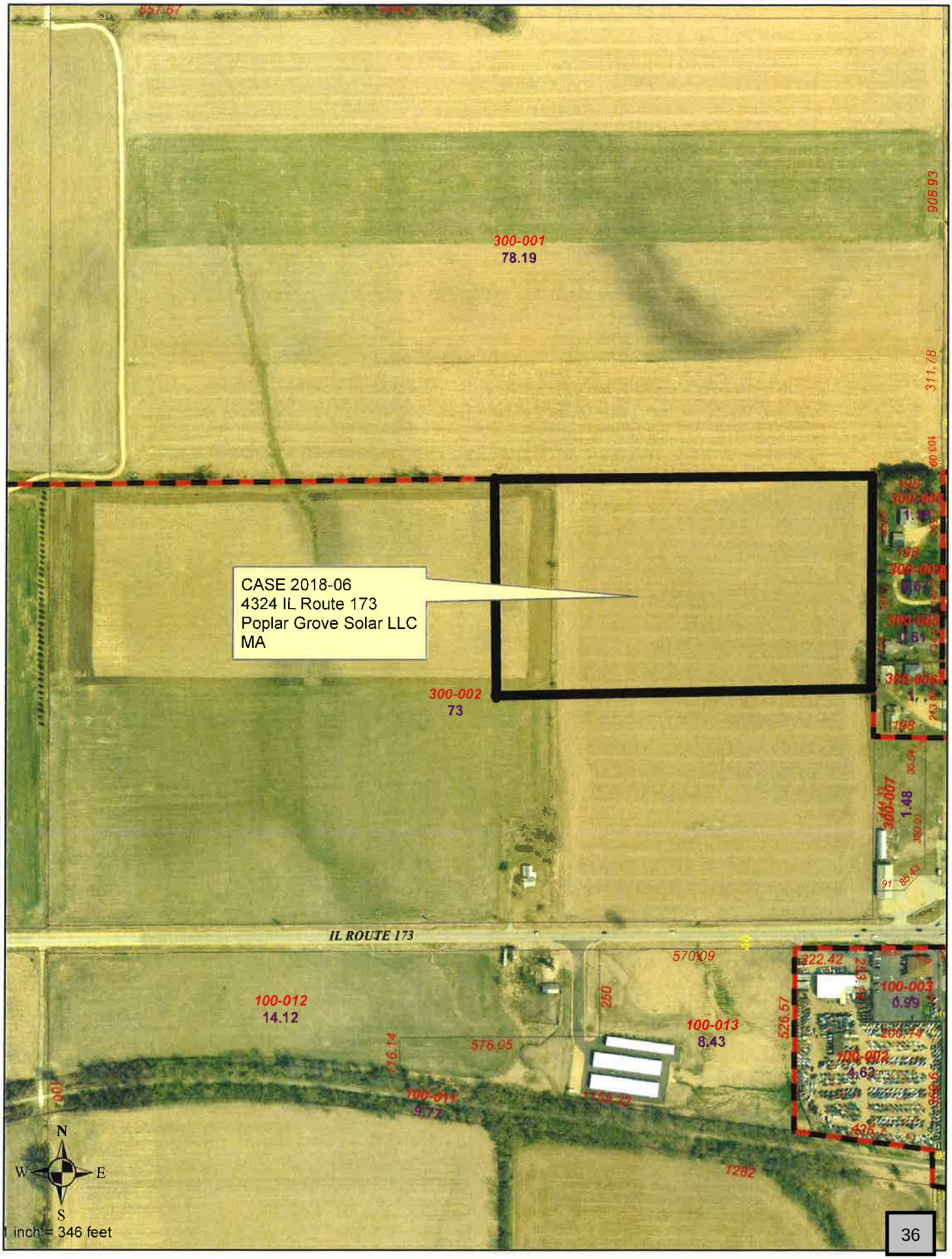
may make the recommendation at the same meeting, or choose to continue the proceedings at a later date. The Commission may request additional information as needed. Once a recommendation is made, the Commission shall record its conclusion as part of the meeting minutes and written findings of fact and forward such documentation to the Village Board. The Commission's failure to act or submit a report within sixty-five (65) days of the public hearing shall constitute a recommendation for the request.

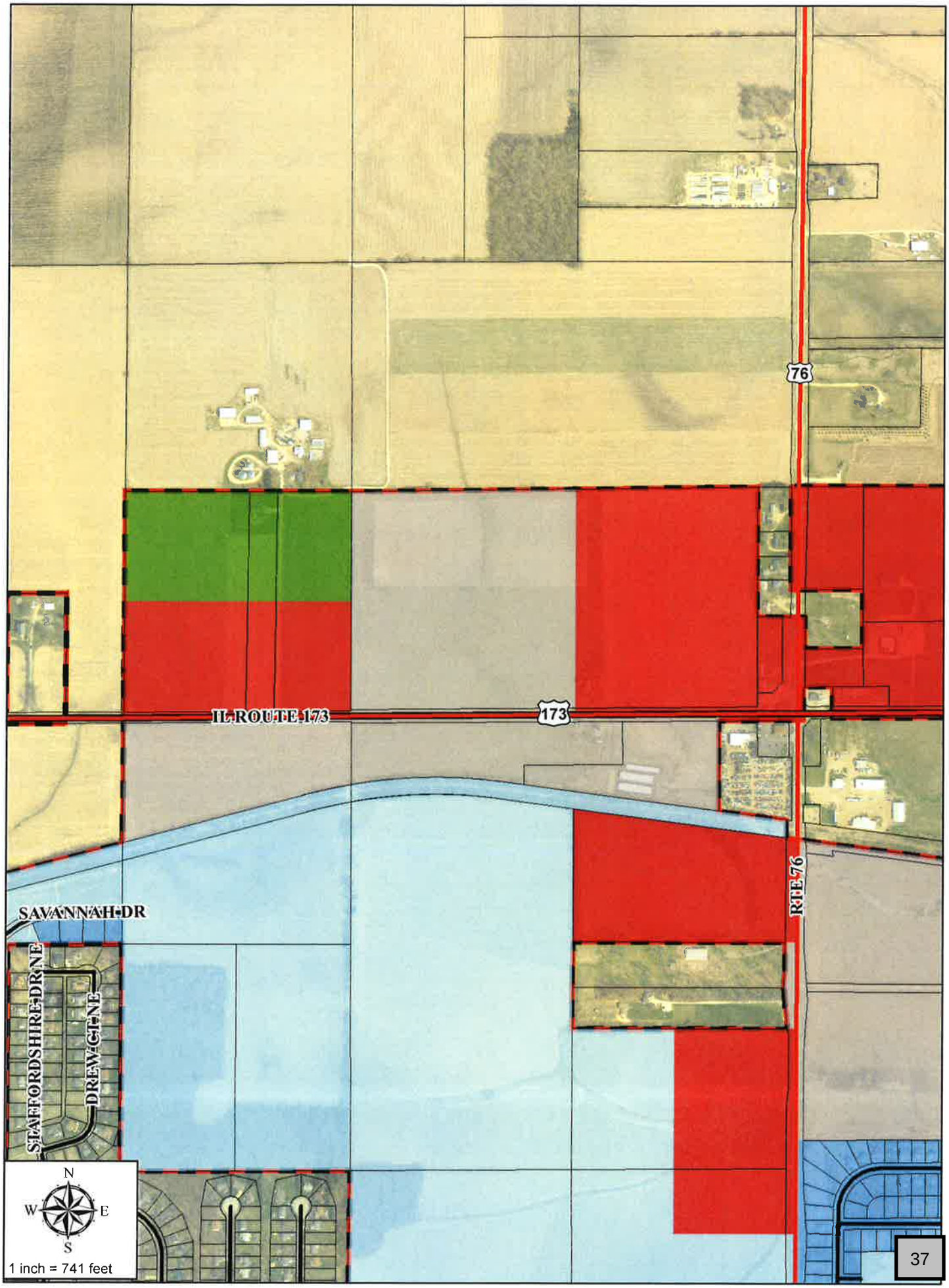
Within sixty-five (65) days of receipt of the Commission's recommendation, the Village Board shall act by ordinance to approve or deny the map amendment as proposed. The Village Board may also remand the request back to the Commission for further hearings and/or discussion. The Village Board's approval or denial of the requested amendment shall be considered the approval or denial of a unique request and shall not be construed as precedent for any other proposed amendment.

ATTACHMENTS

1. Location Map submitted by Planning Staff.
2. Aerial Photo submitted by Planning Staff.
3. Poplar Grove Zoning submitted by Planning Staff.
4. Narrative submitted by the Applicant.
5. Site Plan submitted by the Applicant.
6. Overview from NRI #1594.
7. Letter from Boone County Health Department, Amanda Mehl, October 11, 2018.


20
100-005
9.71
200-00
1.87
100-007
9.12
300-001
78.19
76
RTE-76
CASE 2018-06
4324 IL Route 173
Poplar Grove Solar LLC
MA
300-00
1.18
300-009
0.67
300-005
0.61
300-006
1
400-013
4.79
400-008
5
300-002
73
400-014
2.69
300-007
1.48
400-015
1.83
400-017
0.6
IL ROUTE 173
173
100-012
14.12
100-013
8.43
100-003
0.99
100-002
4.63
100-011
9.77
200-002
36.32
100-006
19.48
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1 inch = 462 feet


300-001
78.19
908.93
311.78
CASE 2018-06
4324 IL Route 173
Poplar Grove Solar LLC
MA
300-002
73
300-007
1.48
IL ROUTE 173
570.09
100-012
14.12
250
100-013
8.43
526.57
222.42
100-003
0.99
100-002
4.62
576.05
116.14
100-011
9.72
1282
N
W
E
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1 inch = 346 feet


76
IL ROUTE 173
173
SAVANNAH DR
SEAFORDSHIRE DR NE
DREW CT NE
RTE 76
N
W
E
S
1 inch = 741 feet

EXECUTIVE SUMMARY

Poplar Grove Solar – Application for Zoning Change

Poplar Grove Solar, LLC (the "Applicant") proposes to develop a community solar project approximately 2 MW AC in size, on approximately 17 acres of land located north of Illinois Route 173 and west of Fairgrounds Road in the Village of Poplar Grove, Boone County, Illinois. The Poplar Grove Solar, LLC community solar project (the "Solar Project") will be located within a portion of the parcel with PIN 03-14-300-002 (the "Project Parcel") owned by DYN 173, LLC (the "Landowner").

The Applicant is requesting the Rezoning of the portion of the Project Parcel indicated as "Phase 2" on the Site Map attached as Exhibit B. The Applicant is submitting this Application for Zoning Change pursuant to and in compliance with the requirements of the Village of Poplar Grove Zoning Ordinance (the "Zoning Ordinance"). This application is being submitted concurrently with a Petition for Special Use to allow the development of the Solar Project on the rezoned portion of the Project Parcel.

About Trajectory Energy Partners, LLC

Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Trajectory Energy Partners, LLC brings together communities, organizations, and land owners to develop clean energy projects that are integrated into the local landscape and community.

The Future Energy Jobs Act and Community Solar Projects

Under Illinois Public Act 99-0906, commonly known as the Future Energy Jobs Act ("FEJA"), the Illinois Power Agency is currently promulgating a set of regulations and incentives to allow the creation of such community solar projects. The Solar Project is intended to be a community solar project under FEJA, which would allow residential and commercial customers to subscribe to the Solar Project. The Solar Project will support FEJA's goals of increasing the adoption and availability of renewable energy to Illinois residents and businesses.

Economic and Environmental Benefits

The Solar Project will provide economic and environmental benefits to the community. Poplar Grove residents and businesses will have an opportunity to subscribe to the Solar Project. These subscribers will support clean energy in their community while benefiting from savings on their electricity bills. In addition, the Solar Project will create new tax revenues for the community and generate economic activity through local construction, materials, and services.

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I. APPLICANT INFORMATION 4
II. REZONING REQUEST 4

Exhibit A: Location

Exhibit B: Site Plan

Exhibit C: Zoning Diagram

I. APPLICANT INFORMATION

The Applicant is a limited liability company, a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Jonathan Carson is an Authorized Representative of the Applicant.

Applicant:

Poplar Grove Solar, LLC
c/o Trajectory Energy Partners, LLC
Attn: Jon Carson
P.O. Box 310
Highland Park, IL 60035
(312) 882-3713
legal@trajectoryenergy.com

Landowner:

DYN 173, LLC
c/o First Midwest Group
Attn: Marvin L. Keys
6801 Spring Creek Road
Rockford, IL, 61114
(815)-229-3000

II. REZONING REQUEST

a. Location

The Project Parcel is located on approximately 17 acres in the Village of Poplar Grove, Section 14, Township 45 North, Range 3, Boone County, Illinois, Property Index Number: 03-14-300-002. See Exhibit A: Project Location.

Legal Description

PIN 03-14-300-002:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14; ALSO ALL THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, LYING NORTH OF THE RIGHT OF WAY OF THE CHICAGO NORTHWESTERN RAILWAY COMPANY, EXCEPTING FROM THE ABOVE ONE ACRE IN SAID NORTHWEST QUARTER OF SECTION 23, DEEDED TO WAYNE WHEELER, AS APPEARS OF RECORD IN BOOK 94 OF DEEDS, PAGE 533, BOONE COUNTY RECORDS, AND EXCEPTING 4.84 ACRES IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, DEED TO FLOYD NEWHOUSE, AS APPEARS OF RECORD IN BOOK 103 OF DEEDS, ON PAGE 444 ALSO EXCEPTING "TRACT A" CONTAINING .971 ACRES AND "TRACT B" CONTAINING 4.856 ACRES IN SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14 DEED TO FLOYD NEWHOUSE AND WIFE, AS APPEARS OF RECORD IN BOOK 111 OF DEEDS PAGE 359 BOONE COUNTY RECORDS AND ALSO EXCEPTING THAT PART OF THE NORTHWEST QUARTER OF SAID SECTION 23 DEED TO JOHN BULLARD AND

WIFE, AS APPEARS OF RECORD IN BOOK 106 OF DEEDS, ON PAGE 504 BOONE COUNTY RECORDS ALL OF THE ABOVE SITUATED IN TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BOONE COUNTY, STATE OF ILLINOIS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION FOURTEEN (14), TOWNSHIP FORTY-FIVE (45) NORTH, RANGE THREE (3) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 00°36'51" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1326.34 FEET TO
THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 89°49'33" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION, 2400.02 FEET TO THE WEST LINE OF TRACT "A" OF PREMISES CONVEYED ALLAN B. WARES TO FLOYD NEWHOUSE AND SHIRLEY NEWHOUSE BY QUIT CLAIM DEED DATED DECEMBER 26, 1952 AND RECORDED IN BOOK 111 OF DEEDS ON PAGE 359 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS; THENCE SOUTH 00°38'50" WEST, ALONG THE WEST LINE OF TRACT "A" OF SAID PREMISES SO CONVEYED TO NEWHOUSE AS AFORESAID AND THE SOUTHERLY EXTENSION THEREOF, 1324.88 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 89°51'38" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 2399.26 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHTS OF THE PUBLIC AND STATE OF ILLINOIS IN AND TO THOSE PORTIONS THEREOF TAKEN, USE OR DEDICATED FOR PUBLIC ROAD PURPOSES. SITUATED IN THE COUNTY OF BOONE AND STATE OF ILLINOIS

The project is located on the portion of the Project Parcel that is currently zoned as General Business District and for which the Applicant and Landowner are requesting a rezoning to Light Industrial District for the portion indicated on Exhibit B. Pursuant to the Applicant's requested text amendment under Sections 8-5-4 the Zoning Ordinance, solar farms are permitted as a special use in the Light Industrial District. See Exhibit C: Zoning Diagram.

b. Adjacent Properties

Adjacent parcel zoning and current use:

PIN#	Current Zoning	Current Use
03-15-400-011	A-1 and General Business District	Agricultural
03-15-400-010	County	Agricultural
03-14-300-001	County	Agricultural
03-14-300-008	County	Residential
03-14-300-009	County	Residential
03-14-300-005	County	Residential
03-14-300-006	County	Residential
03-14-300-007	General Business District	Business
03-23-100-003	County	Business
03-23-100-002	County	Light Industrial
03-23-100-013	Light Industrial	Light Industrial
03-23-100-012	Light Industrial	Agricultural

03-22-200-002	Light Industrial	Agricultural

Adjacent Parcel landowners:

PIN#	Name/Trust No.	Street	City	Zip
03-15-400-011	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-15-400-010	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-001	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-008	MCINTYRE, MICHAEL S & JANE A (HAAS)	15302 IL ROUTE 76	Poplar Grove	61065
03-14-300-009	RABE, DALE A & CANDY E	15270 IL ROUTE 76	Poplar Grove	61065
03-14-300-005	RABE, BENJAMIN	15246 IL ROUTE 76	Poplar Grove	61065
03-14-300-006	GUTHRIE, GLENN S & COLLEEN	15214 IL ROUTE 76	Poplar Grove	61065
03-14-300-007	DELIJAHN INCORPORATED	PO BOX 305	Caledonia	61011
03-23-100-003	NEBIU, ERGEN & NADRIT & MURAT	4481 IL ROUTE 173	Caledonia	61011
03-23-100-002	GRACEFFA, PETER J	4557 IL ROUTE 173	Caledonia	61011
03-23-100-013	POPLAR GROVE STORAGE LLC	6801 SPRING CREEK RD	Rockford	61114
03-23-100-012	DYN 173 LLC	6801 SPRING CREEK RD	Rockford	61114
03-22-200-002	BOONE/POPLAR GROVE LLC	6277 E RIVERSIDE BLVD	Rockford	61114

c. Background

The Applicant requests a rezoning of the portion of the Project Parcel specified in red on Exhibit B from General Business District to Light Industrial. The Applicant believes that this rezoning request is consistent with the current, past, and future planned development of the portion of the parcel in question. The requested portion of the parcel is not frontage along Route 173 and backs up against residential County land, agricultural County land, and Light Industrial zoned land in the Village of Poplar Grove. This rezoning request would allow the appropriate development of the portion of this parcel consistent with adjacent parcels. In addition, the rezoning request would leave the portion of the parcel abutting Route 173 zoned as General Business District, which would allow for the orderly development of this portion of the parcel.

In the event that this application is accepted, the Applicant would subdivide the Project Parcel pursuant to the Illinois State Plat Act in order to maintain zoning consistent with parcel divisions.

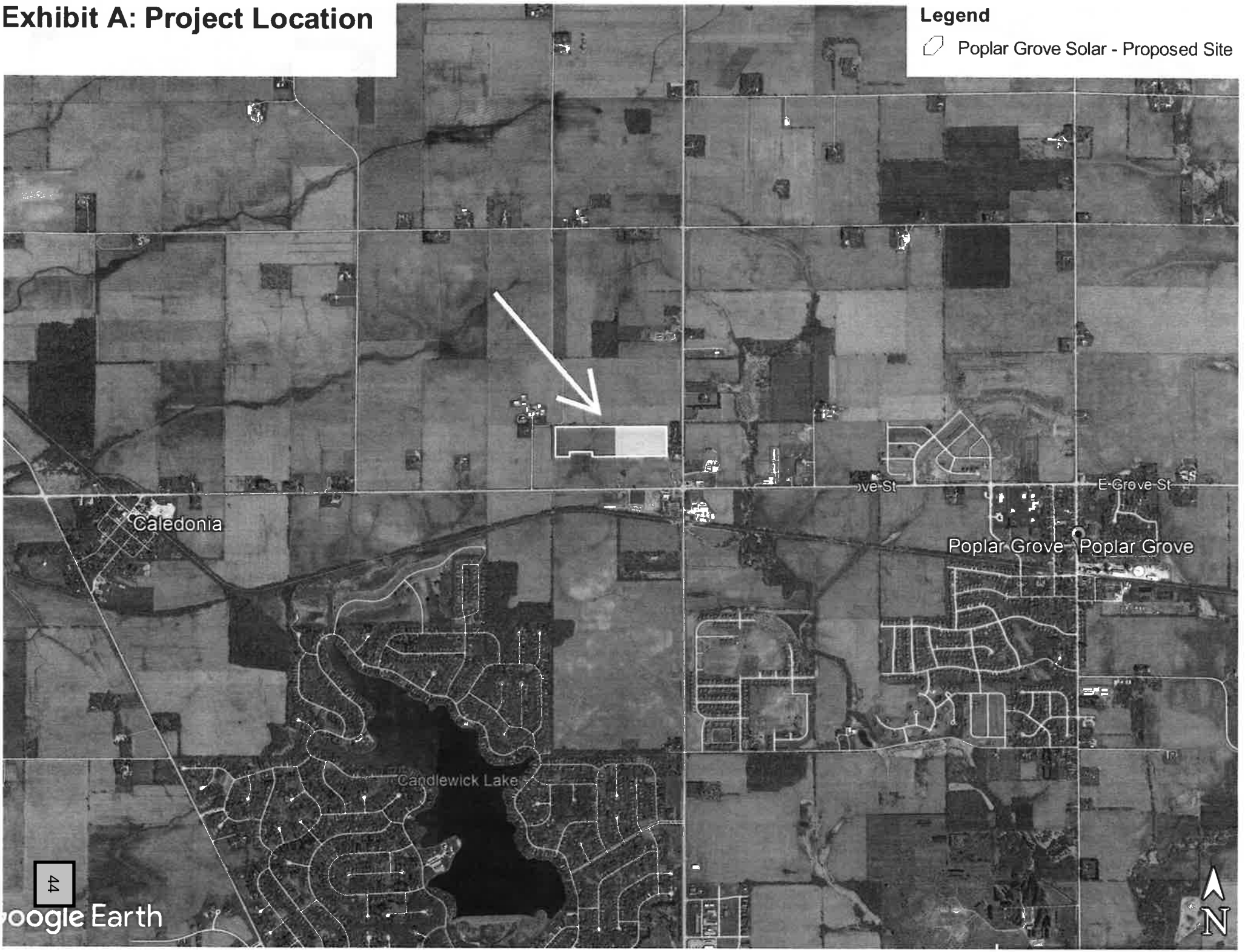
d. Rezoning for Corporations, Partnerships, and Joint Venture

a. The Applicant is not a corporation, partnership or joint venture.
b. The Applicant is not doing business under an assumed name.
c. The Applicant is acting on its behalf.
d. Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC, P.O. Box 310, Highland Park, IL 60035.
e. There are no shareholders owning any interest in excess of 20% of all outstanding stock.

e. Rezoning Fees

The Applicant has enclosed the filing fee with this application.

Exhibit A: Project Location



15. Overview

This report details information for several natural resource topics. Most of the details for individual topics are presented in a special section. This section highlights the natural resource concerns, which are most important to this site, the environment, and the community:

1. The land evaluation score for this site is 84.42 (Table 13) and most soils are listed as prime farmland or prime farmland when drained (Table 6). The BCSWCD Board has historically opposed zoning changes with land evaluation scores of 69 points or higher; however, characteristics of the proposed project may also influence the Board's final decision.

2. It appears some solar arrays are proposed within a main drainage way (Figures 15 & 16). These areas should be left unobstructed to avoid additional ponding (Tables 9, & 10). Likewise, within a main drainage way Sable silty clay loam (68A) is present. This soil has characteristics that describe it as 85 percent hydric (Figure 9; Table 8), poorly drained (Table 9), and frequently ponds (Table 10). Approximately eight percent of the AOI contains hydric soils (Figure 9; Table 8)

3. Based on mapped soil types, topography, watershed data, and an onsite investigation, a complex agricultural drainage tile system is likely present and should be ***located and protected prior to construction***. During onsite inspection a main drainage way was noticeable near the northwest AOI boundary (Figure 2). Drainage tile maps have been provided from adjacent properties and illustrate several existing drainage tiles (some old clay tiles are also included) (Appendix D). References and maps show a natural drainage from northern border of the AOI trending south-southeast towards Illinois Route 173. Corn crop on this parcel currently masks evidence of any physical drainage way. Additionally, a tile breather south of Illinois Route 173 across from expected natural drainage way was observed during the site inspection, indicated water is likely being intercepted from the AOI and neighboring properties. If drainage tile systems are disrupted, additional ponding and flooding will likely occur.

4. Hydric soils are expected at this site, with approximately eight percent of the AOI expected to be hydric (Figure 9; Table 8).

5. Approximately 197 acres drain through this parcel and into Beaver Creek (Figure 10).

6. If this special use is approved and acreage of land disturbance is greater than one acre in size, a National Pollutant Discharge Elimination System Permit (NPDES Permit) will be required. Temporary soil stabilization, control of sediment during construction and permanent site stabilization after construction is completed is required under a NPDES permit.

Public Health
Prevent. Promote. Protect.

Boone County Health Department
1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

October 11, 2018

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Planning Services for Poplar Grove

Re: Case: 2018-06, Poplar Grove Solar, LLC (MA)

Dear Gina,

We are in receipt of the special use request to allow an operation of an energy facility. At this time the Boone County Health Department has no comment.

If you have any questions, or concerns, please let us know.

Thank you,

Amanda Mehl
Public Health Administrator
skm

Memorandum

DATE: October 25, 2018

TO: Poplar Grove Village Board

FROM: Village of Poplar Grove Planning and Zoning Commission

SUBJECT: Findings of Fact and Recommendation for case: 2018-06: Poplar Grove Solar LLC, 4324 IL Route 76 (East Half)

REQUEST AND LOCATION:
The applicant, Poplar Grove Solar, LLC, PO Box 310, Highland Park, IL 60035 on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114 is requesting a map amendment (rezoning) on approximately 17 acres of land from the GB, General Business District to the LI, Light Industrial District located southwest of Illinois Route 173 and Illinois Route 76 in accordance with the Poplar Grove Zoning Ordinance, Section 8-5-5 Map Amendment. Part of PIN: 03-14-300-002.

FINDINGS OF FACT:
To make a recommendation and to adopt the findings of fact, the Commission shall consider whether the change is consistent with the objectives of the Zoning Ordinance prescribed in Section 8-1-3. The objectives are as follows:

A. To promote and protect the public health, safety, morals, convenience and general welfare of the people.

Even though most of the area is in agricultural production, the properties are zoned light industrial, general industrial and a mix of residential. Due to the proximity of Illinois Routes 173 and 76 which are truck routes, commercial and industrial development is favored. The applicant is not requesting to rezone the entire parcel to industrial. The southeastern portion along Illinois 173 will remain commercial, leaving the potential for out-lot development.

B. To secure adequate natural light, pure air and safety from fire and other dangers.

All new development shall adhere to the Zoning Ordinance, Subdivision Ordinance, Building Codes, Health Codes, Fire Codes, etc. All codes ensure that light, air and safety are being protected.

C. To protect the character and maintain the stability of residential, business and industrial areas within the Village of Poplar Grove and to promote the orderly development of the areas.

The Village's 2009 Comprehensive Plan calls for the property to remain general business. The Village has held several meetings to discuss a new Comprehensive Plan. Those discussions and draft plan calls for the property to be light industrial. Previous discussions favored industrial growth along Illinois Route 173 in order to capitalize on the existing truck routes and access to I-90. Illinois Route 76 was intended to become the Village's commercial corridor with the possibility of commercial outlots in front of the industrial developments along Illinois Route 173.

D. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters.

There is a drainage way and agricultural drainage tile on the 73 acres, however, they are located west of the portion of the property being rezoned. All development shall adhere to the Village's stormwater management requirements to assure that ponding does not occur after development.

E. To limit congestion in the public streets and highways.

By focusing industrial growth along the State Routes, the traffic along public streets, especially residential streets, is not anticipated to increase. The rezoning is being requested for a solar farm development that is not anticipated to create a large amount of traffic. However, if the solar farm development does not occur, a different land use permitted within the light industrial zoning district may develop. The property's proximity to Illinois Route 76 and Illinois Route 173 (and its accessibility to I-90) will dictate traffic patterns.

F. To prohibit uses or structures which are incompatible with the character of other appropriate existing or intended uses within specified zoning districts.

The property is currently in agricultural production in which it will remain until time of development. Rezoning the property from commercial to industrial does not limit incompatible uses from developing on the property. Due to the building and site design requirements of the Poplar Grove Zoning Ordinance, future industrial development is not anticipated to negatively impact future commercial development.

The four residences to the east, along Illinois Route 76 are shown as commercial on the 2009 Comprehensive Plan. Until the time they are redeveloped, proper buffer yards (as required in the Poplar Grove Zoning Ordinance) will be utilized to separate the residences from industrial development.

G. To provide for the gradual elimination of those existing uses of land, buildings and structures that do not conform to the standards of the zoning district in which they are located.

The property is currently in agricultural production; there are no existing non-conforming buildings. Although the agricultural use is non-conforming, agricultural practices are often continued until the property is developed.

H. To conserve and enhance the taxable value of land and buildings throughout the Village of Poplar Grove.

The potential for new industrial development will have a beneficial impact on the Village's tax base.

RECOMMENDATION:
The planning staff recommends approval of case 2018-06 for a map amendment from GB, General Business District to LI, Light Industrial District

The motion to adopt the Findings of Fact as presented by staff for case 2018-06; Poplar Grove Solar LLC, 4324 IL Route 173, carried with a (6-0) roll call vote.

The motion to approve case 2018-06; Poplar Grove Solar LLC, 4324 IL Route 173, carried with a (6-0) roll call vote.

_____
Jake Dykstra, Chairman
Poplar Grove Planning and Zoning Commission

MEMO

DATE: October 25, 2018

TO: Poplar Grove Village Board

FROM: Village of Poplar Grove Planning and Zoning Commission

SUBJECT: Findings of Fact for Case 2018-07: Poplar Grove Solar, LLC, 4324 IL Route 173 (East Half)

REQUEST AND LOCATION:
The applicant, Poplar Grove Solar, LLC, PO Box 310, Highland Park, IL 60035, on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114, is requesting a special use to install non-building mounted solar collectors (total of 18 acres, eastern phase) for export of energy for use by an electrical utility at 4324 Illinois Route 173 within LI, Light Industrial District (pending rezoning) (Poplar Grove Zoning Ordinance Sections 8-6-11-B-2 and 8-5-7 Special Use). Part of PIN: 03-14-300-002. The property is rectangular in shape and is currently being farmed. The solar farm will be on the northeastern part of the property, away from Illinois Route 173. There is a cluster of single family residential to the east and a farmstead to the northwest.

FINDINGS OF FACT:
Per Section 8-5-7(D) of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

A. **Findings: The establishment, maintenance or operation of the special use would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

There are many kinds of solar farms, each having their own set of environmental impacts. Solar farms can be thousands of acres in size, some require that all vegetation be removed which impacts wildlife by loss of habitat, some are constructed on cement pads that increase surface water run-off, some radiate heat and some feed into a tower that can be dangerous for birds and insects. Phase I of the proposed solar farm will be 18 acres in size, have adequate vegetation, create minimal surface water run-off and is not anticipated to create a noticeable amount of heat or glare.

Considering the proposed zoning (as well as the existing zoning) of the property and the potential development that is permitted, the solar farms, with proper conditions of approval, would have less of an impact to neighboring properties. An increased setback is being utilized along the east property lines to provide an additional buffer between the projects and nearby residences and the addition of pollinating plants will benefit the community while providing a low maintenance vegetative cover rather than grass seed which can become unsightly.

B. **Findings: The special use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

Industrial and limited commercial development is already permitted. The solar farm will be required to adhere to all local, state and federal regulations in addition to the conditions of approval. The height (and potential shadow casting) and lot coverage of the solar panels are less than what is permitted while the setbacks are greater. The amount of traffic generated by the solar farm is less than what an industrial or commercial development would create.

Although the NRI report indicated agricultural drainage tiles on the western half of the property, through the special use process, a study can be conducted on the eastern half of the property. This will ensure that any potential agricultural drainage tiles are discovered and can now be protected.

C. **Findings: The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

The solar farms are not anticipated to impact the ability for the surrounding properties to be used agriculturally. The addition of pollinators is intended to be a benefit to the agricultural community. The solar farm is not anticipated to create additional heat, odor, light or noise that would infringe on the nearby residents' enjoyment of their properties.

D. **Findings: Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

The property is located along Illinois Route 173 which can adequately handle construction equipment and increased traffic during construction. Access roads, drainage and additional power lines and power poles will be installed by the developer in accordance to the project's needs and submitted narrative and site plan.

E. **Findings: Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

Once construction of the special use is complete there will be minimal traffic generated by the routine maintenance and monitoring of the site. An access road will be wide enough to handle two-way traffic for instance when multiple vehicles are present.

F. **Findings: The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.**

The special use will be required to conform to all the applicable regulations of the Zoning Ordinance, the Subdivision Ordinance, all other regulations and to any conditions of approval enacted by the Village Board.

The motion to adopt the Findings of Fact for case 2018-07 for a special use to permit a solar farm at 4324 IL Route 173 (East Half) carried with a (6-0) roll call vote.

_____

Jake Dykstra, Chairman
Poplar Grove Planning and Zoning Commission

MEMO

DATE: October 25, 2018

TO: Poplar Grove Village Board

FROM: Village of Poplar Grove Planning and Zoning Commission

SUBJECT: Recommendation— Case 2018-07: Poplar Grove Solar, LLC, 4324 IL Route 173 (East Half)

REQUEST AND LOCATION:
The applicant, Poplar Grove Solar, LLC, PO Box 310, Highland Park, IL 60035, on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114, is requesting a special use to install non-building mounted solar collectors (total of 18 acres, eastern phase) for export of energy for use by an electrical utility at 4324 Illinois Route 173 within LI, Light Industrial District (pending rezoning) (Poplar Grove Zoning Ordinance Sections 8-6-11-B-2 and 8-5-7 Special Use). Part of PIN: 03-14-300-002. The property is rectangular in shape and is currently being farmed. The solar farm will be on the northeastern part of the property, away from Illinois Route 173. There is a cluster of single family residential to the east and a farmstead to the northwest.

RECOMMENDATION:
The Planning and Zoning Commission **approved** case number 2018-07 subject to the following *amended* conditions:

1. Substantial compliance with the narrative and site plan submitted, unless otherwise noted.
2. All vegetation shall be approved by the Boone County Conservation District. Pollinator friendly vegetation shall be used.
3. A decommissioning and reclamation plan shall be submitted to and approved by the Village of Poplar Grove prior to the commencement of the development.
4. A surety, covering the complete execution of the decommissioning and reclamation plan for when the project ends shall be posted prior to the commencement of the development.
5. An agricultural drainage tile system survey shall be conducted prior to commencement of the project. All identified drain tile shall be protected and repaired if damaged.
6. The applicant shall provide training to Boone County Fire District 3 pertaining to the hazards in conducting fire control and extinguishment of the proposed solar system.
7. *Inspection risers shall be installed between PINs: 03-14-300-001 and 03-14-300-002 and Illinois Route 173.*

The motion to add condition 7 and approve case 2018-07 for a solar farm at 4324 IL Route 173 (east half) carried with a 6-0 roll call vote.

Jake Dykstra, Chairman
Poplar Grove Planning and Zoning Commission

ORDINANCE # 2018_____

AN ORDINANCE GRANTING A SPECIAL USE FOR A SOLAR FARM WITHIN THE LI, LIGHT INDUSTRIAL DISTRICT (4324 Illinois Route 173 (East Half)

WHEREAS, the Village of Poplar Grove has adopted Title 8, Zoning in accordance with the provisions of Illinois Compiled Statutes, to regulate the use of land and specify the minimum requirements for improvements on land in the Village of Poplar Grove; and

WHEREAS, special uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property and are reviewed on a case by case basis, and are permitted only by permission of the Poplar Grove Village Board; and,

WHEREAS, the applicant, Poplar Grove Solar LLC, PO Box 310, Highland Park, IL 60035 on behalf of the property owner, DYN 173 LLC (First Rockford Group), 6801 Spring Creek Road, Rockford, IL 61114 has petitioned the Village for a special use for a solar farm at 4324 Illinois Route 173 (East Half); and,

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the Village of Poplar Grove Planning and Zoning Commission held a public hearing on October 24, 2018 concerning the proposed special use; and,

WHEREAS, the Village of Poplar Grove Planning and Zoning Commission having examined said application and having considered the evidence, both oral and documentary, and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the Village considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF POPLAR GROVE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. That a special use in the LI, Light Industrial District for a solar farm on the property (as depicted on Attachment A) legally described as:

> The South Half of the Southwest Quarter of Section 14; also all that part of the North Half of the Northwest Quarter of Section 23, lying North of the right of way of the Chicago Northwestern Railway Company, excepting from the above one

acre in said Northwest Quarter of Section 23, deeded to Wayne Wheeler, as appears of record in Book 94 of Deeds, Page 533, Boone County Records, and excepting 4.84 acres in the South Half of the Southwest Quarter of Section 14, deed to Floyd Newhouse, as appears of record in Book 103 of Deeds, on Page 444 also excepting "Tract A" containing .971 acres and "Tract B" containing 4.856 acres in South Half of the Southwest Quarter of Section 14 deed to Floyd Newhouse and Wife, as appears of record in Book 111 of Deeds, Page 359 Boone County Records and also excepting that part of the Northwest Quarter of said Section 23 Deed to John Bullard and Wife, as appears of Record in Book 106 of Deeds, on Page 504 Boone County Records all of the above situated in Township 45 North, Range 3 East of the Third Principal Meridian, in Boone County, State of Illinois and more particularly described as follows to wit:

Part of the Southwest Quarter (1/4) of Section Fourteen (14), Township Forty-Five (45) North, Range Three (3) East of the Third Principal Meridian, bounded and described as follows, to wit: Beginning at the Southwest Corner of the Southwest Quarter of said Section; thence North 00 degrees 36 minutes 51 seconds East, along the West line of the Southwest Quarter of said Section 1326.34 feet to the North Line of the South Half of the Southwest Quarter of said Section; thence South 89 degrees 49 minutes 33 seconds East, along the North Line of the South Half of the Southwest Quarter of said Section 2400.02 feet to the West Line of "Tract A" of premises conveyed Allan B. Wares to Floyd Newhouse and Shirley Newhouse by quit claim deed dated December 26, 1952 and recorded in Book 111 of Deeds on Page 359 in the Recorder's Office of Boone County, Illinois; thence South 00 degrees 38 minutes 50 seconds West, along the West Line of "Tract A" of said premises so conveyed to Newhouse as aforesaid and the Southerly extension thereof, 1324.88 feet to the South Line of the Southwest Quarter of said Section; thence North 89 degrees 51 minutes 38 seconds West, along the South Line of the Southwest Quarter of said Section 2399.26 feet to the Point of Beginning, subject to the rights of the public and State of Illinois in and to those portions thereof taken, used or dedicated for public road purposes. Situated in the County of Boone and State of Illinois. Part of PIN: 03-14-300-002.

Be and is hereby approved, subject to the following conditions:

1. Substantial compliance with the narrative and site plan submitted, unless otherwise noted. (Attachment B)

2. All vegetation shall be approved by the Boone County Conservation District. Pollinator friendly vegetation shall be used.

3. A decommissioning and reclamation plan shall be submitted to and approved by the Village of Poplar Grove prior to the commencement of the development.

4. A surety, covering the complete execution of the decommissioning and reclamation plan for when the project ends shall be posted prior to the commencement of the development.

5. An agricultural drainage tile system survey shall be conducted prior to commencement of the project. All identified drain tile shall be protected and repaired if damaged.

6. The applicant shall provide training to Boone County Fire District 3 pertaining to the hazards in conducting fire control and extinguishment of the proposed solar system.

7. Inspection risers shall be installed between PINs: 03-14-300-001 and 03-14-300-002 and Illinois Route 173.

Section 2. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the Village of Poplar Grove and shall not be used except as may otherwise be expressly authorized by this Special Use.

Section 3. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Section 5. Except as expressly modified or amended in this Ordinance, all other terms, conditions, and provisions of the Village Code of Ordinances not so modified or amended, shall remain in full force and effect; provided, however, that any provision of the Village Code of Ordinances shall be deemed modified as necessary to give practical effect to the provisions of this Ordinance. To the extent that the terms and provisions of this Ordinance conflict the Village Code of Ordinances, the terms and provisions of this Ordinance shall control.

PASSED by the Village Board of the Village of Poplar Grove this ____ day of _____, 2018.

APPROVED by the President of the Village of Poplar Grove this ____ day of _____, 2018.

_____
Owen Costanza, Village President

ATTEST:

_____
Karri Anderberg, Village Clerk

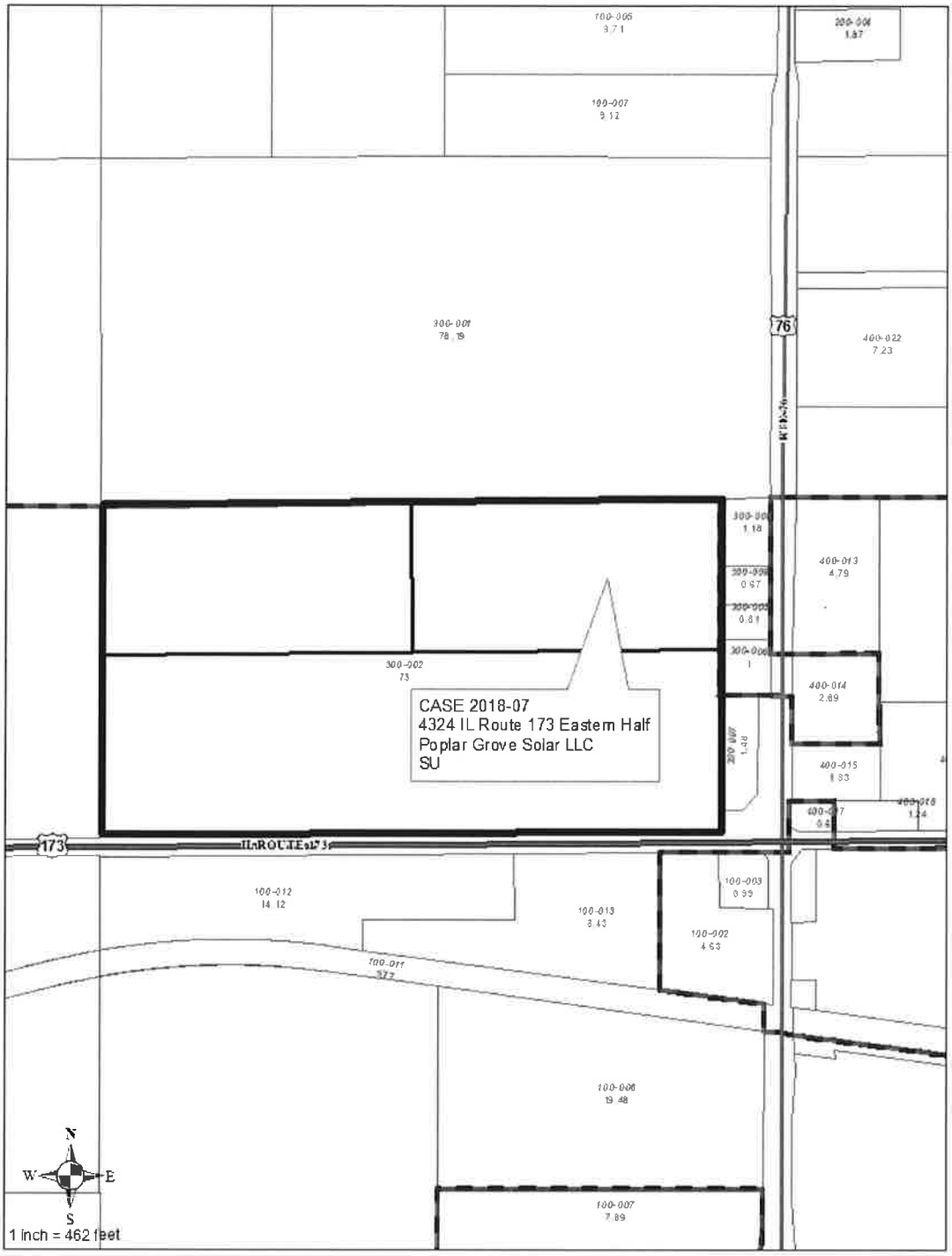
Ayes:____ Nays: ____ Absent ____

Village Board Members Voting Aye:____

Village Board Members Voting Nay:____

Date Published: _____ Sponsor:_____

Attachment A



Attachment B

Trajectory Energy Partners

EXECUTIVE SUMMARY

Poplar Grove Solar – Phase 1

Poplar Grove Solar, LLC - Phase 1 (the "Applicant") proposes to develop a community solar project approximately 2 MW AC in size, on approximately 17 acres of land located north of Illinois Route 173 and west of Fairgrounds Road in the Village of Poplar Grove, Boone County, Illinois. The Poplar Grove Solar, LLC community solar project (the "Solar Project") will be located within a portion of the parcel with PIN 03-14-300-002 (the "Project Parcel") owned by DYN 173, LLC (the "Landowner"). The Applicant is submitting this Petition for Special Use pursuant to and in compliance with the requirements set forth under Sections 8-5-4 and 8-5-7 of the Village of Poplar Grove Zoning Ordinance (the "Zoning Ordinance"), as amended by the Applicant's approved Text Amendment Submitted July 24th, 2017. This application is being submitted concurrently with a Rezoning Amendment Application to rezone the relevant portion of the Project Parcel from General Business District to Light Industrial District, consistent with the remainder of the Project Parcel.

The proposed Solar Project will serve the electricity needs of 300 to 400 homes. Once installed and commissioned, the Solar Project will be continuously monitored, and engineers and maintenance technicians will visit the Solar Project a few times a year for routine maintenance and any required repairs. Post-construction, the Solar Project will generate minimal traffic, with visits to the site occurring solely in connection with routine and required maintenance.

About Trajectory Energy Partners, LLC

Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Trajectory Energy Partners, LLC brings together communities, organizations, and land owners to develop clean energy projects that are integrated into the local landscape and community.

The Future Energy Jobs Act and Community Solar Projects

Under Illinois Public Act 99-0906, commonly known as the Future Energy Jobs Act ("FEJA"), the Illinois Power Agency is currently promulgating a set of regulations and incentives to allow the creation of such community solar projects. The Solar Project is intended to be a community solar project under FEJA, which would allow residential and commercial customers to subscribe to the Solar Project. The Solar Project will support FEJA's goals of increasing the adoption and availability of renewable energy to Illinois residents and businesses.

Economic and Environmental Benefits

The Solar Project will provide economic and environmental benefits to the community. Poplar Grove residents and businesses will have an opportunity to subscribe to the Solar Project. These subscribers will support clean energy in their community while benefiting from savings

on their electricity bills. In addition, the Solar Project will create new tax revenues for the community and generate economic activity through local construction, materials, and services.

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II. PROJECT DESCRIPTION 4

Exhibit A: Project Location

Exhibit B: Site Plan

Exhibit C: Zoning Diagram

Exhibit D: EcoCAT Consultation

Exhibit E: Impacts Study

Trajectory Energy Partners

I. APPLICANT INFORMATION

The Applicant is a limited liability company, a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Jonathan Carson is an Authorized Representative of the Applicant.

Applicant:

Poplar Grove Solar, LLC
c/o Trajectory Energy Partners, LLC
Attn: Jon Carson
P.O. Box 310
Highland Park, IL 60035
(312) 882-3713
legal@trajectoryenergy.com

Landowner:

DYN 173, LLC
c/o First Midwest Group
Attn: Marvin L. Keys
6801 Spring Creek Road
Rockford, IL, 61114
(815)-229-3000

II. PROJECT DESCRIPTION

a. General Description

The Solar Project will be located on approximately 17 acres in the Village of Poplar Grove, Section 14, Township 45 North, Range 3, Boone County, Illinois, Property Index Numbers: 03-14-300-002. See Exhibit A: Project Location.

Legal Description

PIN 03-14-300-002:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14; ALSO ALL THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, LYING NORTH OF THE RIGHT OF WAY OF THE CHICAGO NORTHWESTERN RAILWAY COMPANY, EXCEPTING FROM THE ABOVE ONE ACRE IN SAID NORTHWEST QUARTER OF SECTION 23, DEEDED TO WAYNE WHEELER, AS APPEARS OF RECORD IN BOOK 94 OF DEEDS, PAGE 533, BOONE COUNTY RECORDS, AND EXCEPTING 4.84 ACRES IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, DEED TO FLOYD NEWHOUSE, AS APPEARS OF RECORD IN BOOK 103 OF DEEDS, ON PAGE 444 ALSO EXCEPTING "TRACT A" CONTAINING .971 ACRES AND "TRACT B" CONTAINING 4.856 ACRES IN SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14 DEED TO FLOYD NEWHOUSE AND WIFE, AS APPEARS OF RECORD IN BOOK 111 OF DEEDS PAGE 359 BOONE COUNTY RECORDS AND ALSO EXCEPTING THAT PART OF THE NORTHWEST QUARTER OF SAID SECTION 23 DEED TO JOHN BULLARD AND

Trajectory Energy Partners

WIFE, AS APPEARS OF RECORD IN BOOK 106 OF DEEDS, ON PAGE 504 BOONE COUNTY RECORDS ALL OF THE ABOVE SITUATED IN TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BOONE COUNTY, STATE OF ILLINOIS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION FOURTEEN (14), TOWNSHIP FORTY-FIVE (45) NORTH, RANGE THREE (3) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 00°36'51" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1326.34 FEET TO
THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 89°49'33" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION, 2400.02 FEET TO THE WEST LINE OF TRACT "A" OF PREMISES CONVEYED ALLAN B. WARES TO FLOYD NEWHOUSE AND SHIRLEY NEWHOUSE BY QUIT CLAIM DEED DATED DECEMBER 26, 1952 AND RECORDED IN BOOK 111 OF DEEDS ON PAGE 359 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS; THENCE SOUTH 00°38'50" WEST, ALONG THE WEST LINE OF TRACT "A" OF SAID PREMISES SO CONVEYED TO NEWHOUSE AS AFORESAID AND THE SOUTHERLY EXTENSION THEREOF, 1324.88 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 89°51'38" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 2399.26 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHTS OF THE PUBLIC AND STATE OF ILLINOIS IN AND TO THOSE PORTIONS THEREOF TAKEN, USE OR DEDICATED FOR PUBLIC ROAD PURPOSES. SITUATED IN THE COUNTY OF BOONE AND STATE OF ILLINOIS

The project is located on the portion of the Project Parcel that is currently zoned as General Business District and for which the Applicant and Landowner are requesting a rezoning to Light Industrial District. Pursuant to the Applicant's requested text amendment under Sections 8-5-4 the Zoning Ordinance, solar farms are permitted as a special use in the Light Industrial District. See Exhibit C: Zoning Diagram.

b. Site Plan and Phases

A Site Plan detailing the placement of the solar arrays and proposed access is included in this application. The proposed Solar Project is indicated on the Site Plan as Phase 1. The Applicant is concurrently submitting a Special Use Application for Phase 2. Each Phase contains a single 2MW AC community solar farm. Pursuant to the regulations and policies implementing FEJA, a single parcel may contain up to two 2MW AC community solar farms. The incentives required to construct each community solar farm are intended to be allocated by lottery, and thus each Phase may be awarded such incentives separately, and if both receive incentives, at different times. Thus, the Applicant may construct Phase 2 prior to Phase 1, or may only construct one of the two Phases if incentives are not available for both Phases. See Exhibit B: Site Plan.

c. Equipment Detail

The Solar Project will consist of equipment to generate electricity from solar energy, including rows of photovoltaic cell panels on a single-axis tracking system, racking, inverters, and perimeter fencing. Support poles will be driven into the ground. Transformers and other electrical equipment will be located on one to two small concrete pads measuring approximately 6' x 10' for each Phase. Panels will be installed in a north-south configuration on

Trajectory Energy Partners

a rotating mounting system that will track the sun throughout the day. The panels will be designed with an anti-reflective coating to minimize glare from the Solar Project and prevent impacts to avian wildlife including birds and bats. The Solar Project is intended to operate for a period of at least 25 years and will be constructed with solar panels and other electrical equipment with long-term warranties and very low expected rates of replacement.

The components of the Solar Project will comply with the current edition of the National Electric Code and be UL listed or meet a comparable safety standard. The Solar Project's electrical collection lines will be underground and then brought together for connection to the transmission network rather than directly to a substation. For each Phase, three on-site poles will convey powerlines to utility-owned poles and on to a proposed interconnection point within the Solar Project's footprint. See Exhibit B: Site Plan.

d. Fencing, Access, Drainage and Landscaping

Each Phase of the Solar Project will be enclosed by a 7' chain-link fence, as required by the National Electrical Code. The Solar Project will be accessed from IL 173 along a dedicated access road and through a gated entrance with a maximum width of 24'.

Landscaping plans include plantings that buffer the residential parcels to the east within the proposed 100' setback along the eastern edge of the Solar Project. Vegetation under and around the Solar Project will be maintained by periodic mowing, inspections, and weed management as appropriate. The Solar Project will add cover vegetation to the site that traditionally been utilized for row crop. In doing so, drainage and runoff is expected to improve through the improved absorption of rain and melting snow and ice. No impervious surfaces will be added to Parcel, with the exception of one to two small concrete pads measuring roughly 6' x 10' for each Phase. The Solar Project will adhere to the Illinois Environmental Protection Agency (IEPA) Construction Stormwater Permit Requirements.

In addition, the Solar Project will work with the Village and the Landowner to specify low-growing grasses or pollinator-friendly plantings to be planted as a buffer around the Solar Project. The pollinator-friendly species are intended to facilitate local pollinator habitat, improve water infiltration, prevent compaction, and control erosion while increasing microbial activity and production of organic matter.

e. Total Height of Solar Arrays and Other Structures

The total overall height of the facility will not exceed 12'.

f. Requested Duration

The Illinois Power Agency and Illinois Commerce Commission are currently finalizing rules for community solar projects under FEJA, and are not expected to have finalized those rules and

opened applications for renewable energy credits until the end of 2018. The Applicant will not be able to move forward with constructing either Phase of the Solar Project until it has received approval for such renewable energy credits, and until weather and ground conditions are favorable for installation. Therefore, in order to anticipate any delays in the implementation of FEJA or the required interconnection engineering work with ComEd, the Applicant requests that the duration of the Special Use Permit be set at 36 months.

g. Proposed Setback Dimensions

See Exhibit B: Site Plan

TABLE 1: SETBACK TABLE

	Village Requirement	Proposed Setbacks
Light Industrial: Front	30'	> 650'
Light Industrial: Western Side	20'	> 700'
Light Industrial: Eastern Side	20'	100' with buffer plantings proposed.
Light Industrial: Rear	30'	30'

See Exhibit B: Site Plan.

h. Environmental Impact

The Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT) consultation has been terminated with respect to the Solar Project site. See Exhibit D: EcoCAT Consultation.

The Solar Project will comply with all local, state, and federal environmental regulations. A Natural Resource Inventory (NRI) has been requested from the Boone County Soil and Water Conservation District.

The Solar Project shall be constructed, operated and maintained in compliance with federal, state, and local laws, including with respect to the removal and disposal of solid waste generated thereby. The Solar Project will also be maintained in a clean and neat manner, and any such solid waste will be removed as appropriate, with all costs borne by the Applicant.

i. Ingress and Egress During Construction and Thereafter

One improved, gravel access road will provide ingress and egress from the Solar Project site to IL 173 both during construction and thereafter. The applicant will use a watering truck as necessary to control dust during construction. See Exhibit B: Site Plan.

j. Construction and Maintenance; Traffic

The active construction period for each Phase of the Solar Project is expected to begin at the earliest in Spring 2019 and the construction of each Phase will last approximately 3 to 6

months. Construction will require trucks no larger than a typical 18-wheeler to deliver materials to the site, and onsite equipment will be used to drive pilings into the ground and install the panels, supports, and tracking equipment. Construction workers and personnel will arrive in pick-up trucks. Typically, solar installations do not require the use of cranes. Construction hours will follow a typical daily construction schedule.

The operations and maintenance of the Solar Project will generate minimal traffic. Because the Solar Project will be continuously monitored electronically off-site, engineers and maintenance technicians will visit the Solar Project a few times a year for routine maintenance and any repairs. Landscaping will be managed regularly during the growing season as described below.

k. Public Road Routes
The public road route will utilize IL 173, which is paved and designed for construction traffic.

l. Warning Signage
The Applicant will place signs warning of high voltage at the entrance to the solar facility as well as on the base of all pad mounted transformers. In addition, the Solar Project will prominently display a sign providing emergency contact information including the name of the solar facility, address, and the emergency contact telephone numbers for the Solar Project and the Operations and Maintenance contractor.

m. Conformance to Industry and Code Standards/Engineer Certification
The Solar Project will comply with all applicable local and county codes for the electrical, mechanical, and structural components of the facility.

n. Lighting
The Solar Project does not require lighting. No lighting will be installed.

o. Decommissioning
Upon the cessation of operations of the Solar Project, the Applicant will remove the installed Solar Project equipment and restore the site pursuant to its obligations to the Landowner, and will comply with the requirements of any governmental agency respecting the decommissioning and reclamation obligations for the Parcel. In connection with such decommissioning, the Applicant will remove the above-ground structures as well as the installed underground electrical equipment.

p. Property Value Impacts
Property valuation experts from CohnReznick have studied the value of properties that adjoin solar farms in Illinois and Indiana and concluded that the solar farms do not adversely affect the property values in either the short or long term.

The study included solar farms in Lasalle and Winnebago Counties in Illinois; as well as Elkhart, Lake, Madison, Marion and Porter Counties in Indiana. Experts analyzed property sale prices

and marketability of single family homes and agricultural land that adjoins solar farms and compared this data to comparable properties in the same county. The study also included interviews with county assessors and local real estate professionals, all of whom concluded that solar farms in their area had not impacted property values. Similar research has been conducted in other states across the U.S. and none of these studies have found that solar farms adversely affect nearby property values. Please see Exhibit E: Impacts Study.

q. Owners of Record

The following landowners are adjacent to the Project Parcel:

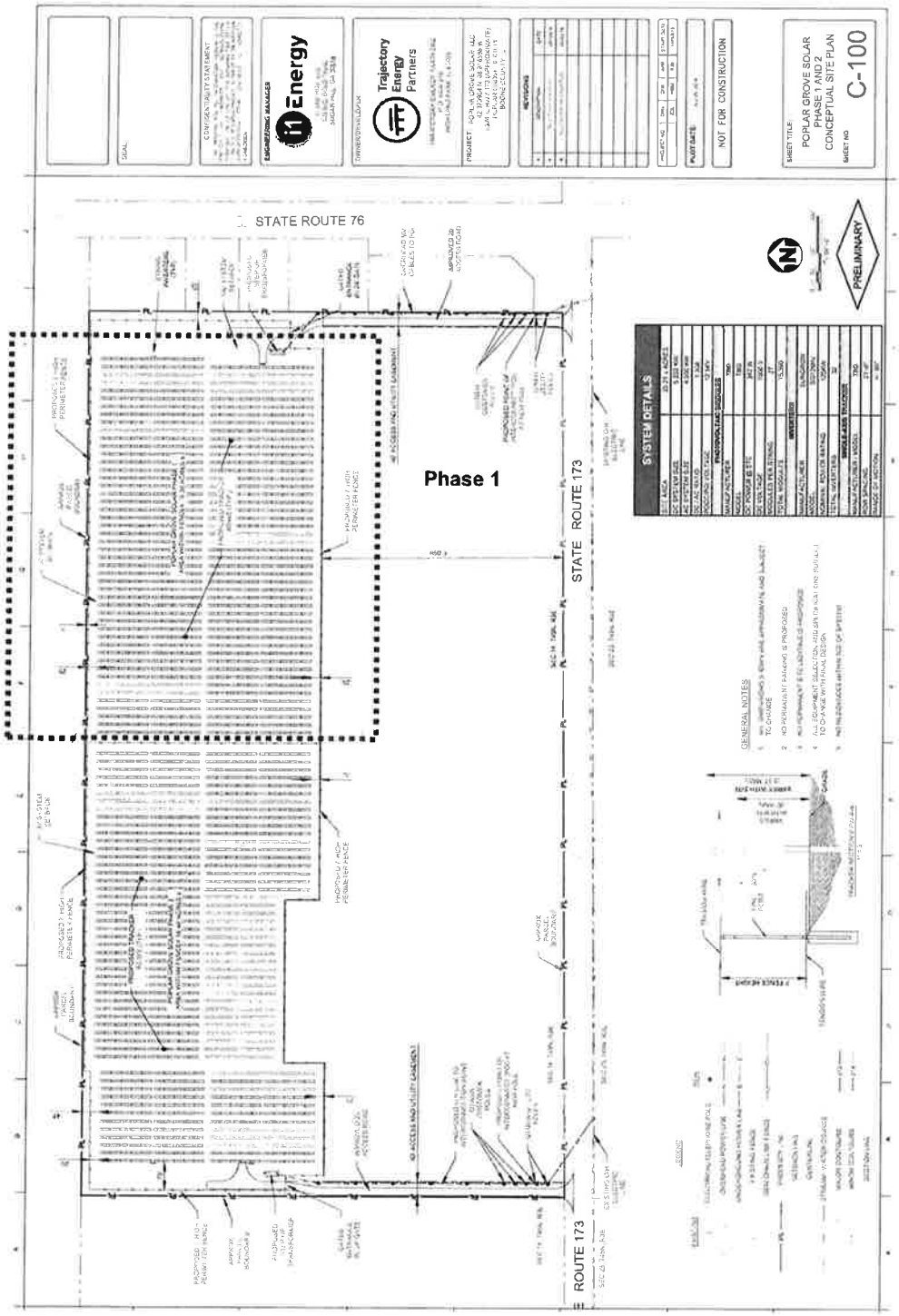
PIN#	Name/Trust No.	Street	City	Zip
03-15-400-011	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-15-400-010	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-001	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-008	MCINTYRE, MICHAEL S & JANE A (HAAS)	15302 IL ROUTE 76	Poplar Grove	61065
03-14-300-009	RABE, DALE A & CANDY E	15270 IL ROUTE 76	Poplar Grove	61065
03-14-300-005	RABE, BENJAMIN	15246 IL ROUTE 76	Poplar Grove	61065
03-14-300-006	GUTHRIE, GLENN S & COLLEEN	15214 IL ROUTE 76	Poplar Grove	61065
03-14-300-007	DELIJAHN INCORPORATED	PO BOX 305	Caledonia	61011
03-23-100-003	NEBIU, ERGEN & NADRIT & MURAT	4481 IL ROUTE 173	Caledonia	61011
03-23-100-002	GRACEFFA, PETER J	4557 IL ROUTE 173	Caledonia	61011
03-23-100-013	POPLAR GROVE STORAGE LLC	6801 SPRING CREEK RD	Rockford	61114
03-23-100-012	DYN 173 LLC	6801 SPRING CREEK RD	Rockford	61114
03-22-200-002	BOONE/POPLAR GROVE LLC	6277 E RIVERSIDE BLVD	Rockford	61114

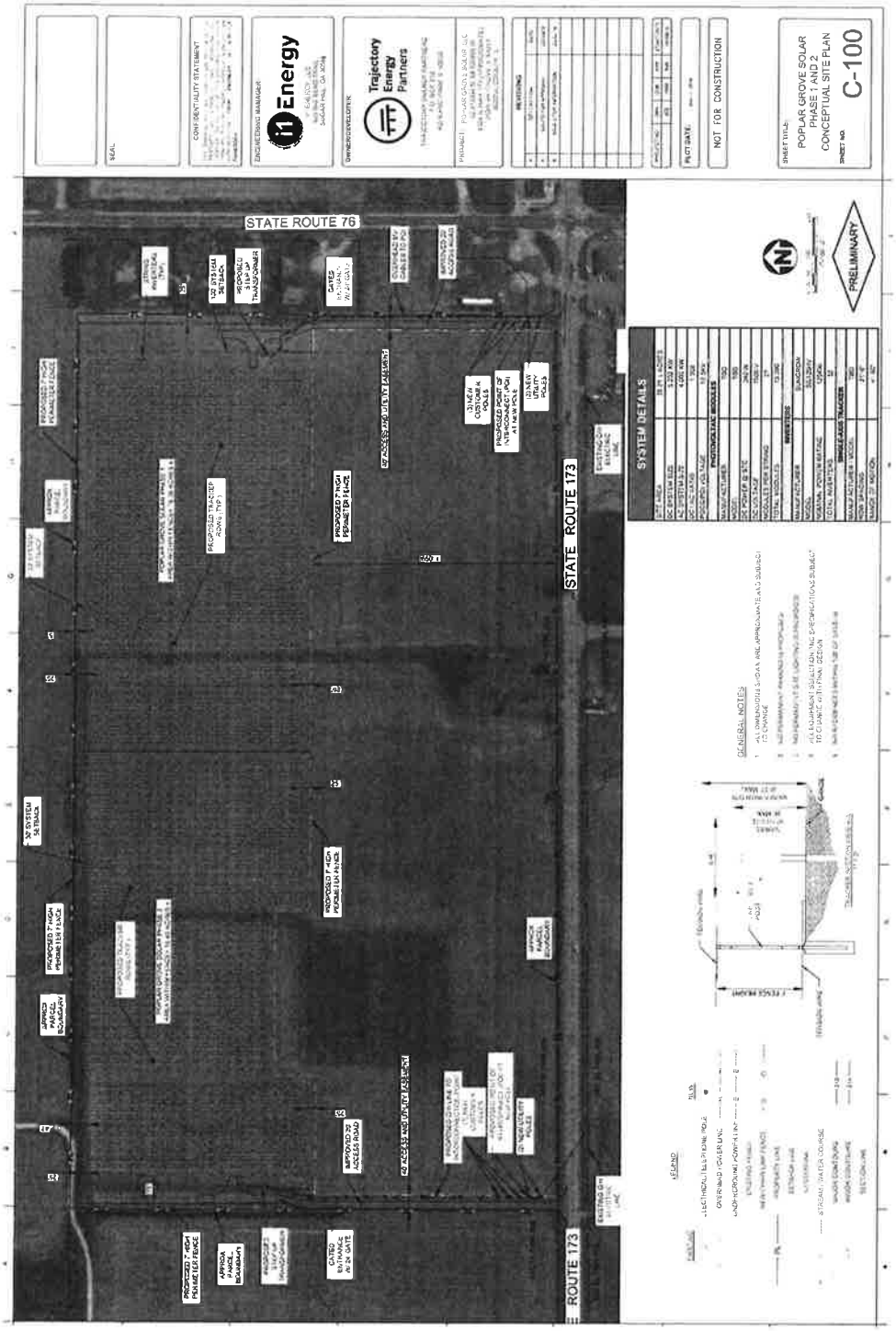
r. **Special Use for Corporations, Partnerships, and Joint Venture**

a. The Applicant is not a corporation, partnership or joint venture.
b. The Applicant is not doing business under an assumed name.
c. The Applicant is acting on its behalf.
d. Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC, P.O. Box 310, Highland Park, IL 60035.

s. **Special Use Fees**

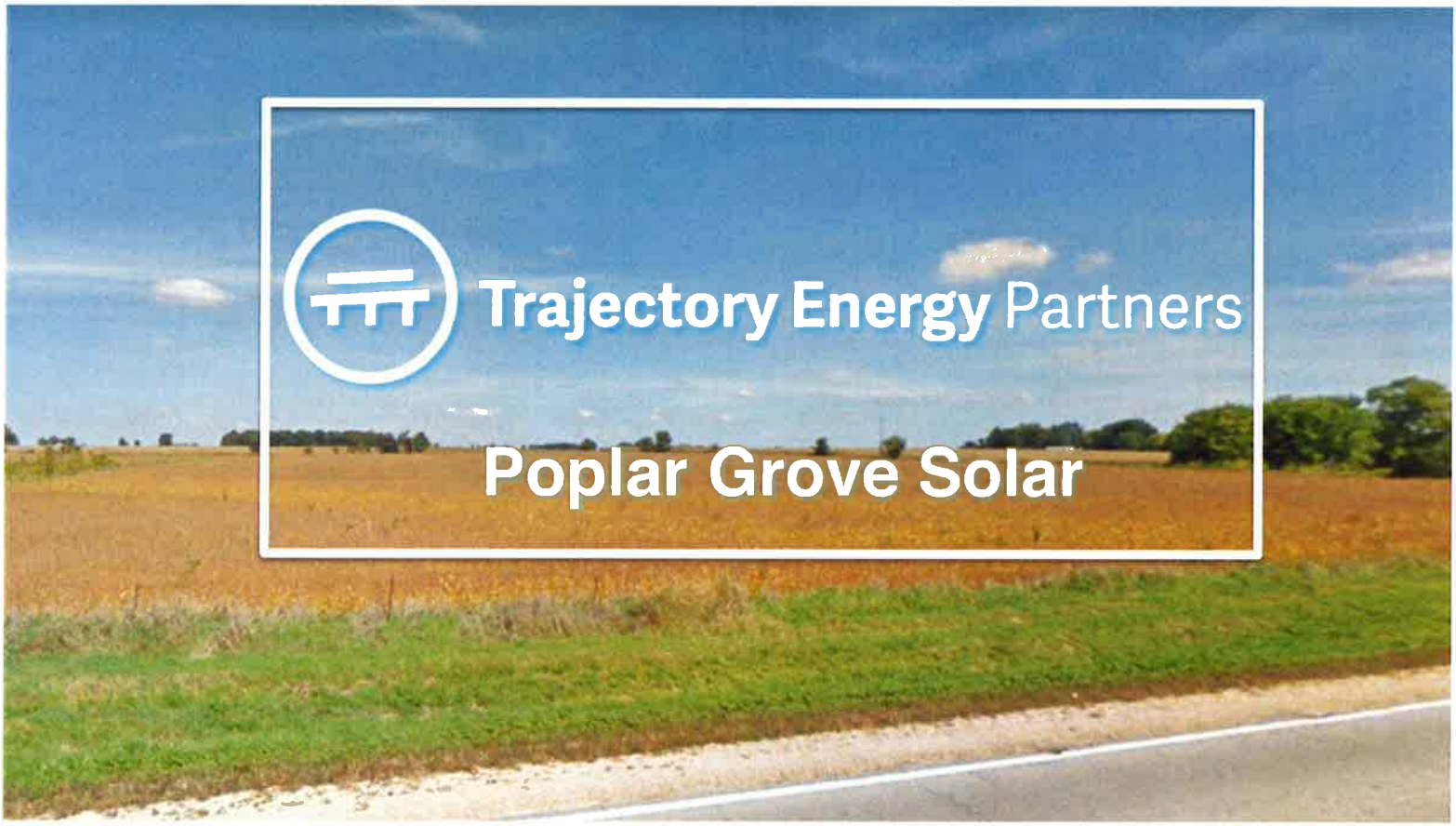
The Applicant has enclosed the filing fee with this application.


STATE ROUTE 76
Phase 1
STATE ROUTE 173
ROUTE 173
Trajectory Energy Partners
NOT FOR CONSTRUCTION
PRELIMINARY
POPLAR GROVE SOLAR PHASE 1 AND 2 CONCEPTUAL SITE PLAN
C-100
SYSTEM DETAILS
GENERAL NOTES


STATE ROUTE 76
STATE ROUTE 173
ROUTE 173
SYSTEM DETAILS
GENERAL NOTES
LEGEND
PRELIMINARY
NOT FOR CONSTRUCTION
POPLAR GROVE SOLAR PHASE 1 AND 2 CONCEPTUAL SITE PLAN
C-100
Energy
Trajectory Energy Partners

POWER POINT SUBMITTED BY APPLICANT

FOR CASE 2018-07


Trajectory Energy Partners
Poplar Grove Solar

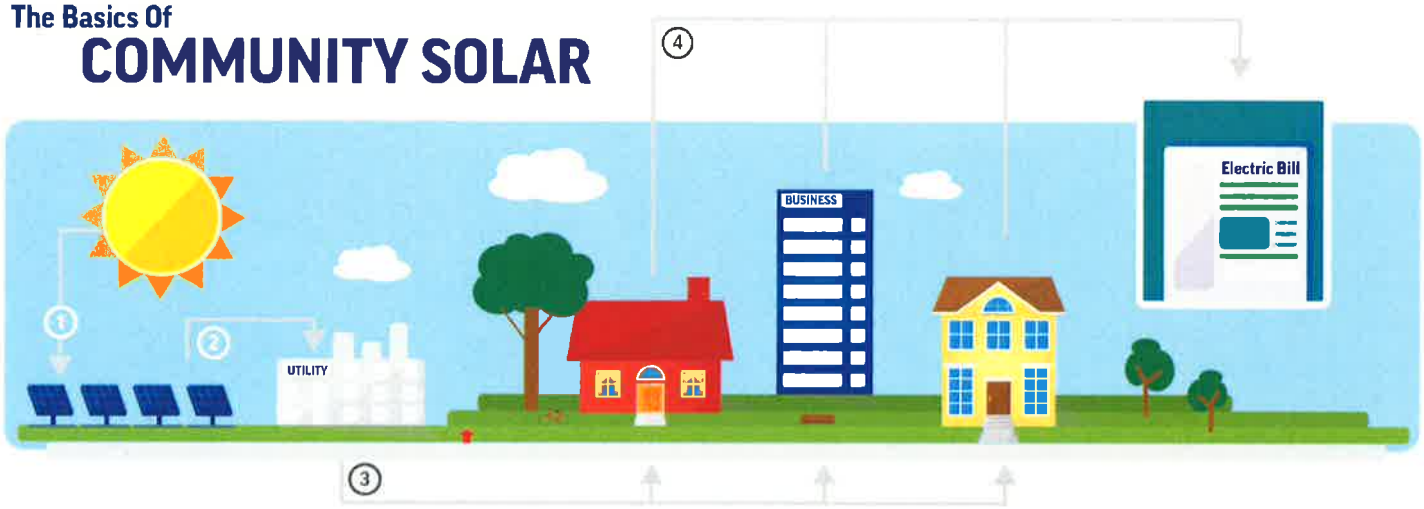
A New Opportunity for Solar in Illinois

The Illinois Future Energy Jobs Act passed in December 2016 creates new opportunities for communities to bring solar power to their homes and business.

Trajectory Energy Partners brings together communities, organizations, and landowners to develop clean energy projects that are integrated into the local landscape and community.

The Basics Of

COMMUNITY SOLAR



Community solar opens up access to communities, governmental entities, organizations, and landowners that can't install solar on their roof or property.
They can participate in a community solar project and be credited for the energy produced by their share of the solar installation.

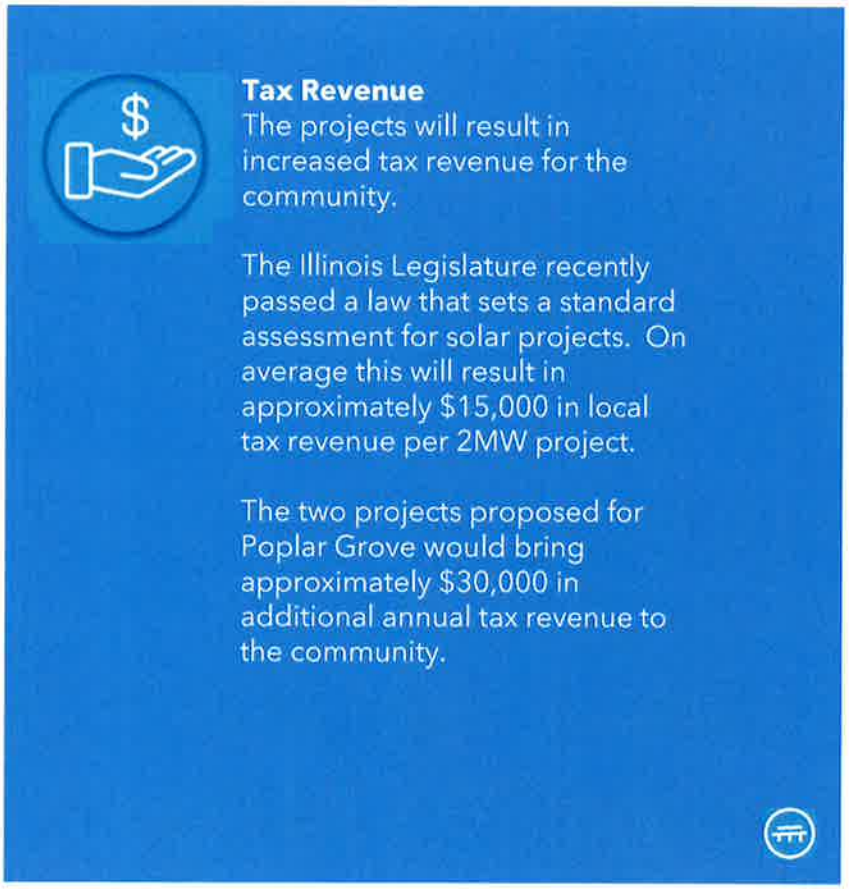
3

Community Benefits for Poplar Grove



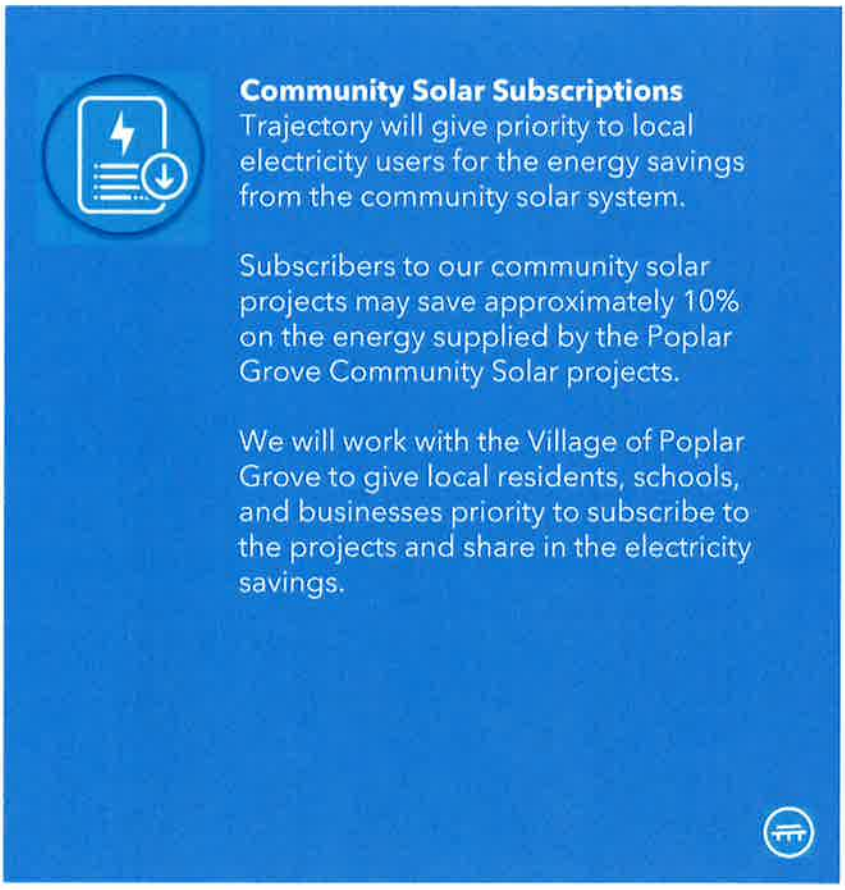
Community Benefits for Poplar Grove

Tax Revenue



Community Benefits for Poplar Grove

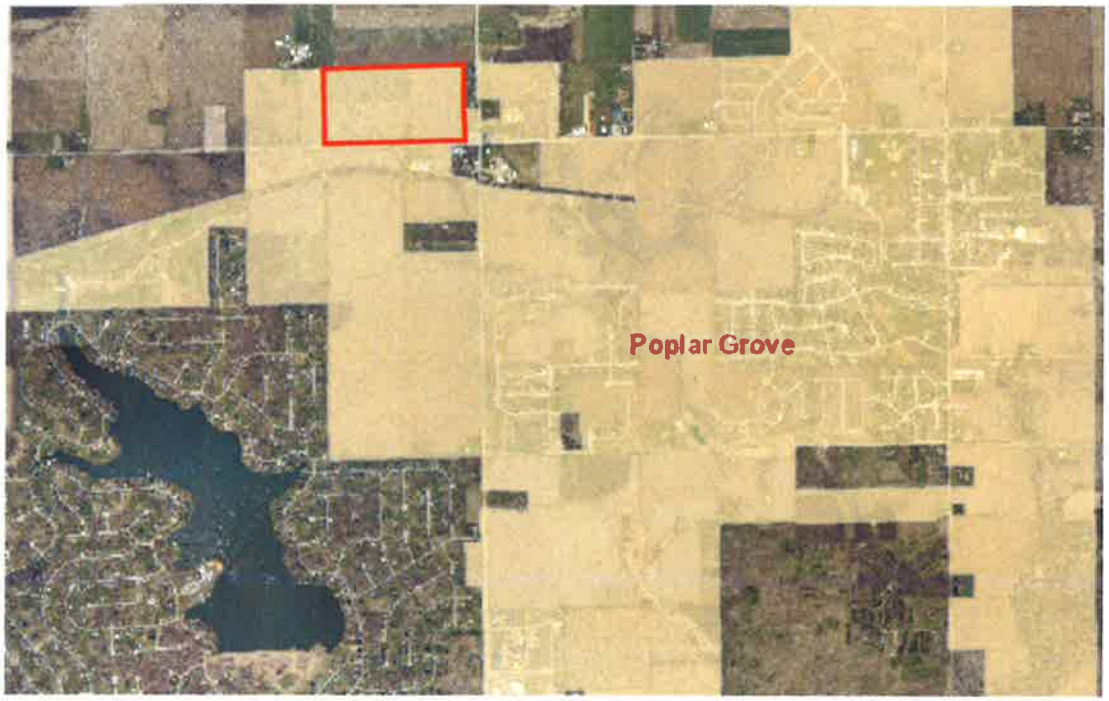
Community Solar Subscriptions



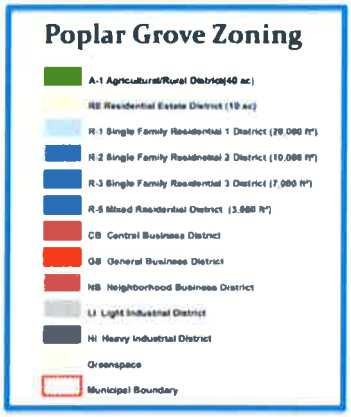
Community Solar in Poplar Grove

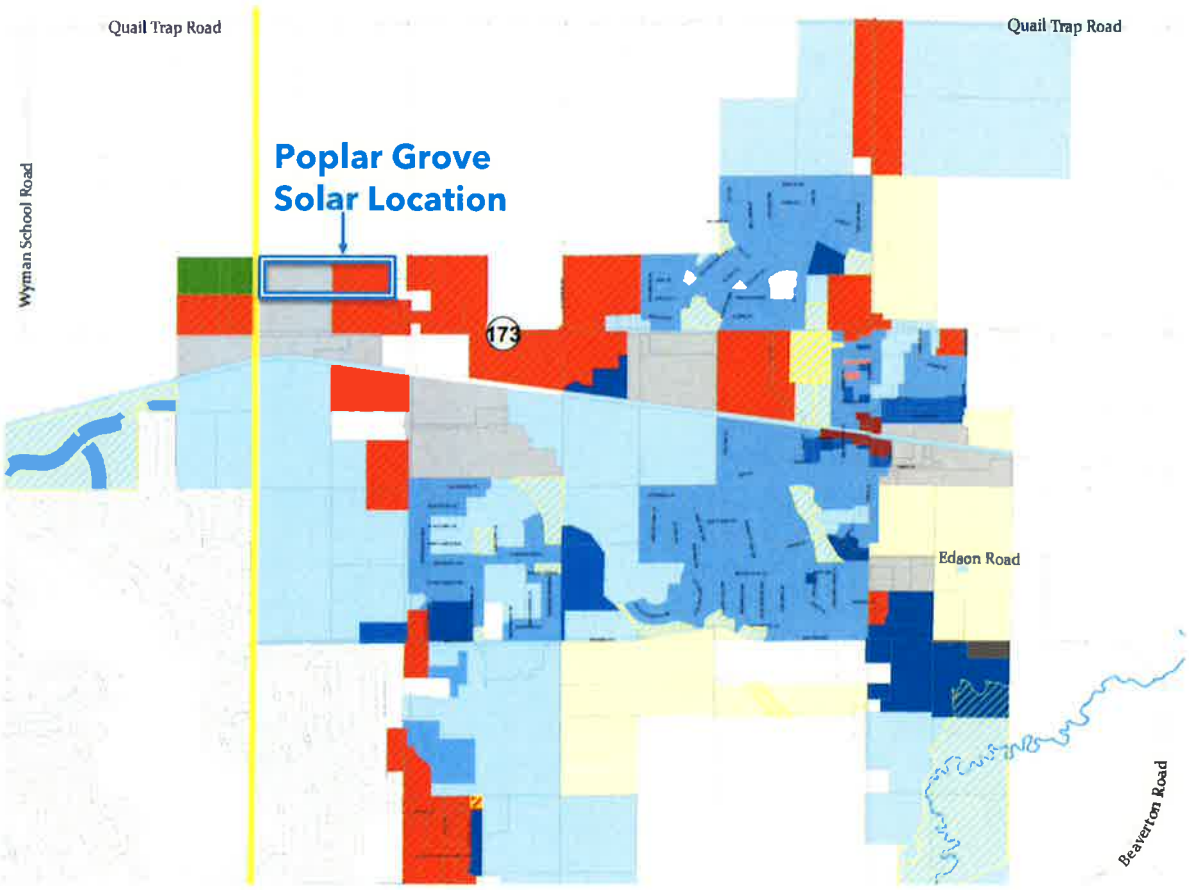
Trajectory Energy Partners has worked with landowner First Midwest Group to identify a potential site for community solar on their property in Poplar Grove.

The site is along Hwy 173 west of Hwy 76. The solar arrays would be located away from the Hwy, leaving the frontage area for future development.



Poplar Grove Zoning





Poplar Grove Solar

Site Design




Single Axis
Tracker System



Pollinator Friendly Groundcover

Poplar Grove Solar will have a pollinator friendly groundcover in setback areas and around the solar panels.

Solar Development Process

Key Steps in the Solar Development Process:

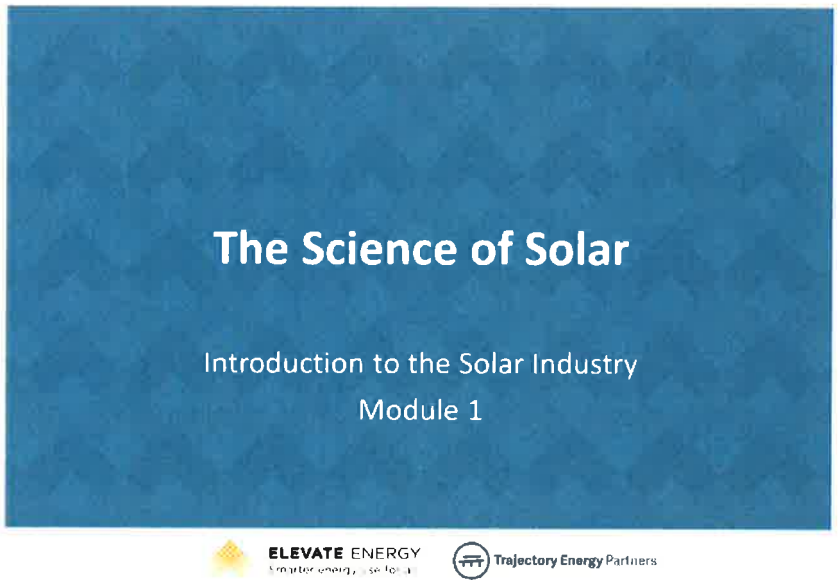
1. Agreement between Landowner and Trajectory
2. Zoning, permitting and utility interconnection processes
3. Apply for Renewable Energy Credits (RECs)
4. Manage project construction
5. Customers subscribe to the community solar project

Community Benefits:

Educational Opportunities

Our educational modules include:

- The Science of Solar, Introduction to the Solar Industry
- Policy and Solar Business, Market Drivers
- An Introduction to Photovoltaic System Design, Design Steps & Considerations



12

About Us

Trajectory Energy Partners brings together communities, organizations, and land owners to develop clean energy projects that are integrated into the local landscape and community.

Partners at Trajectory have executed renewable energy transactions with:

- Amazon
- Apex Clean Energy
- Apple
- Bank of America Merrill Lynch
- Bloom Energy
- BNP Paribas
- Boston Properties
- Campbell's Soup
- CIT Bank
- City and County of Denver
- CoBank
- Cogentrix Energy
- Credit Suisse
- Denver International Airport
- Deutsche Bank
- EDF Renewable Energy
- EDP Renewables
- E.ON SE
- First Energy
- Gap Inc.
- Geronimo Energy
- Google
- JP Morgan
- KeyBank
- Macquarie
- Macy's Inc.
- Morgan Stanley
- NRG
- PGGM
- PNC
- Royal Bank of Scotland
- Salesforce
- Samsung C&T Corporation
- Sempra Generation
- SolarCity
- SunEdison
- SunPower
- Sunrun
- TPG
- U.S. Department of Energy
- Vivint Solar
- Wells Fargo
- Xcel Energy
- Yale University



Trajectory Members have Executed Renewable Energy Transactions with:

Campbell's

Google

DENVER
THE MILE HIGH CITY

Amazon
Apex Clean Energy
Apple
Bank of America Merrill Lynch
Bloom Energy
BNP Paribas
Boston Properties
Campbell's Soup
CIT Bank
City and County of Denver
CoBank
Gogentrix Energy
Conergy
Credit Suisse
Denver International Airport
Deutsche Bank
EDF Renewable Energy
EDP Renewables
E.ON SE
First Energy
Gap Inc.
Geronimo Energy
Google
JP Morgan
KeyBank
Macquarie
Macy's Inc.
Morgan Stanley
NRG
PGGM
PNC
Royal Bank of Scotland
Salesforce
Samsung C&T Corporation
Sempra Generation
SMBC
SolarCity
SunEdison
SunPower
TPG
U.S. Department of Energy
Vivint Solar
Wells Fargo
Xcel Energy
Yale University

Memorandum

DATE: October 16, 2018

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Community Development Planner

SUBJECT: Staff advisory memo for case: 2018-07: Poplar Grove Solar, LLC, 4324 IL Route 173 (East Half)

REQUEST AND LOCATION:
The applicant, Poplar Grove Solar, LLC, PO Box 310, Highland Park, IL 60035, on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114, is requesting a special use to install non-building mounted solar collectors (total of 18 acres, eastern phase) for export of energy for use by an electrical utility at 4324 Illinois Route 173 within LI, Light Industrial District (pending rezoning) (Poplar Grove Zoning Ordinance Sections 8-6-11-B-2 and 8-5-7 Special Use). Part of PIN: 03-14-300-002. The property is rectangular in shape and is currently being farmed. The solar farm will be on the northeastern part of the property, away from Illinois Route 173. There is a cluster of single family residential to the east and a farmstead to the northwest.

BACKGROUND:
The property is currently zoned light industrial on the western half and general business on the eastern half and was annexed into the Village of Poplar Grove in 2005. Along with the special uses for Phase 1 (east half) and Phase II (west half) of a solar farm, the applicant has also petitioned for a rezoning of the northeastern half of the property to Light Industrial. The Light Industrial District allows for vehicle related sales/services, light manufacturing/industrial and wireless communication facilities by right and rail transit stations, airports/heliports and indoor warehouse/wholesale by special use. Development in the light industrial district can create 65% lot coverage, buildings can be 50 feet in height and constructed 20 feet from the side lot line and 30 feet from the rear lot line.

Although traditional development is permitted 20 feet from the eastern property line and 30 feet from the northern property line, the solar panels will be constructed a minimum of 100 feet from the eastern property line and 30 feet from the northern property line.

The special use consists of Phase I of a two phase solar farm. Each phase is approximately 18 acres. The total project encompasses an area approximately 2,215 feet wide and 600 feet deep, not including access roads and power lines. The front portion of the property will remain in agricultural production. The projects are designed to be Community Solar projects, allowing residences and businesses to subscribe to use the electricity. The projects will be 2 MW AC each in size and are anticipated to power 600-800 homes. Once the projects are completed, there will be minimal traffic generated from the routine monitoring and maintenance of the property.

The solar panels will be up to 12 feet in height and mounted into the ground on poles, not concrete pads. The panels will be configured in a north-south layout with the capability to rotate in order to track the sun throughout the day. There will be an anti-reflective coating placed on

the panels to help minimize glare. Due to the mounting style of the solar panels, there will be minimal lot coverage; however, there will be a 6'x10' concrete pad for the transformer associated with each project as well as a set of three onsite poles that will convey power lines to the utility owned poles. Electrical collection lines will be underground and brought together for connection to the transmission network rather than directly to a substation. Security lighting is not anticipated to be used; there will, however, be a 7' chain link fence and warning signs around the perimeter of the projects.

The project has a 25-year design life and all equipment (above and below ground) will be required to be removed and the site restored per the approved decommissioning plan. The projects will be required to be landscaped with low maintenance plants that act as natural pollinators. These plantings shall be reviewed and approved by the Boone County Conservation District.

According to the Natural Resources Inventory Report (NRI) #1594 there is a drainage way on the western half of the property and agricultural drainage tiles that serve the properties to the west and north that traverse the western half of subject property (Case 2018-08).

Construction of special uses shall begin within 365 days of their approval and special uses shall be operational within 730 days of approval by the Village Board. Due to the regulations of the Illinois Power Agency and the Illinois Commerce Commission, it is anticipated that the project could take longer than the permitted time to begin work and be completed. Application for extensions shall be submitted at the appropriate time.

The adjacent property owners were sent certified notices on October 4, 2018 and the green cards have been returned. The request was published in the Boone County Journal on October 5, 2018. The appropriate village staff and other agencies were notified on October 4, 2018. No objections from the agencies were received.

FINDINGS OF FACT:
Per Section 8-5-7(D) of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

A. **Findings: The establishment, maintenance or operation of the special use would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

There are many kinds of solar farms, each having their own set of environmental impacts. Solar farms can be thousands of acres in size, some require that all vegetation be removed which impacts wildlife by loss of habitat, some are constructed on cement pads that increase surface water run-off, some radiate heat and some feed into a tower that can be dangerous for birds and insects. Phase I of the proposed solar farm will be 18 acres in size, have adequate vegetation, create minimal surface water run-off and is not anticipated to create a noticeable amount of heat or glare.

Considering the proposed zoning (as well as the existing zoning) of the property and the potential development that is permitted, the solar farms, with proper conditions of approval, would have less of an impact to neighboring properties. An increased setback is being utilized along the east property lines to provide an additional buffer between the projects and nearby residences and the addition of pollinating plants will benefit the

community while providing a low maintenance vegetative cover rather than grass seed which can become unsightly.

B. **Findings: The special use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

Industrial and limited commercial development is already permitted. The solar farm will be required to adhere to all local, state and federal regulations in addition to the conditions of approval. The height (and potential shadow casting) and lot coverage of the solar panels are less than what is permitted while the setbacks are greater. The amount of traffic generated by the solar farm is less than what an industrial or commercial development would create.

Although the NRI report indicated agricultural drainage tiles on the western half of the property, through the special use process, a study can be conducted on the eastern half of the property. This will ensure that any potential agricultural drainage tiles are discovered and can now be protected.

C. **Findings: The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

The solar farms are not anticipated to impact the ability for the surrounding properties to be used agriculturally. The addition of pollinators is intended to be a benefit to the agricultural community. The solar farm is not anticipated to create additional heat, odor, light or noise that would infringe on the nearby residents' enjoyment of their properties.

D. **Findings: Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

The property is located along Illinois Route 173 which can adequately handle construction equipment and increased traffic during construction. Access roads, drainage and additional power lines and power poles will be installed by the developer in accordance to the project's needs and submitted narrative and site plan.

E. **Findings: Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

Once construction of the special use is complete there will be minimal traffic generated by the routine maintenance and monitoring of the site. An access road will be wide enough to handle two-way traffic for instance when multiple vehicles are present.

F. **Findings: The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.**

The special use will be required to conform to all the applicable regulations of the Zoning Ordinance, the Subdivision Ordinance, all other regulations and to any conditions of approval enacted by the Village Board.

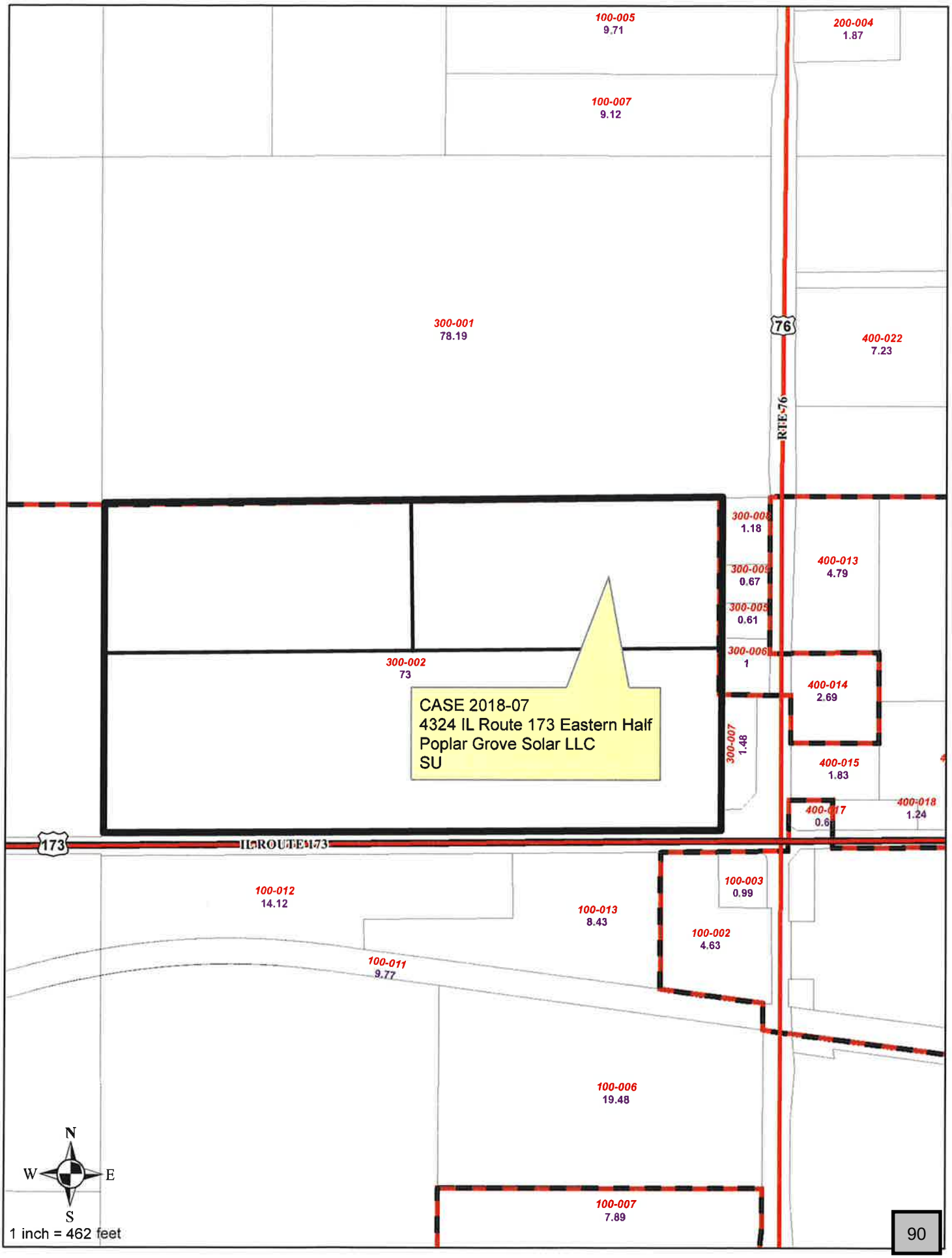
RECOMMENDATION:
The planning staff recommends approval of case 2018-07 subject to following conditions:

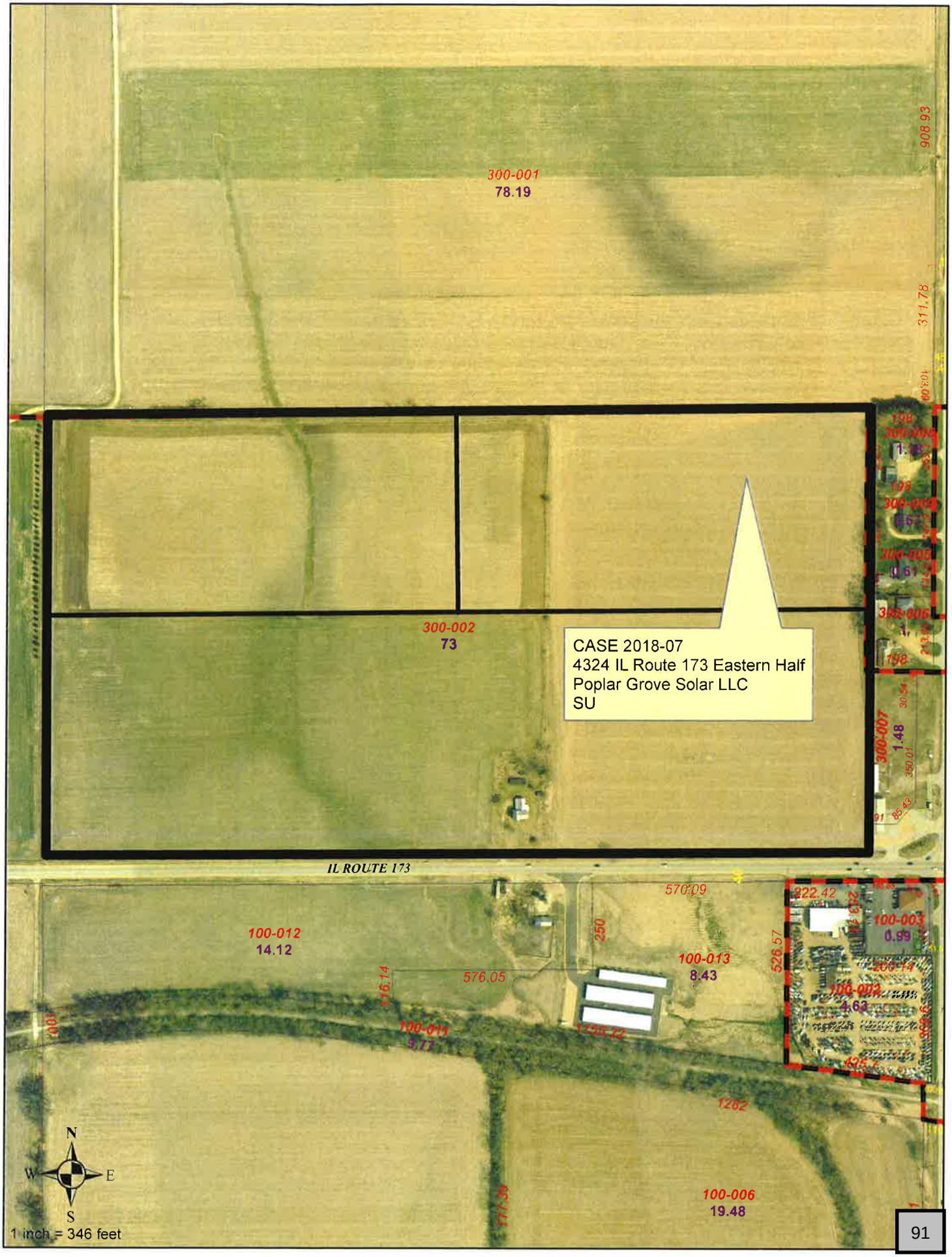
1. Substantial compliance with the narrative and site plan submitted, unless otherwise noted.
2. All vegetation shall be approved by the Boone County Conservation District. Pollinator friendly vegetation shall be used.
3. A decommissioning and reclamation plan shall be submitted to and approved by the Village of Poplar Grove prior to the commencement of the development.
4. A surety, covering the complete execution of the decommissioning and reclamation plan for when the project ends shall be posted prior to the commencement of the development.
5. An agricultural drainage tile system survey shall be conducted prior to commencement of the project. All identified drain tile shall be protected and repaired if damaged.
6. The applicant shall provide training to Boone County Fire District 3 pertaining to the hazards in conducting fire control and extinguishment of the proposed solar system.

PLANNING AND ZONING COMMISSION/VILLAGE BOARD ACTION
The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed special use with the standards and make a recommendation to the Village Board. The Village Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the Village Board may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed special use.

ATTACHMENTS

1. Location Map submitted by Planning Staff.
2. Aerial Photo submitted by Planning Staff.
3. Narrative submitted by the Applicant.
4. Site Plan submitted by the Applicant.
5. Site pictures from NRI #1594.
6. Overview and Opinion from NRI #1594.
7. Drainage way and agricultural drainage tile information from NRI #1594.
8. Letter from Boone County Health Department, Amanda Mehl, October 11, 2018.
9. Letter from Illinois Department of Transportation, Kevin Marchek, October 11, 2018.


100-005
9.71
200-004
1.87
100-007
9.12
300-001
78.19
76
400-022
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RTE-76
300-008
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CASE 2018-07
4324 IL Route 173 Eastern Half
Poplar Grove Solar LLC
SU
400-014
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300-007
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100-007
7.89
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1 inch = 462 feet


300-001
78.19
908.93
311.78
300-002
73
CASE 2018-07
4324 IL Route 173 Eastern Half
Poplar Grove Solar LLC
SU
300-007
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526.57
100-012
14.12
250
100-013
8.43
576.05
116.14
100-011
9.77
1282
100-006
19.48
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1 inch = 346 feet

EXECUTIVE SUMMARY

Poplar Grove Solar – Phase 1

Poplar Grove Solar, LLC - Phase 1 (the "Applicant") proposes to develop a community solar project approximately 2 MW AC in size, on approximately 17 acres of land located north of Illinois Route 173 and west of Fairgrounds Road in the Village of Poplar Grove, Boone County, Illinois. The Poplar Grove Solar, LLC community solar project (the "Solar Project") will be located within a portion of the parcel with PIN 03-14-300-002 (the "Project Parcel") owned by DYN 173, LLC (the "Landowner"). The Applicant is submitting this Petition for Special Use pursuant to and in compliance with the requirements set forth under Sections 8-5-4 and 8-5-7 of the Village of Poplar Grove Zoning Ordinance (the "Zoning Ordinance"), as amended by the Applicant's approved Text Amendment Submitted July 24th, 2017. This application is being submitted concurrently with a Rezoning Amendment Application to rezone the relevant portion of the Project Parcel from General Business District to Light Industrial District, consistent with the remainder of the Project Parcel.

The proposed Solar Project will serve the electricity needs of 300 to 400 homes. Once installed and commissioned, the Solar Project will be continuously monitored, and engineers and maintenance technicians will visit the Solar Project a few times a year for routine maintenance and any required repairs. Post-construction, the Solar Project will generate minimal traffic, with visits to the site occurring solely in connection with routine and required maintenance.

About Trajectory Energy Partners, LLC

Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Trajectory Energy Partners, LLC brings together communities, organizations, and land owners to develop clean energy projects that are integrated into the local landscape and community.

The Future Energy Jobs Act and Community Solar Projects

Under Illinois Public Act 99-0906, commonly known as the Future Energy Jobs Act ("FEJA"), the Illinois Power Agency is currently promulgating a set of regulations and incentives to allow the creation of such community solar projects. The Solar Project is intended to be a community solar project under FEJA, which would allow residential and commercial customers to subscribe to the Solar Project. The Solar Project will support FEJA's goals of increasing the adoption and availability of renewable energy to Illinois residents and businesses.

Economic and Environmental Benefits

The Solar Project will provide economic and environmental benefits to the community. Poplar Grove residents and businesses will have an opportunity to subscribe to the Solar Project. These subscribers will support clean energy in their community while benefiting from savings

on their electricity bills. In addition, the Solar Project will create new tax revenues for the community and generate economic activity through local construction, materials, and services.

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Exhibit B: Site Plan

Exhibit C: Zoning Diagram

Exhibit D: EcoCAT Consultation

Exhibit E: Impacts Study

I. APPLICANT INFORMATION

The Applicant is a limited liability company, a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Jonathan Carson is an Authorized Representative of the Applicant.

Applicant:

Poplar Grove Solar, LLC
c/o Trajectory Energy Partners, LLC
Attn: Jon Carson
P.O. Box 310
Highland Park, IL 60035
(312) 882-3713
legal@trajectoryenergy.com

Landowner:

DYN 173, LLC
c/o First Midwest Group
Attn: Marvin L. Keys
6801 Spring Creek Road
Rockford, IL, 61114
(815)-229-3000

II. PROJECT DESCRIPTION

a. General Description

The Solar Project will be located on approximately 17 acres in the Village of Poplar Grove, Section 14, Township 45 North, Range 3, Boone County, Illinois, Property Index Numbers: 03-14-300-002. See Exhibit A: Project Location.

Legal Description

PIN 03-14-300-002:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14; ALSO ALL THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, LYING NORTH OF THE RIGHT OF WAY OF THE CHICAGO NORTHWESTERN RAILWAY COMPANY, EXCEPTING FROM THE ABOVE ONE ACRE IN SAID NORTHWEST QUARTER OF SECTION 23, DEEDED TO WAYNE WHEELER, AS APPEARS OF RECORD IN BOOK 94 OF DEEDS, PAGE 533, BOONE COUNTY RECORDS, AND EXCEPTING 4.84 ACRES IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, DEED TO FLOYD NEWHOUSE, AS APPEARS OF RECORD IN BOOK 103 OF DEEDS, ON PAGE 444 ALSO EXCEPTING "TRACT A" CONTAINING .971 ACRES AND "TRACT B" CONTAINING 4.856 ACRES IN SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14 DEED TO FLOYD NEWHOUSE AND WIFE, AS APPEARS OF RECORD IN BOOK 111 OF DEEDS PAGE 359 BOONE COUNTY RECORDS AND ALSO EXCEPTING THAT PART OF THE NORTHWEST QUARTER OF SAID SECTION 23 DEED TO JOHN BULLARD AND

WIFE, AS APPEARS OF RECORD IN BOOK 106 OF DEEDS, ON PAGE 504 BOONE COUNTY RECORDS ALL OF THE ABOVE SITUATED IN TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BOONE COUNTY, STATE OF ILLINOIS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION FOURTEEN (14), TOWNSHIP FORTY-FIVE (45) NORTH, RANGE THREE (3) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 00°36'51" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1326.34 FEET TO
THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 89°49'33" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION, 2400.02 FEET TO THE WEST LINE OF TRACT "A" OF PREMISES CONVEYED ALLAN B. WARES TO FLOYD NEWHOUSE AND SHIRLEY NEWHOUSE BY QUIT CLAIM DEED DATED DECEMBER 26, 1952 AND RECORDED IN BOOK 111 OF DEEDS ON PAGE 359 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS; THENCE SOUTH 00°38'50" WEST, ALONG THE WEST LINE OF TRACT "A" OF SAID PREMISES SO CONVEYED TO NEWHOUSE AS AFORESAID AND THE SOUTHERLY EXTENSION THEREOF, 1324.88 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 89°51'38" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 2399.26 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHTS OF THE PUBLIC AND STATE OF ILLINOIS IN AND TO THOSE PORTIONS THEREOF TAKEN, USE OR DEDICATED FOR PUBLIC ROAD PURPOSES. SITUATED IN THE COUNTY OF BOONE AND STATE OF ILLINOIS

The project is located on the portion of the Project Parcel that is currently zoned as General Business District and for which the Applicant and Landowner are requesting a rezoning to Light Industrial District. Pursuant to the Applicant's requested text amendment under Sections 8-5-4 the Zoning Ordinance, solar farms are permitted as a special use in the Light Industrial District. See Exhibit C: Zoning Diagram.

b. Site Plan and Phases

A Site Plan detailing the placement of the solar arrays and proposed access is included in this application. The proposed Solar Project is indicated on the Site Plan as Phase 1. The Applicant is concurrently submitting a Special Use Application for Phase 2. Each Phase contains a single 2MW AC community solar farm. Pursuant to the regulations and policies implementing FEJA, a single parcel may contain up to two 2MW AC community solar farms. The incentives required to construct each community solar farm are intended to be allocated by lottery, and thus each Phase may be awarded such incentives separately, and if both receive incentives, at different times. Thus, the Applicant may construct Phase 2 prior to Phase 1, or may only construct one of the two Phases if incentives are not available for both Phases. See Exhibit B: Site Plan.

c. Equipment Detail

The Solar Project will consist of equipment to generate electricity from solar energy, including rows of photovoltaic cell panels on a single-axis tracking system, racking, inverters, and perimeter fencing. Support poles will be driven into the ground. Transformers and other electrical equipment will be located on one to two small concrete pads measuring approximately 6' x 10' for each Phase. Panels will be installed in a north-south configuration on

a rotating mounting system that will track the sun throughout the day. The panels will be designed with an anti-reflective coating to minimize glare from the Solar Project and prevent impacts to avian wildlife including birds and bats. The Solar Project is intended to operate for a period of at least 25 years and will be constructed with solar panels and other electrical equipment with long-term warranties and very low expected rates of replacement.

The components of the Solar Project will comply with the current edition of the National Electric Code and be UL listed or meet a comparable safety standard. The Solar Project's electrical collection lines will be underground and then brought together for connection to the transmission network rather than directly to a substation. For each Phase, three on-site poles will convey powerlines to utility-owned poles and on to a proposed interconnection point within the Solar Project's footprint. See Exhibit B: Site Plan.

d. Fencing, Access, Drainage and Landscaping

Each Phase of the Solar Project will be enclosed by a 7' chain-link fence, as required by the National Electrical Code. The Solar Project will be accessed from IL 173 along a dedicated access road and through a gated entrance with a maximum width of 24'.

Landscaping plans include plantings that buffer the residential parcels to the east within the proposed 100' setback along the eastern edge of the Solar Project. Vegetation under and around the Solar Project will be maintained by periodic mowing, inspections, and weed management as appropriate. The Solar Project will add cover vegetation to the site that traditionally been utilized for row crop. In doing so, drainage and runoff is expected to improve through the improved absorption of rain and melting snow and ice. No impervious surfaces will be added to Parcel, with the exception of one to two small concrete pads measuring roughly 6' x 10' for each Phase. The Solar Project will adhere to the Illinois Environmental Protection Agency (IEPA) Construction Stormwater Permit Requirements.

In addition, the Solar Project will work with the Village and the Landowner to specify low-growing grasses or pollinator-friendly plantings to be planted as a buffer around the Solar Project. The pollinator-friendly species are intended to facilitate local pollinator habitat, improve water infiltration, prevent compaction, and control erosion while increasing microbial activity and production of organic matter.

e. Total Height of Solar Arrays and Other Structures

The total overall height of the facility will not exceed 12'.

f. Requested Duration

The Illinois Power Agency and Illinois Commerce Commission are currently finalizing rules for community solar projects under FEJA, and are not expected to have finalized those rules and

opened applications for renewable energy credits until the end of 2018. The Applicant will not be able to move forward with constructing either Phase of the Solar Project until it has received approval for such renewable energy credits, and until weather and ground conditions are favorable for installation. Therefore, in order to anticipate any delays in the implementation of FEJA or the required interconnection engineering work with ComEd, the Applicant requests that the duration of the Special Use Permit be set at 36 months.

g. Proposed Setback Dimensions

See Exhibit B: Site Plan

TABLE 1: SETBACK TABLE

	Village Requirement	Proposed Setbacks
Light Industrial: Front	30'	> 650'
Light Industrial: Western Side	20'	> 700'
Light Industrial: Eastern Side	20'	100' with buffer plantings proposed.
Light Industrial: Rear	30'	30'

See Exhibit B: Site Plan.

h. Environmental Impact

The Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT) consultation has been terminated with respect to the Solar Project site. See Exhibit D: EcoCAT Consultation.

The Solar Project will comply with all local, state, and federal environmental regulations. A Natural Resource Inventory (NRI) has been requested from the Boone County Soil and Water Conservation District.

The Solar Project shall be constructed, operated and maintained in compliance with federal, state, and local laws, including with respect to the removal and disposal of solid waste generated thereby. The Solar Project will also be maintained in a clean and neat manner, and any such solid waste will be removed as appropriate, with all costs borne by the Applicant.

i. Ingress and Egress During Construction and Thereafter

One improved, gravel access road will provide ingress and egress from the Solar Project site to IL 173 both during construction and thereafter. The applicant will use a watering truck as necessary to control dust during construction. See Exhibit B: Site Plan.

j. Construction and Maintenance; Traffic

The active construction period for each Phase of the Solar Project is expected to begin at the earliest in Spring 2019 and the construction of each Phase will last approximately 3 to 6

months. Construction will require trucks no larger than a typical 18-wheeler to deliver materials to the site, and onsite equipment will be used to drive pilings into the ground and install the panels, supports, and tracking equipment. Construction workers and personnel will arrive in pick-up trucks. Typically, solar installations do not require the use of cranes. Construction hours will follow a typical daily construction schedule.

The operations and maintenance of the Solar Project will generate minimal traffic. Because the Solar Project will be continuously monitored electronically off-site, engineers and maintenance technicians will visit the Solar Project a few times a year for routine maintenance and any repairs. Landscaping will be managed regularly during the growing season as described below.

k. Public Road Routes

The public road route will utilize IL 173, which is paved and designed for construction traffic.

l. Warning Signage

The Applicant will place signs warning of high voltage at the entrance to the solar facility as well as on the base of all pad mounted transformers. In addition, the Solar Project will prominently display a sign providing emergency contact information including the name of the solar facility, address, and the emergency contact telephone numbers for the Solar Project and the Operations and Maintenance contractor.

m. Conformance to Industry and Code Standards/Engineer Certification

The Solar Project will comply with all applicable local and county codes for the electrical, mechanical, and structural components of the facility.

n. Lighting

The Solar Project does not require lighting. No lighting will be installed.

o. Decommissioning

Upon the cessation of operations of the Solar Project, the Applicant will remove the installed Solar Project equipment and restore the site pursuant to its obligations to the Landowner, and will comply with the requirements of any governmental agency respecting the decommissioning and reclamation obligations for the Parcel. In connection with such decommissioning, the Applicant will remove the above-ground structures as well as the installed underground electrical equipment.

p. Property Value Impacts

Property valuation experts from CohnReznick have studied the value of properties that adjoin solar farms in Illinois and Indiana and concluded that the solar farms do not adversely affect the property values in either the short or long term.

The study included solar farms in Lasalle and Winnebago Counties in Illinois; as well as Elkhart, Lake, Madison, Marion and Porter Counties in Indiana. Experts analyzed property sale prices

and marketability of single family homes and agricultural land that adjoins solar farms and compared this data to comparable properties in the same county. The study also included interviews with county assessors and local real estate professionals, all of whom concluded that solar farms in their area had not impacted property values. Similar research has been conducted in other states across the U.S. and none of these studies have found that solar farms adversely affect nearby property values. Please see Exhibit E: Impacts Study.

q. Owners of Record

The following landowners are adjacent to the Project Parcel:

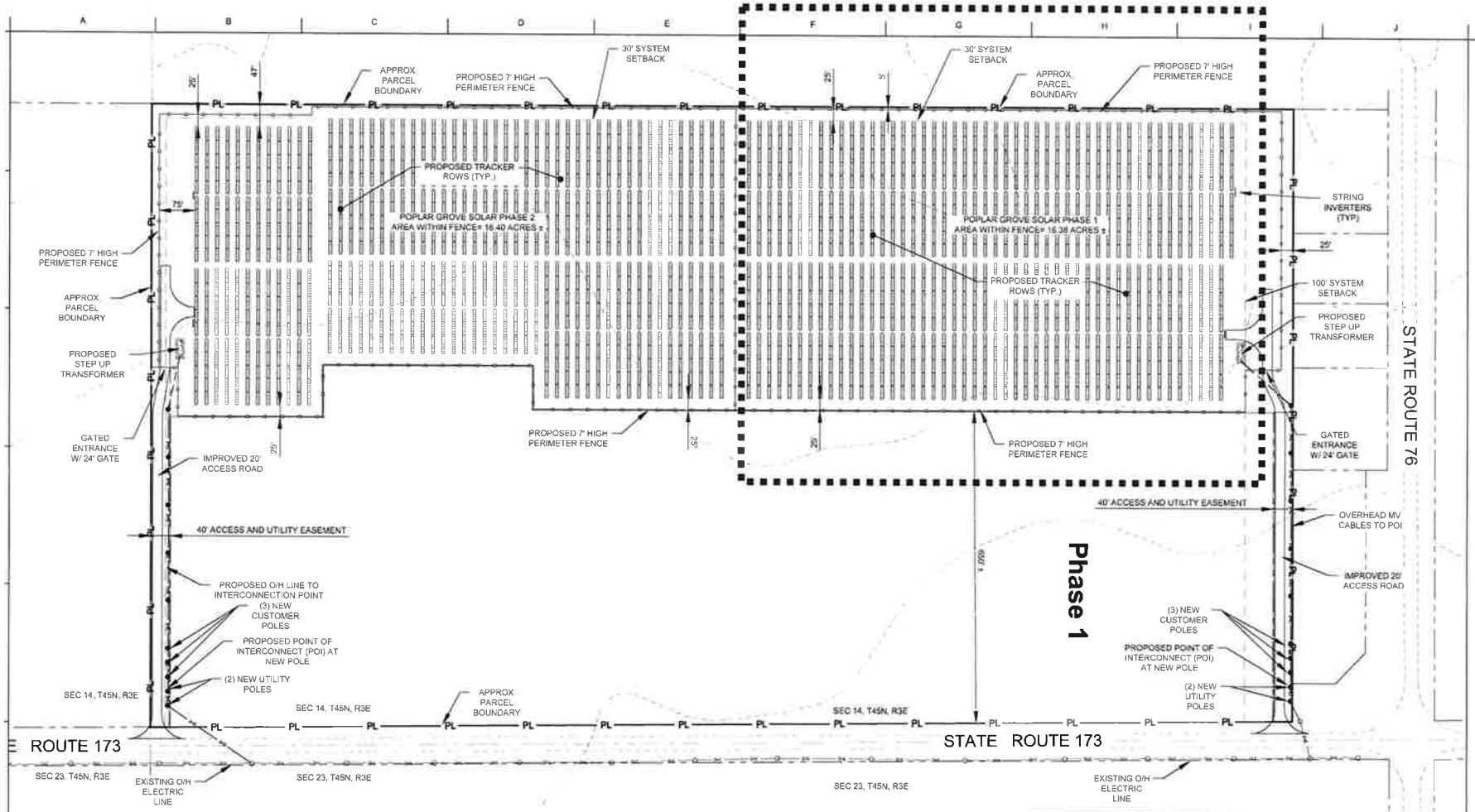
PIN#	Name/Trust No.	Street	City	Zip
03-15-400-011	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-15-400-010	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-001	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-008	MCINTYRE, MICHAEL S & JANE A (HAAS)	15302 IL ROUTE 76	Poplar Grove	61065
03-14-300-009	RABE, DALE A & CANDY E	15270 IL ROUTE 76	Poplar Grove	61065
03-14-300-005	RABE, BENJAMIN	15246 IL ROUTE 76	Poplar Grove	61065
03-14-300-006	GUTHRIE, GLENN S & COLLEEN	15214 IL ROUTE 76	Poplar Grove	61065
03-14-300-007	DELIJAHN INCORPORATED	PO BOX 305	Caledonia	61011
03-23-100-003	NEBIU, ERGEN & NADRIT & MURAT	4481 IL ROUTE 173	Caledonia	61011
03-23-100-002	GRACEFFA, PETER J	4557 IL ROUTE 173	Caledonia	61011
03-23-100-013	POPLAR GROVE STORAGE LLC	6801 SPRING CREEK RD	Rockford	61114
03-23-100-012	DYN 173 LLC	6801 SPRING CREEK RD	Rockford	61114
03-22-200-002	BOONE/POPLAR GROVE LLC	6277 E RIVERSIDE BLVD	Rockford	61114

r. Special Use for Corporations, Partnerships, and Joint Venture

a. The Applicant is not a corporation, partnership or joint venture.
b. The Applicant is not doing business under an assumed name.
c. The Applicant is acting on its behalf.
d. Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC, P.O. Box 310, Highland Park, IL 60035.

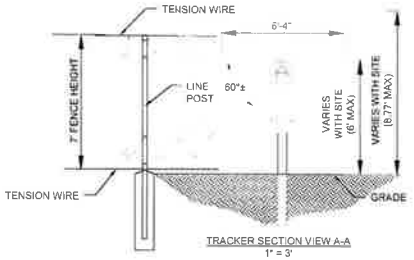
s. Special Use Fees

The Applicant has enclosed the filing fee with this application.



LEGEND

EXISTING		NEW
○	ELECTRICAL/TELEPHONE POLE	●
OH	OVERHEAD POWER LINE	OH
E	UNDERGROUND POWER LINE	E
	EXISTING FENCE	
	NEW CHAIN LINK FENCE	
PL	PROPERTY LINE	
	SETBACK LINE	
	CENTERLINE	
	STREAM / WATER COURSE	
215	MAJOR CONTOURS	
214	MINOR CONTOURS	
	SECTION LINE	



TRACKER SECTION VIEW A-A
1" = 3'

GENERAL NOTES

1. ALL DIMENSIONS SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE.
2. NO PERMANENT PARKING IS PROPOSED.
3. NO PERMANENT SITE LIGHTING IS PROPOSED.
4. ALL EQUIPMENT SELECTION AND SPECIFICATIONS SUBJECT TO CHANGE WITH FINAL DESIGN.
5. NO RESIDENCES WITHIN 100' OF SYSTEM.

SYSTEM DETAILS	
SITE AREA	35.21 ± ACRES
DC SYSTEM SIZE	5,232 KW
AC SYSTEM SIZE	4,000 KW
DC / AC RATIO	1.308
POCC/POI VOLTAGE	12.5KV
PHOTOVOLTAIC MODULES	
MANUFACTURER	TBD
MODEL	TBD
DC POWER @ STC	340 W
DC VOLTAGE	1500 V
MODULES PER STRING	27
TOTAL MODULES	15,390
INVERTERS	
MANUFACTURER	SUNGROW
MODEL	SG125HV
NOMINAL POWER RATING	125KW
TOTAL INVERTERS	32
SINGLE-AXIS TRACKER	
MANUFACTURER / MODEL	TBD
ROW SPACING	21'-6"
RANGE OF MOTION	+/- 60°

0 25' 50' 100' 200'
1"=100'-0"

PRELIMINARY

SEAL:

CONFIDENTIALITY STATEMENT
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ENGINEERING MANAGER:
i1 Energy
i1 ENERGY, LLC
525 BIG BEND TRAIL
SUGAR HILL, GA 30518

OWNER/DEVELOPER:
Trajectory Energy Partners
TRAJECTORY ENERGY PARTNERS
P.O. BOX 310
HIGHLAND PARK, IL 60035

PROJECT: POPLAR GROVE SOLAR, LLC
42.373954 N, 88.856898 W
4324 IL HWY 173 (APPROXIMATE)
POPLAR GROVE, IL 61011
BOONE COUNTY, IL

REVISIONS		
#	DESCRIPTION	DATE
A	ISSUED FOR APPROVAL	02/18/19
B	ISSUED FOR INFORMATION	03/01/19

PROJECT NO.	DWN.	CHK	APP.	START DATE
	JCS	HRM	RJB	10/18/18

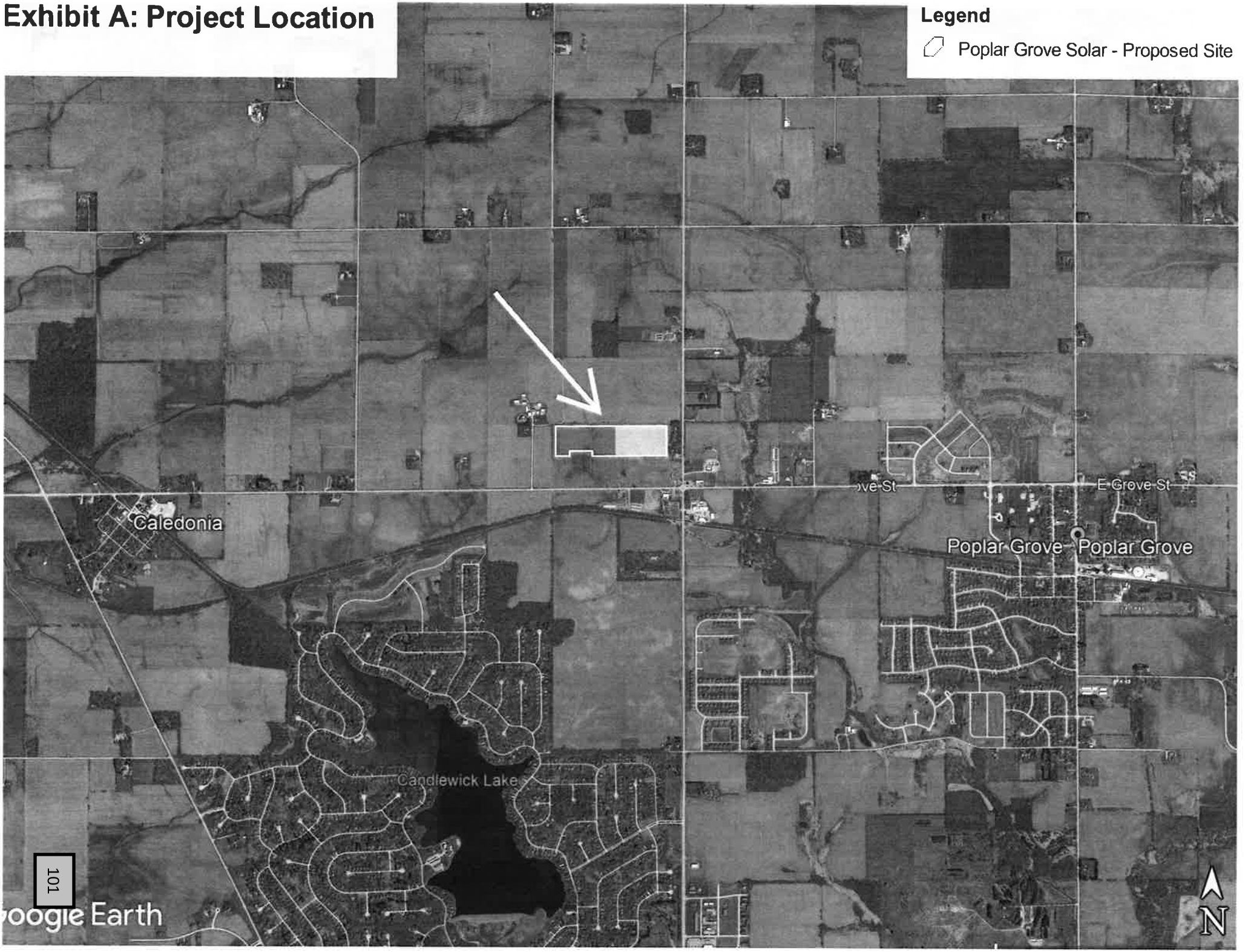
PLOT DATE: July 29, 2019

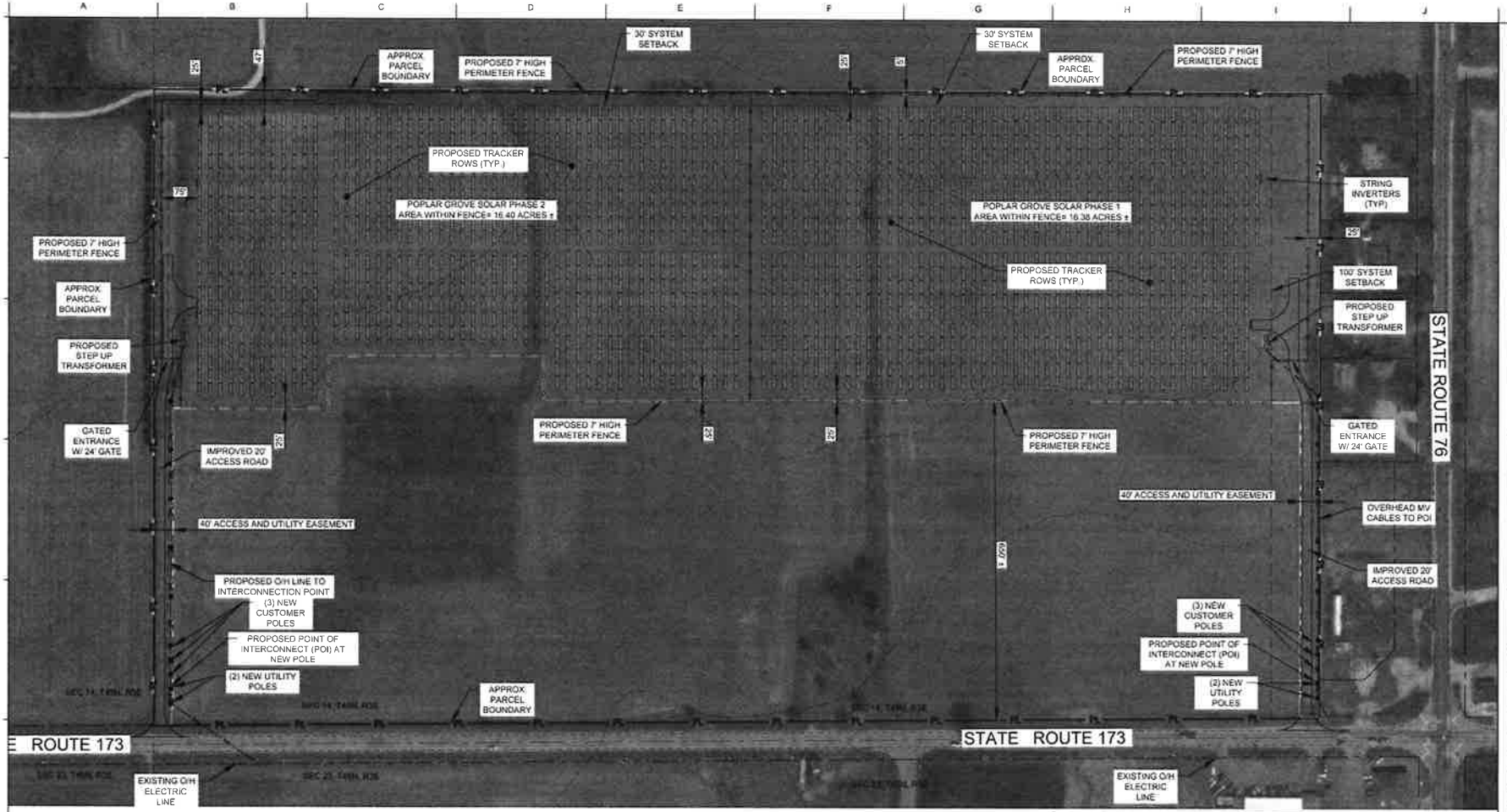
NOT FOR CONSTRUCTION

SHEET TITLE:
POPLAR GROVE SOLAR
PHASE 1 AND 2
CONCEPTUAL SITE PLAN

SHEET NO.
C-100

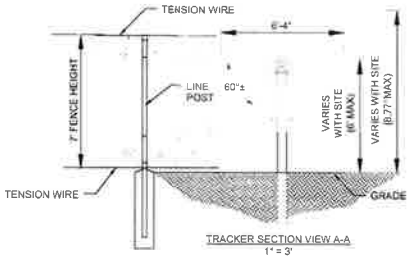
Exhibit A: Project Location





LEGEND

EXISTING		NEW
○	ELECTRICAL/TELEPHONE POLE	●
	OVERHEAD POWER LINE	
	UNDERGROUND POWER LINE	E E
	EXISTING FENCE	
	NEW CHAIN LINK FENCE	
PL	PROPERTY LINE	
	SETBACK LINE	
	CENTERLINE	
	STREAM / WATER COURSE	
	MAJOR CONTOURS	215
	MINOR CONTOURS	214
	SECTION LINE	



TRACKER SECTION VIEW A-A
1" = 3'

GENERAL NOTES

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MANUFACTURER	TBD
MODEL	TBD
DC POWER @ STC	340 W
DC VOLTAGE	1500 V
MODULES PER STRING	27
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MANUFACTURER / MODEL	TBD
ROW SPACING	21'-6"
RANGE OF MOTION	+/- 60°

0 20' 50' 100' 200'
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ENGINEERING MANAGER:

i1 Energy

i1 ENERGY, LLC
525 BIG BEND TRAIL
SUGAR HILL, GA 30518

OWNER/DEVELOPER:

Trajectory Energy Partners

TRAJECTORY ENERGY PARTNERS
P.O. BOX 310
HIGHLAND PARK, IL 60035

PROJECT: POPLAR GROVE SOLAR, LLC
42.373954 N, 88.856898 W
4324 IL HWY 173 (APPROXIMATE)
POPLAR GROVE, IL 61011
BOONE COUNTY, IL

REVISIONS

#	DESCRIPTION	DATE
A	ISSUED FOR APPROVAL	2/14/18
B	ISSUED FOR INFORMATION	2/20/18

PROJECT NO.	DWN	CHK	APP	START DATE
	JCS	HRM	RJB	1/FEB/18

PLOT DATE: July 25, 2018

NOT FOR CONSTRUCTION

SHEET TITLE:
POPLAR GROVE SOLAR
PHASE 1 AND 2
CONCEPTUAL SITE PLAN

SHEET NO. C-100

15. Overview

This report details information for several natural resource topics. Most of the details for individual topics are presented in a special section. This section highlights the natural resource concerns, which are most important to this site, the environment, and the community:

1. The land evaluation score for this site is 84.42 (Table 13) and most soils are listed as prime farmland or prime farmland when drained (Table 6). The BCSWCD Board has historically opposed zoning changes with land evaluation scores of 69 points or higher; however, characteristics of the proposed project may also influence the Board's final decision.

2. It appears some solar arrays are proposed within a main drainage way (Figures 15 & 16). These areas should be left unobstructed to avoid additional ponding (Tables 9, & 10). Likewise, within a main drainage way Sable silty clay loam (68A) is present. This soil has characteristics that describe it as 85 percent hydric (Figure 9; Table 8), poorly drained (Table 9), and frequently ponds (Table 10). Approximately eight percent of the AOI contains hydric soils (Figure 9; Table 8)

3. Based on mapped soil types, topography, watershed data, and an onsite investigation, a complex agricultural drainage tile system is likely present and should be ***located and protected prior to construction***. During onsite inspection a main drainage way was noticeable near the northwest AOI boundary (Figure 2). Drainage tile maps have been provided from adjacent properties and illustrate several existing drainage tiles (some old clay tiles are also included) (Appendix D). References and maps show a natural drainage from northern border of the AOI trending south-southeast towards Illinois Route 173. Corn crop on this parcel currently masks evidence of any physical drainage way. Additionally, a tile breather south of Illinois Route 173 across from expected natural drainage way was observed during the site inspection, indicated water is likely being intercepted from the AOI and neighboring properties. If drainage tile systems are disrupted, additional ponding and flooding will likely occur.

4. Hydric soils are expected at this site, with approximately eight percent of the AOI expected to be hydric (Figure 9; Table 8).

5. Approximately 197 acres drain through this parcel and into Beaver Creek (Figure 10).

6. If this special use is approved and acreage of land disturbance is greater than one acre in size, a National Pollutant Discharge Elimination System Permit (NPDES Permit) will be required. Temporary soil stabilization, control of sediment during construction and permanent site stabilization after construction is completed is required under a NPDES permit.

4. Site Photographs



Figure 2. View toward AOI, looking northwest toward structures at 3952 Illinois Route 173, Caledonia, Illinois (top left); Area for proposed access road and chain link fence along western property boundary, looking north (top right); Drainage way (circled in orange), looking southeast (bottom).

2. Opinion of the BCSWCD Board

Jon Carson, on behalf of Trajectory Energy Partners, LLC., has submitted a request for a Natural Resources Information Report as part of an application for a Special Use for a solar energy facility in Section 14 of Poplar Grove Township. The Area of Interest (AOI) is less than a tenth of a mile west of the intersection of Illinois Route 76 and Illinois Route 173. The parcel identification number is 03-14-300-002; however, only about half of this parcel is proposed for the solar facility project.

The Boone County Soil & Water Conservation District Board has a

- [x] Favorable
- [ ] Unfavorable
- [ ] Other: _____

opinion of the proposed land use change. The Board concerns are stressed in the "Overview" section of the report. More detailed information is presented throughout the various sections of this document.

Signature of Board Chairman:

Bill Hall on 8-17-2018



Figure 16. Preliminary Conceptual Plan with Aerial Photograph. Preliminary site plan (provided by Trajectory Solar Partners) illustrates some solar arrays are proposed within main drainage way (circled in orange). This drainage area should be left unobstructed to avoid additional ponding (Tables 9 & 10). Approximate location of tile breather, south of Illinois Route 173, is also circled in orange, but not in AOI. The tile breather indicates water is likely being intercepted from the AOI and neighboring properties. If drainage tile systems are disrupted, additional ponding and flooding will likely occur. Drainage tiles should be located and protected prior to construction. Disruptions of tiles can also lead to additional ponding (Table 10).

Appendix D—Adjacent Property Tile Drainage Maps

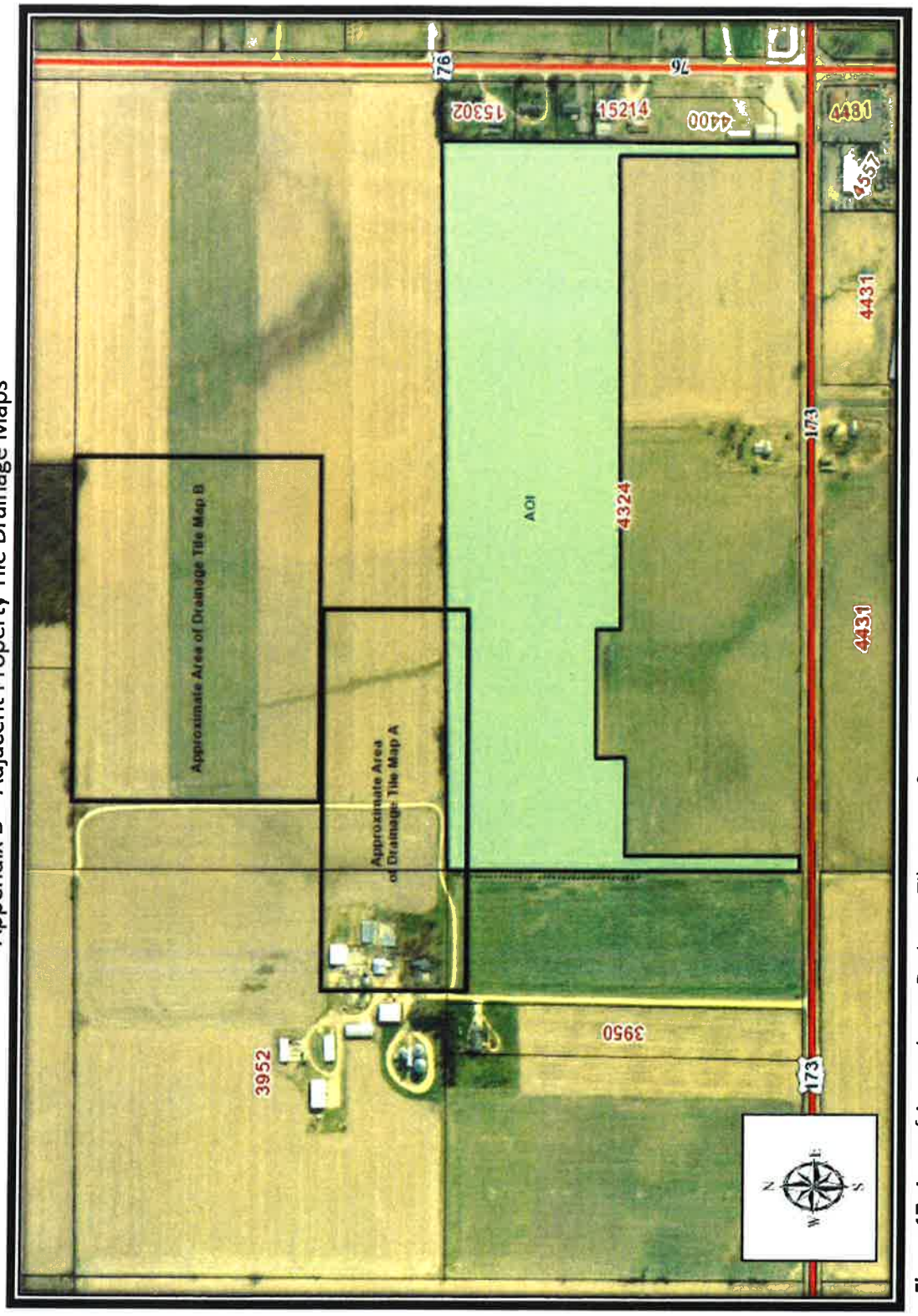


Figure 17. Area of Approximate Drainage Tile Map A & B Locations.

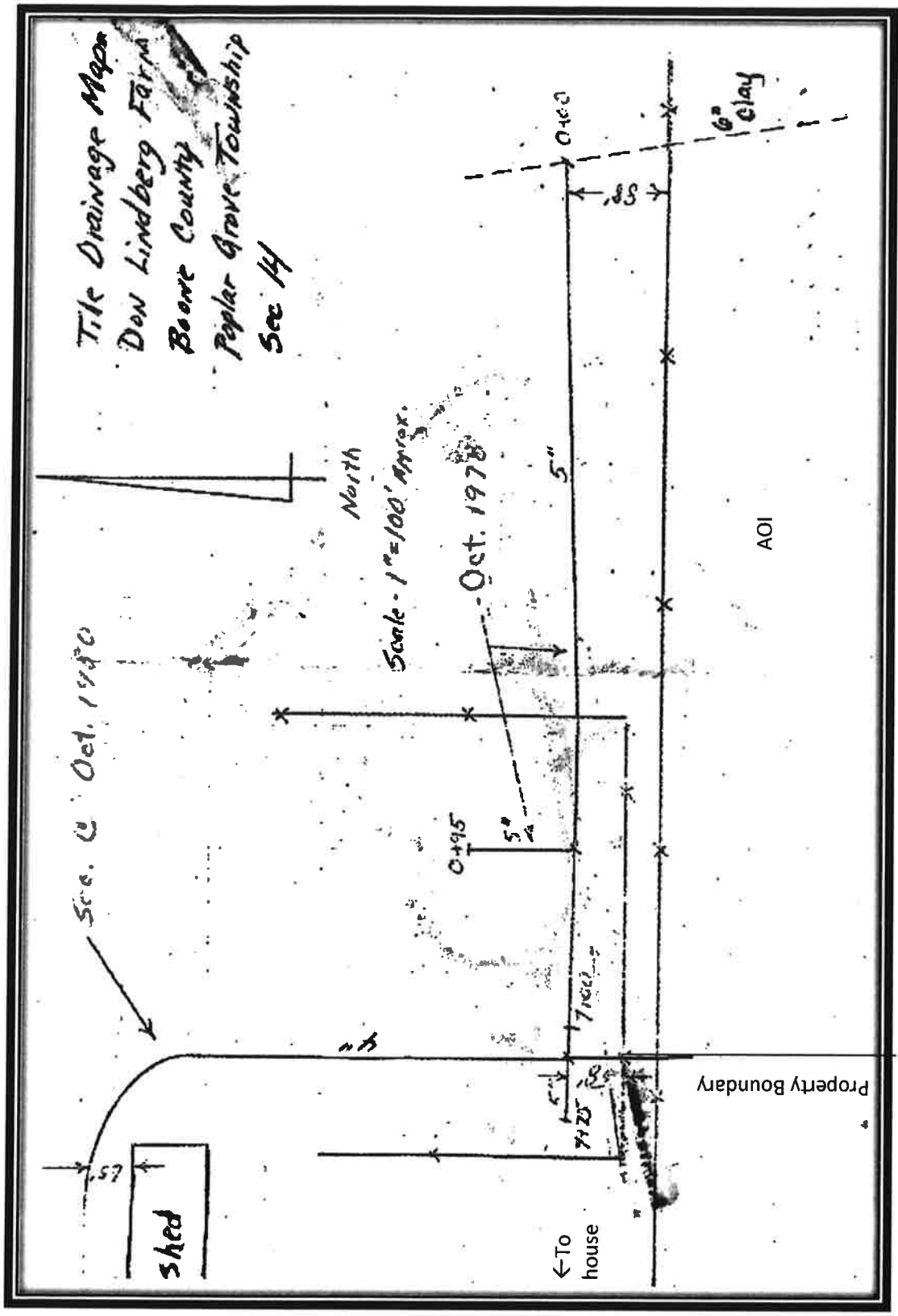


Figure 18. Tile Drainage Map A. Drainage tiles were mapped October of 1978 and 1980 by Lischka Drainage. Map illustrates there is a 6" clay tile present and enters into the AOI. There is approximately 2,980 linear feet of drainage tile mapped. Tile drainage map was provided by Don Lindberg August 15, 2018 and modified to define property boundary, location to house, and AOI.

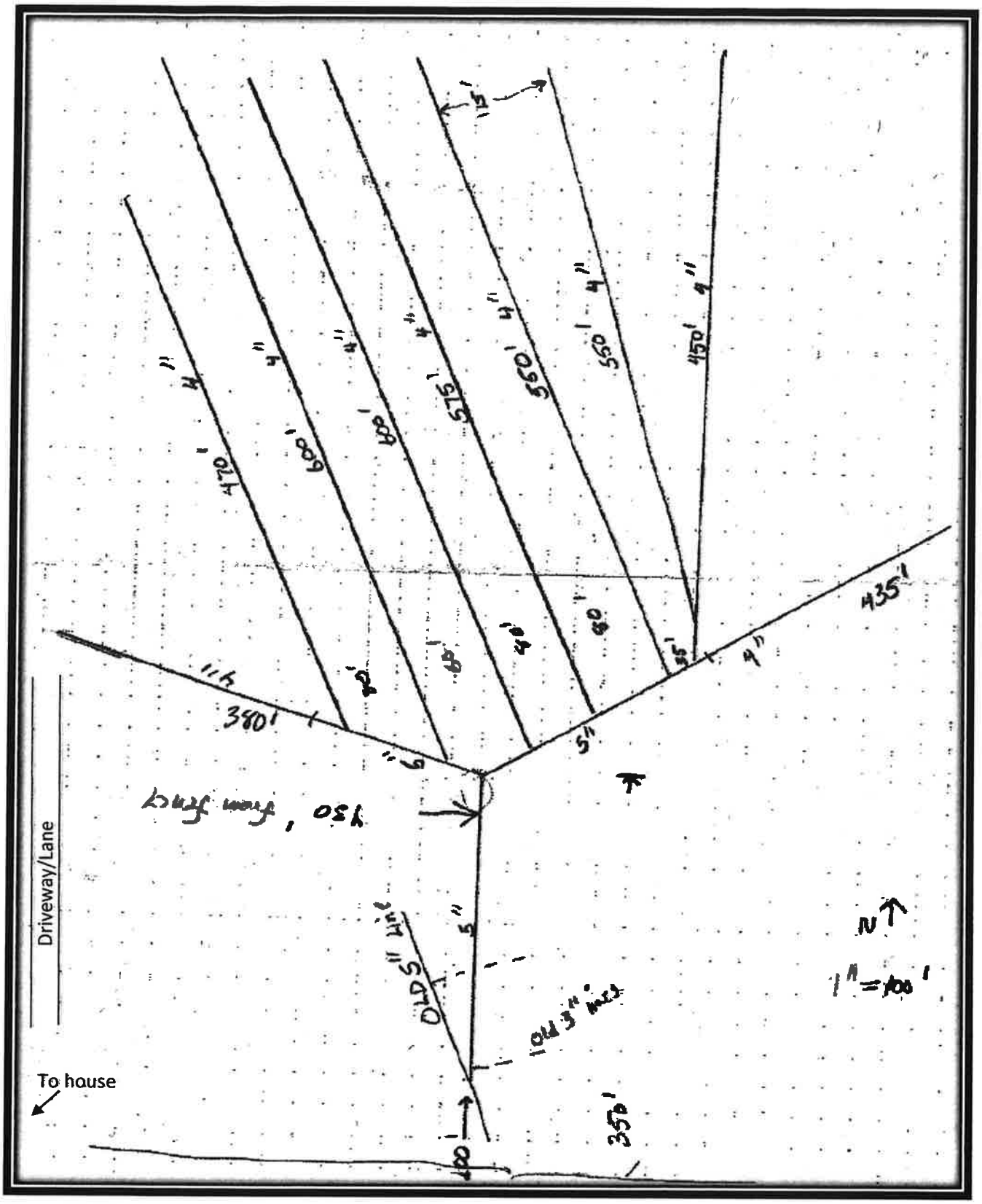


Figure 19. Tile Drainage Map B. Drainage tiles were mapped November 2000. There is approximately 5,040 linear feet of drainage tile mapped. This also indicates there are old 3" and 5" clay tiles. Tile drainage map was provided by Don Lindberg August 15, 2018 and was modified to include location to house and driveway/ lane boundary locations.

Public Health
Prevent. Promote. Protect.

Boone County Health Department
1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

October 11, 2018

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Planning Services for Poplar Grove

Re: Case: 2018-07, Poplar Grove Solar, LLC 4324 Il Route 173

Dear Gina,

We are in receipt of the special use request to allow an operation of an energy facility. At this time the Boone County Health Department has no comment.

If you have any questions, or concerns, please let us know.

Thank you,

Amanda Mehl
Public Health Administrator
skm

Illinois Department of Transportation
Office of Highways Project Implementation / Region 2 / District 2
819 Depot Avenue / Dixon, Illinois 61021-3500

PROGRAM DEVELOPMENT
Programming
Boone County

October 11, 2018

Ms. Gina DelRose
Community Development Planner
City of Belvidere
401 Whitney Boulevard, Suite 300
Belvidere, Illinois 61008

Dear Ms. DelRose:

Thank you for the notification of the Public Hearing on October 24, 2018, regarding a request for a special use permit by Poplar Grove Solar to install non-building mounted solar collectors for export of energy for use by an electrical utility. The property is located at 4324 IL 173, Poplar Grove and is owned by DYN 173, LLC.

Currently our records indicate we have a resurfacing project in the multi-year program along IL 173 adjacent to this location. For questions pertaining to the reconstruction project please contact Masood Ahmad at (815) 284-5307.

Please note petitioners must apply to this office for an access permit for a new entrance or a modification to an existing entrance onto a State maintained road. Since this is intended, please have the petitioner contact Mr. Jason Stringer, Senior Permit Technician at (815) 284-5413 for access permit information.

Thank you for the opportunity to comment on the special use permit. If you have any questions, please call Ms. Katie Smith, Systems Inventory Supervisor, at (815) 284-5447.

Sincerely,

Kevin Marchek

Kevin Marchek, P.E.
Region Two Engineer

KS/fd
cc: Jason Stringer

RECEIVED
OCT 19 2018
BY: .....

RENO & ZAHM LLP
ATTORNEYS AND COUNSELORS

MICHAEL G. SCHULTZ
MGS@RENOZAHM.COM

October 17 2018

Poplar Grove Planning and Zoning Commission
200 N. Hill Street
Poplar Grove IL 61065

Re: Cases 2018-07 and 2018-08
Poplar Grove Solar, 4324 IL Rt. 173

Dear Commissioners:

This firm represents the Don and Karen Lindberg family. Enclosed is our prior objection relating to Case 2018-05. We reassert the concerns and objection as they relate to the above-referenced cases.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Michael G. Schultz

MGS:smc
Enclosure
cc: Ryan Straw, Esq. (rts@renozahm.com)
Don and Karen Lindberg
Gina DelRose, Zoning/Planning (gdelrose@ci.belvidere.il.us)
Aaron Szeto, Village Attorney (aaron@sosnowskiszeto.com)
Owen Costanza, Village President (president@villageofpoplargrove.com)
Trajectory Energy Partners, LLC, Applicant (legal@trajectoryenergy.com)

RENO & ZAHM LLP
ATTORNEYS AND COUNSELORS

MICHAEL G. SCHULTZ
MGS@RENOZAHM.COM

August 17 2018

Poplar Grove Planning and Zoning Commission
200 N. Hill Street
Poplar Grove IL 61065

Re: Case 2018-05
Poplar Grove Solar, 4324 IL Rt. 173

Dear Commissioners:

This firm represents Don and Karen Lindberg who own three parcels of property adjacent to the proposed solar project. One adjacent parcel (03-15-400-010) includes two residences, including Don and Karen's home on the Southeast corner of the parcel closest to the proposed solar power facility. The Lindbergs have lived and farmed this property for generations (over 100 years). The Lindbergs do not oppose the project, but they do have concerns relating to the implementation of the solar energy structures that they would like addressed and included in any special use permit. The Lindbergs' concerns are summarized herein and include: (1) drainage/flow of water, (2) the proposed setbacks, (3) any use of the Lindbergs' property, and (4) decommissioning.

As of submitting this position statement, the Lindbergs have not had an opportunity to review the soil and water report prepared by the Conservation District. The Lindbergs reserve the right to further comment after review of that or any additional reports.

1. Drainage and Waterflow Concerns.

Enclosed with this letter are two drawings and an aerial photograph that depict the current waterflow and drainage in the area. As you can see from the aerial photograph, water flows from the Lindberg property onto the property where the solar project is proposed. Drainage tiles are currently in place that carry the water from the Lindberg property, located to the north of the proposed solar project, southward to Highway 173 and under the roadway.

The proposed solar project includes drilling and/or digging posts to anchor the solar panel structures and installation of concrete pads. The project will also require heavy machinery driving and working on the property which has potential to damage the drainage tiles that are now almost 40 years old. The drainage tiles are presently functioning without issue. They keep the area properly drained and prevent water from flooding Highway 173 during heavy rains and creating a danger to the public.

The Lindbergs have valid concerns that the drainage tile may be damaged in the construction or maintenance of the solar project. Damage to the tile and the resulting disruption in waterflow has the potential to accelerate erosion of topsoil, damage crops (those currently in the ground as well as the viability of future plantings) and create a hazard to the public in the event that the water is not properly routed under Highway 173 and past the roadway. The Village can avoid these problems by placing certain reasonable conditions on any special use.

The Applicant should be required to replace and relocate the tile. It is likely, or even certain, that the heavy construction equipment will damage the 40-year-old clay tile designed for agricultural equipment not industrial equipment. One crushed or cracked clay tile will result in the entire system becoming unusable. As noted below, the Applicant, pursuant to Illinois statute, has an legal obligation to avoid damage to the tile. Replacement and relocation of the tile prior to the work beginning will avoid damage. Should the tile become damaged or in need of repair after the project is underway or complete, the costs of correction will multiply greatly (and may necessitate removing the installed solar panels). The most prudent and cost-effective solution is for the Applicant to address the tile prior to installation of the solar panels.

At minimum, the Village should require the drainage tile to be inspected both before and after construction. The inspection will allow for locating and marking the location of the tile to avoid damage to the system. If, based on his inspection, the inspector recommends rerouting tile or installing new tile due to implications of the project, the Applicant should be required to do so at its expense. Inspection risers should be installed both at the north border of the proposed solar project (at the property line of the Lindberg/solar project properties) and at Highway 173. Inspection risers will allow verification of waterflow and proper functioning of the tile. There are a number of qualified local contractors that work with drainage tile. The Lindbergs have worked with Chad Harbison (847-561-0849) in the past and believe him to be qualified for the job.

The Applicant should be required to remedy any damage to the drainage tile and any adverse impact on the drainage in the area that may result from the proposed project. This should apply to the Lindbergs' property as well as all other surrounding properties, including Highway 173. In order to ensure that this project does not become a nuisance, a surety/performance bond should be required of the Applicant as a condition of the special use. The security bond should be of a sufficient amount both to reimburse the Lindbergs for any damage to their crops (presently valued at approximately $40,000 - $50,000 per season) and to remedy any other property damage or harm resulting from any disruption of the waterflow in the area. We request a surety bond as a condition to any approval in an amount of at least $50,000 to ensure water rights and drainage tile are properly protected.

The Lindbergs' requests in this regard are consistent with what is already required under Illinois law to protect landowners who rely on drainage systems running through the land of others. See the Illinois Drainage Code (the "Code"), 70 ILCS 605/1-1 *et seq.* Section 12-7 of the Code provides criminal penalties for the willful obstruction, injury or destruction of any covered drain constructed through the land of others. 70 ILCS 605/12-7. The Code additionally provides for civil liability against any party that willfully or negligently obstructs, injures, cuts, breaches or destroys a drain. *Id.* By requiring certain preliminary measures to be taken as a condition of the special use, the

Village can protect against the much greater costs likely to be incurred by both parties and the judicial system in resolving any issues that may arise after the damage has been done.

2. Setbacks.

The setbacks proposed by the Applicant vary depending on what is bordering the property. The setbacks are reduced to as little as 30 feet in some areas. As a general comment, the Village should be cognizant of the fact that it is setting precedent for any future proposed projects. If it allows excessively narrow setbacks on this project, it will be difficult for the Village to later impose stricter standards on such projects if it finds them to be more prudent.

In this application, the Applicant proposes 100-foot setbacks for the areas which include residential homes. The 100-foot setback applies to all areas bordering homes *except* the Lindbergs' home northwest of the proposed solar project. In viewing the enclosed aerial photograph of the Lindbergs' property, it is clear that the Lindbergs' home is actually the closest structure to the proposed solar project. The setbacks at that corner of the solar project property, however, are only 30 feet to the north and 75 feet to the west, far less than the 100-foot setbacks proposed for the residential properties to the east. When visiting the Lindberg's home, the distance is alarmingly close. The Lindbergs request that the setbacks provide for 100 feet from all property lines. Additionally, any fence built on the solar project property should be set back from the Lindbergs' property a sufficient distance to allow the Lindebergs to continue to use their equipment at the edge of their properties.

The setbacks determined by the Village in this application will also impact the rights of property owners having lots abutting the solar project that may be buildable in the future. Setting 100-foot setbacks based on property lines alone, and notwithstanding whether the adjacent properties *currently* contain a structure, will ensure consistency over time.

The Lindbergs' requests are reasonable and consistent with local ordinances that have been implemented in nearby counties governing similar solar projects. The standard setback for solar farms from residential properties appears to be 100 feet. Copies of the relevant ordinances from Kankakee County, Whiteside County and DeKalb County are enclosed herewith for the Village's consideration.

Kankakee County, for instance, requires a front setback of 100 feet and a setback of 50 feet for all other property lines except those bordering residential properties, in which case the setback is 100 feet. Whiteside County requires solar farms to have a minimum setback of 50 feet from all property lines and 500 feet from any residence. DeKalb County requires setbacks of 100 feet from all property lines or right of ways. DeKalb County allows surrounding property owners to waive the setbacks affecting their property such that it may be reduced to as little as 50 feet. In no circumstances, however, does DeKalb County allow the setback to be less than 50 feet. It should also be noted that although Boone County has not yet enacted a solar farm ordinance, it is currently in the process of developing one. The setback under consideration by the Boone County Board was most recently 100 feet.

The Village should take a similar approach to that taken by these nearby, comparable areas. A 30-foot setback is simply an unreasonably short distance under any circumstances. The DeKalb County approach seems to be a particularly effective solution. Allowing the neighboring property

owners a waiver ensures a safe distance for all, but also allows the parties the flexibility to work out the best solution between them as they see fit.

3. Use of the Lindbergs' Property.

The Lindbergs also have concerns regarding the transmission of the energy produced on the solar farm. The application does not give clear details as to how the energy will be transmitted from the solar panels to a transformer or other energy receptacle.

The Lindbergs have provided Commonwealth Edison an easement along the eastern edge of their property for the delivery of electricity to the Lindbergs' home and farming operation. The Lindbergs are concerned that the solar project may attempt to make use of this easement rather than developing its own infrastructure for the transmission of its energy. The Lindbergs are concerned that their property will be burdened with additional structures and/or equipment to be used for the transmission of electricity from the Applicant by means of the easement. Any special use approval should include language that prohibits the Applicant's use of Lindbergs' easement to Commonwealth Edison for the transmission of energy. It should prohibit any additional structures or equipment on the Lindbergs' property and require the Applicant to install its own infrastructure (absent written consent from the Lindbergs or future property owners).

4. Decommissioning.

The application submitted addresses decommissioning only to the extent that the Applicant states it will occur. To avoid materials being left behind and the property becoming a hazard or an eyesore, we request that any approval be conditioned upon an appropriate surety bond sufficient to ensure full decommissioning and return of the land to the state it is in now.

Conclusion.

It is important that Poplar Grove take a conservative approach to this application. The treatment of this request will serve as precedent to any future requests. The Village must be sure that neighboring water rights are protected and that appropriate setbacks are required. The setbacks need to be of a sufficient distance to ensure that the structures, equipment and operations of the solar farm will not serve as a nuisance or barrier to neighboring landowners. Based on a review of nearby counties' ordinances, a standard setback from residential properties appears to be 100 feet. Some have had success with a waiver provision allowing the minimum setback to be reduced upon agreement with the property owners and/or road authorities of the adjoining the lot. The Lindbergs make no objection to the project, so long as the following conditions are imposed:

1. Relocation and replacement of drainage tile (from Parcel 03-14-300-001 to South of Hwy 173) by a qualified contractor at the expense of the Applicant. GPS marking of the location of the drainage tile and installation of inspection risers between Parcels 03-14-300-001 and 03-14-300-002 and at Hwy 173;

2. In the alternative to (1), inspection and any recommended rerouting of the drainage tile (from Parcel 03-14-300-001 to South of Hwy 173) by a qualified contractor. Applicant

shall, at its own sole expense, comply with any recommendations of the inspector. The inspection shall include the marking of the location of the drainage tile and installation of inspection risers between Parcels 03-14-300-001 and 03-14-300-002 and at Hwy 173;

3. Obligation of the Applicant to repair and/or replace any damaged tile with a surety bond posted by the Applicant in an amount of at least $50,000 to secure the same;

4. A 100-foot setback from the property lines of the proposed solar project. The Village, if it sees fit, should authorize adjacent property owners a waiver that may reduce the setback to as little as 50 feet;

5. Any fence on the solar project shall be set back at least 5 feet onto the Applicant's land to allow the Lindbergs to continue to use their equipment at the edge of their properties;

6. Absent written authorization from an adjacent landowner, Applicant shall be required to place all infrastructure, including structures or equipment necessary to transmit any collected energy, on property owned by the Applicant; and

7. An appropriate bond shall be posted by the Applicant to ensure decommissioning.

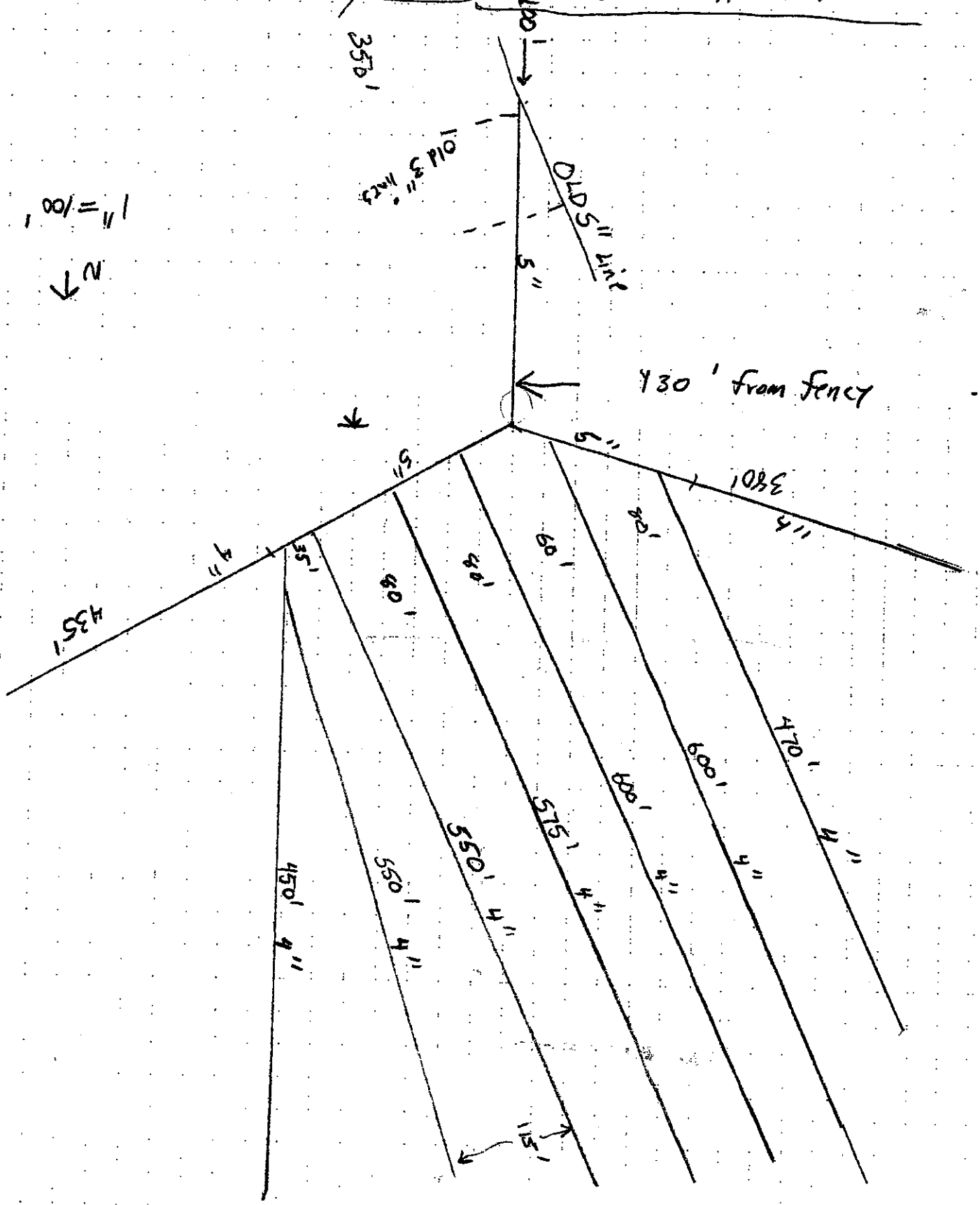
Should any of these conditions not be made part of the special use, the Lindbergs oppose this project and ask that the Village reject the same.

Sincerely,

Michael G Schultz (smc)

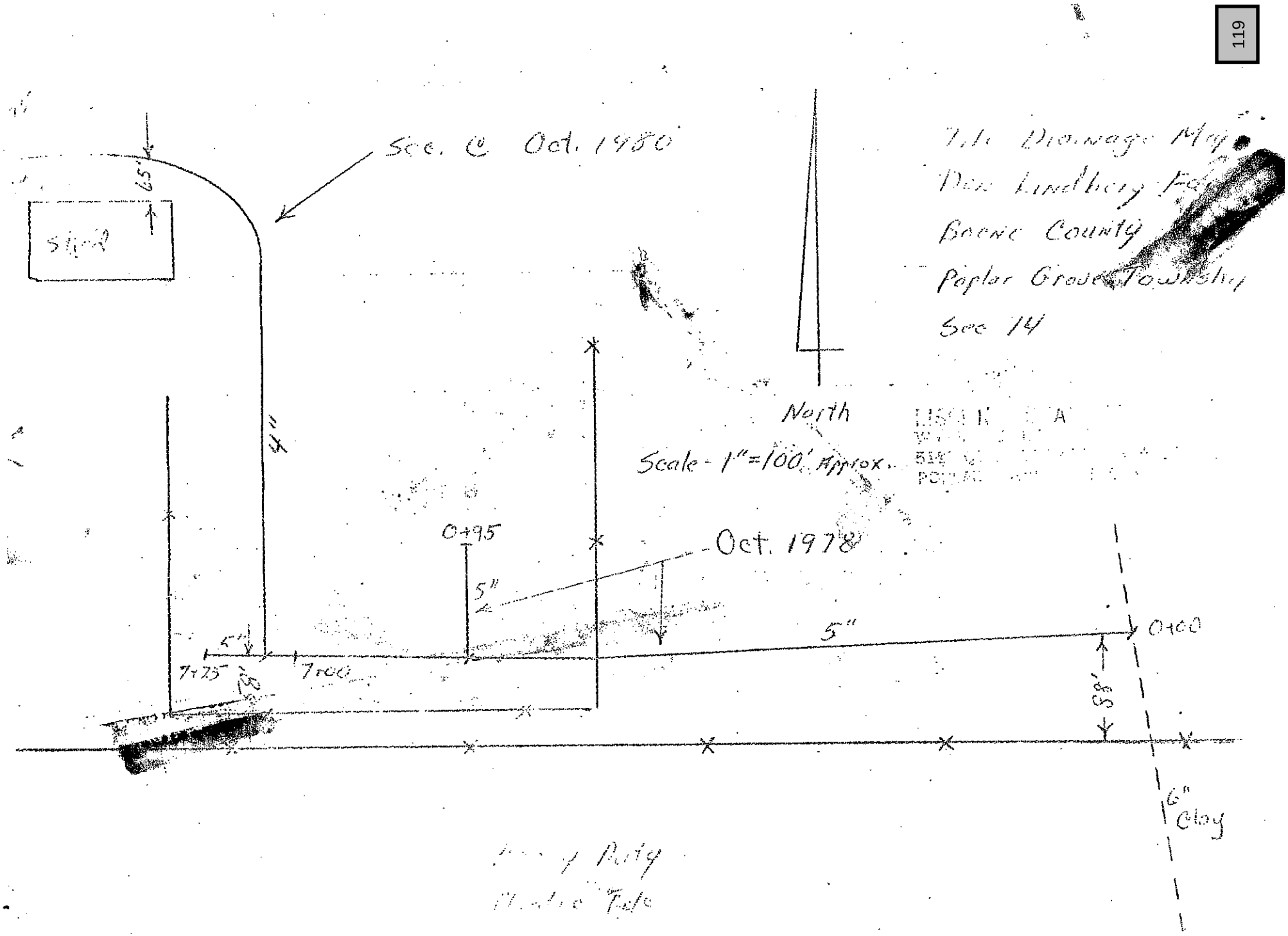
Michael G. Schultz

MGS:smc
Enclosures
cc: Ryan Straw, Esq. (rts@renozahm.com)
Don and Karen Lindberg
Gina DelRose, Zoning/Planning (gdelrose@ci.belvidere.il.us)
Aaron Szeto, Village Attorney (aaron@sosnowskiszeto.com)
Owen Costanza, Village President (president@villageofpoplargrove.com)
Trajectory Energy Partners, LLC, Applicant (legal@trajectoryenergy.com)



Home on East 80 West End
Nov 2000 plowed in

4-10N

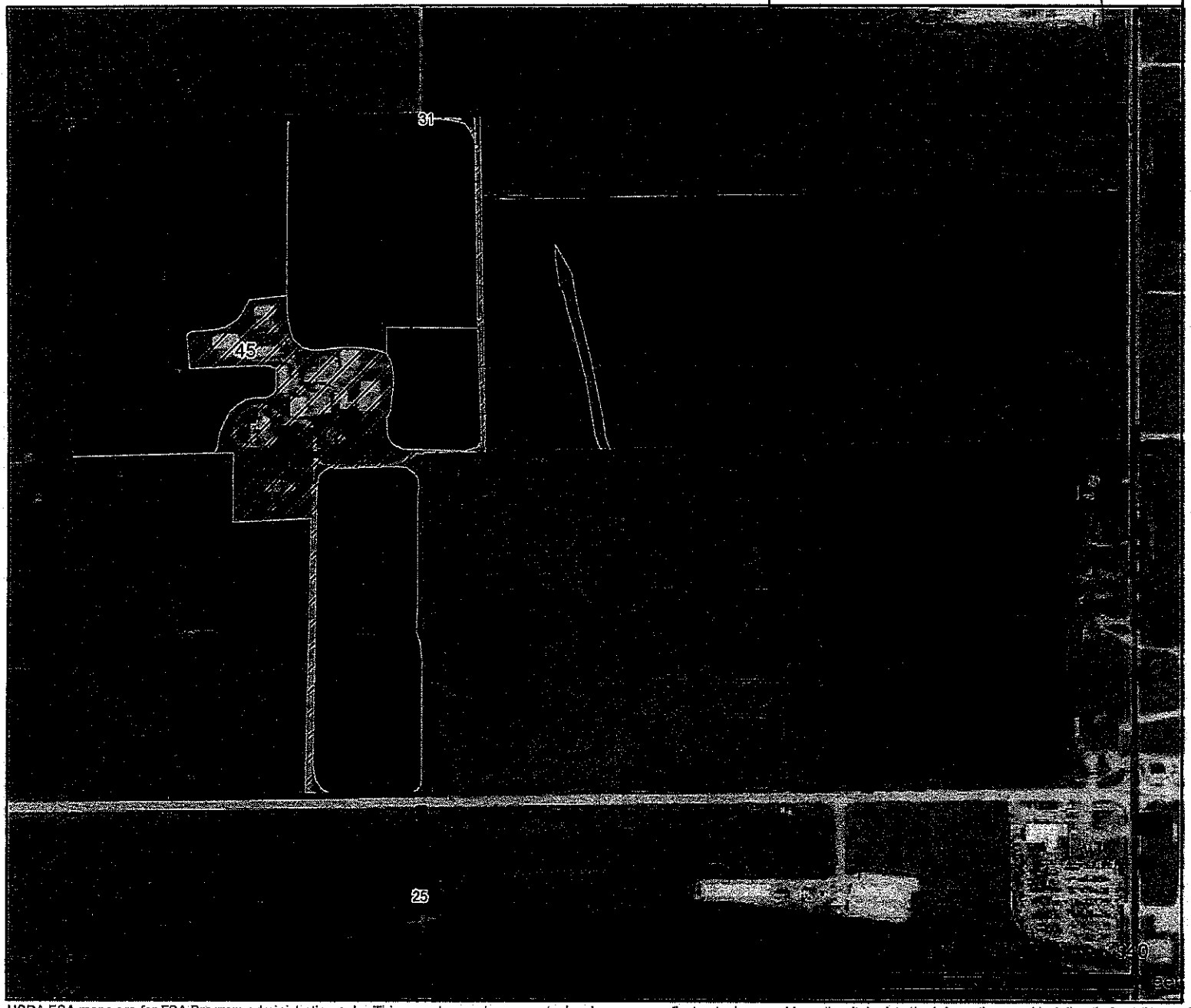


T.V. Drainage Map
Dan Lindberg Farm
Boone County
Poplar Grove Township
Sec 14

United States Department of Agriculture

Rock County, Wisconsin

Entire Tract: IR / NI CR / FG unless otherwise labeled
Shares: 100% Donald Lindberg



Farm 12953
Tract 13478

120

2017 Program Year

CLU	Acres	HEL	Crop
9	71.55	NHEL	
16	24.92	NHEL	
23	0.72	NHEL	
25	0.12	NHEL	NC
30	21.3	NHEL	
31	0.14	UHEL	NC
32	13.86	NHEL	
36	3.58	NHEL	
44	10.97	NHEL	
45	11.18	UHEL	NC

Page Cropland Total: 146.9 acres

Map Created April 19, 2017

Common Land Unit
- Cropland
- Non-Cropland
- Tract Boundary

NAIP Imagery 2015

Wetland Determination Identifiers
- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the NAIP imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact NRCS.

Sec. 121-99. - Agriculture district (A1).

(a) *Intent.* Agriculture district regulations are designed to regulate the use of land, buildings, and structures, and the uses thereof within the areas of the county where soil and topographic conditions are best adapted to the pursuit of agriculture and the utilization of other natural land resources. This section applies to the A1 district.

(b) *Permitted uses.*

(1) The minimum lot area shall be five acres. A single-family dwelling is permitted on a lot not less than 20 acres in area. However, after the effective date of the ordinance from which this chapter is derived, the following uses, either as a dominant or accessory use in the pursuit of agriculture, shall not be established or enlarged:

a. Livestock feed lots located nearer than 1,000 feet from a residence district boundary line.

b. Land used for the disposal of garbage, sewage, rubbish, or offal.

(2) Agriculturally related meeting halls and offices, by public conservation agencies; voluntary societies and associations, and governmental agencies.

(3) Public parks, playgrounds and recreation areas.

(4) The following public service uses when located 200 feet or more from a residence district boundary line or an existing dwelling, except as otherwise provided herein:

a. Electric and telephone substations and distribution centers.

b. Filtration plants, sewage treatment facilities, pumping stations and other reservoirs, public or community.

c. Gas regulator stations.

d. Police and fire stations.

e. Railroad rights-of-way and passenger stations.

f. Well head stations, well separators and other similar above-the-ground facilities customarily used for the distribution of natural gas, provided equipment and other installations shall be in completely enclosed buildings or may be in the open if they are completely enclosed behind a two inch or less mesh chainlink fence, or equal, not less than six feet in height.

(5) Nurseries, truck and flower gardening greenhouses and wholesale sales and incidental seasonal retail sales of plant materials, a substantial percentage of which are grown on the premises

(6) Ethanol plant, utilizing grain or other raw materials grown only on property owned or rented by producer and only for their own use. The producer shall include a cooperative consisting of ten or fewer members.

(7) Roadside stands, for the sale of produce and poultry grown and raised on or in the immediate area of the premises, and provided that such stand shall contain not more than 600 square feet of floor area or be higher than one story, and shall not exceed 17 feet in height. The stand or produce on sale shall not be located nearer than 50 feet from a street or highway right-of-way line, except a temporary roadside stand may be within ten feet of a street or highway right-of-way line provided the stand shall be at such location only during the harvest season of garden products grown in the open on the premises. There shall be provided with each roadside stand facilities approved by the planning director for vehicular ingress and egress to such stand from and to the street or highway and adequate parking facilities off of the street or highway right-of-way for motor vehicles of the customers being served or waiting to be served.

(8) Rural-based service provider only as an accessory use to an owner-occupied residential use. Any rural-based service provider operation shall fill out and submit an application with the planning office. The application forms are available in the planning office. Any rural-based service provider operation shall notify all owners of property within 500 feet of the subject site by certified mail within five days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten days after the date of the notice, file a written objection with the planning office thereto, by certified mail or in person, the question of whether such application shall be granted shall be referred to the zoning board of appeals which shall consider the matter at its

next regular or special meeting. A report summarizing the findings of fact and a recommendation of the zoning board of appeals shall be forwarded to the county board for a determination. Rural-based service provider businesses are subject to the following restrictions:

a. Shall not be permitted in a platted residential subdivision;
b. Shall only be established where an owner-occupied residence exists on the same lot as the provider business;
c. Shall be located within such owner's dwelling, storage area, or accessory building for the operation of such a building;
d. Shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six feet in height;
e. Shall not utilize more than 25 percent of the lot area or two acres, whichever is less;
f. Detached accessory storage buildings which are used in conjunction with the service operation shall conform to all applicable set back and location requirements set forth within this chapter;
g. On-site employees shall consist of immediate family members, and not more than three other persons;
h. Said business shall be owned by the owner of the residence;
i. Such businesses shall provide a parking area to accommodate at least two cars in addition to one parking space for each on-site employee. Such off-street parking area shall not be located in any required front yard and shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings;
j. Retail and/or wholesale sales shall be prohibited on the site of such use, except those sales incidental to the service provided and agricultural uses permitted in other parts of this chapter;
k. No more than one business shall be permitted on a site;
l. Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use;
m. The planning office shall notify the township assessor within the township in which such rural-based service provider is established within 90 days of the approved use and the structure used in association with such use;
n. Hours of operation shall be from 8:00 a.m. to 8:00 p.m.

(9) Composting of landscape waste for land application in pursuit of agriculture on a parcel not less than 20 acres.

(10) Home occupations as defined in this chapter.

(11) Single-family detached dwelling existing on the effective date of the ordinance from which this chapter is derived where a single-family detached dwelling may be divided from a parcel used in the pursuit of agriculture. A one-time exemption is permitted on a given tract of land in existence on the effective date of the ordinance from which this chapter is derived.

a. An applicant shall file the following information with the planning director:
    1. Administrative fee as stated in section 18-1.
    2. Application form.
    3. Plat of survey containing the following information:
        i. Stamped and signed by a licensed surveyor.
        ii. Legal description.
        iii. Stakes and monuments are clearly identified.
        iv. Lot size is not less than one acre and not more than five acres.
        v. Lot width is not less than 150 feet and not more than 499 feet. The lot width may be reduced to 50 feet when a farmstead is located more than 500 feet from a public road.
        vi. Proposed lot complies with the following provisions:
            (A) Lot coverage: does not exceed 30 percent of lot area.
            (B) Floor area ratio: does not exceed 0.2.

(C) Setback requirements.

aa. Front: Thirty feet in depth on platted rights-of-way. Sixty feet in depth on unplatted roads, measuring from the centerline of the road.

bb. Side: Six feet in width. Thirty feet in width when adjoining a street.

cc. Rear: 40 feet in depth.

b. A successful application must meet all of the standards listed below:

1. The detached single-family dwelling must have been erected prior to the effective date of the passage of the ordinance from which this chapter is derived and standing on the date of the application.
2. The property must be in compliance with all applicable property maintenance codes and have no outstanding code violations.
3. Rural based service providers and home occupations are in compliance.
4. A single-family detached dwelling is the principle structure on the parcel.
5. The property must have frontage along a public street or have proof of access from a private drive or an easement.
6. Said application must be in compliance with sections 121-146, 121-285, 121-286, and 121-396.
7. Not more than 50 percent of the subject site may contain tillable land.
8. Accessory buildings, structures, and uses must comply with section 121-281 of this chapter.
9. Does not include any new easements of access.

(12) Child care center within an occupied residence, not more than five children.

(13) Small wind energy systems provided the following are met:

a. A small wind energy system shall not be permitted on any parcel that is less than 2.00 acres.

b. There shall be no more than one small wind energy system located on a parcel.

c. Small wind energy systems are only permitted as an accessory use to a principal structure, and in no case will a small wind energy system be permitted on a vacant parcel.

d. Small wind energy systems shall only be permitted in a rear yard.

e. Small wind energy systems are not permitted in any platted subdivision.

f. Small wind energy systems may not be constructed within any recorded easements.

g. The maximum permitted system height of a small wind energy system from average grade to the top of the blade shall be no more than 125 feet.

h. Small wind energy systems shall be set back a distance equal to 110 percent of the system height from all adjacent property lines, third-party transmission lines, communication towers, and from occupied structures on the same parcel as the system. Additionally, a system must be a minimum distance equal to 150 percent of the system height from any dwelling inhabited by humans on neighboring property.

i. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be ten feet above the height of any structure within 50 feet of the base.

j. Guy wires and anchoring systems shall extend no closer than 30 feet from an adjacent property line.

k. The supporting tower shall also be enclosed with a six-foot-tall fence or the base of the tower shall not be climbable for a distance of 12 feet.

l. Small wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority. Any required lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

m. Small wind energy systems, except as may be required by the FAA, shall be finished in either off-white, light gray, other neutral color, or a color as approved by the Kankakee County Planning Department, including the blades. The finish shall be flat or matte. The required coloration and finish shall be maintained throughout

life of the system.

n. No small wind energy system shall have any advertising material, writing, picture, or signage other than warning, equipment identification or ownership information. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, but not including meteorological/weather devices.

o. Small wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during a short-term event such as utility outages and/or severe windstorms.

p. Small wind energy systems shall not operate so as to cause microwave, television, radio, or navigation interference contrary to Federal Communication Commission regulations or other laws.

q. Small wind energy systems shall comply with all applicable FAA and any other federal, state or local requirements. Nothing in these requirements is intended to preempt other applicable federal, state and local laws and regulations.

(c) *Special uses.* The following special uses shall be permitted only in accordance with procedures, regulations and standards set forth in this chapter, applicable federal, state, or county regulations and standards, and additional standards that may be required by the county board. Development plans and specifications showing, when applicable, utility installations; site and land improvements; location, architectural elevations and construction details of buildings and structures; traffic control facilities and other improvements shall be submitted to the county board, if requested by the county board, for approval:

(1) Airports, aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings, and other auxiliary facilities on a parcel not less than five acres.

(2) Animal farms engaged in the raising of exotic animals, fox, mink, chinchilla, hogs, chickens, turkeys, dairy cows, horses, and other farm animals when not accessory to the pursuit of agriculture and provided no building or structure is located nearer than 200 feet from a lot line, and is located on a lot no smaller than five acres.

(3) Automobile wrecking yards and junkyards, providing they are contained within completely enclosed buildings or screened by a solid wall or attractive solid fence at least 12 feet high.

(4) Carnivals, circuses, and other similar uses as recommended by the zoning board of appeals and approved by the county board, for a period not to exceed 90 days, provided, that no lot used for such a purpose shall be located nearer than 500 feet from an existing dwelling, and operations shall conform with the performance standards, measured at the lot line, as set forth in the I2 District.

(5) Cemeteries, including crematories and mausoleums, provided no building shall be located nearer than 200 feet from a lot line.

(6) Child care centers not to exceed 12 children, ages six months to seven years. Child care center within an occupied residence, not less than six children and not more than twelve children.

(7) Churches, chapels, temples, and synagogues.

(8) Commercial radio and television towers and accessory buildings, provided, that the plans for the tower and related accessory buildings shall be sealed by a state licensed structural engineer verifying that the construction standards are adequate. Lot size and setbacks of the use shall be determined by the structural engineer and approved by the county board based upon the given specification and location of the subject site as to not endanger the public safety. Although, in no case shall the set back from any public right-of-way be less than 50 feet, provided for in this chapter under "setback requirements."

(9) Community centers, county-wide (publicly or semipublicly owned or operated, but not for profit), on a lot not less than 25 acres in area and for such uses as: Agricultural and horticultural fairs, and shows and exhibits conducted by rural and agricultural organizations; and other public or semipublic voluntary organizations, but not including commercial race tracks. The operations of all uses shall conform with performance standards set forth herein in the I1 light industrial district. The setback areas bordering the property lines shall be landscaped and so maintained as permanent open areas but may contain driveways, walks, fences, and buildings or structures at entrances for admission controls.

(10) Community residential home.

(11) Convalescent, nursing, and rest homes and accessory uses, buildings, and structures.

(12) Convents, seminaries, monasteries, and nunneries.

(13) Educational and institutional uses:

a. Colleges, junior colleges, and universities including fraternity and sorority houses, dormitories, and other accessory structures and facilities necessary to its operation on a lot not less than 20 acres in area, and provided no buildings or structures, including off-street parking and loading facilities, are located nearer than 200 feet from a lot line.

b. Schools, parochial, private or not for profit and boarding schools, public or private on a lot not less than two acres for a nursery school, eight acres for an elementary school, and 30 acres for a high school.

c. Hospitals and sanitariums and accessory uses, buildings, and structures, on a lot not less than ten acres in area and provided no buildings or structures, including off-street parking and loading facilities, are located nearer than 200 feet from a lot line.

(14) Farm related sales and service:

a. Fertilizer sales, including bulk storage and blending, provided all products sold and stored on the premises are manufactured elsewhere, on a lot not less than one acre in area and provided the lot is not located nearer than 1,000 feet from an existing dwelling or a residence district boundary line. The operations shall conform with performance standards set forth in the I1 industrial district.

b. Dairy products processing including the production or other acquisition of whole milk, cream, skim or dried milk and processing the same for delivery to customers in bottles, cans, cartons or other appropriate container, excluding, however, the production from such products of cheese or ice creams, on a lot not less than one-half acre and provided the lot is located not nearer than 1,000 feet from an existing dwelling or place of public assembly, a residence district boundary line, or a residential lot of record. The operations shall conform with the performance standards, measured at the lot line, as set forth in the I1 district.

c. Slaughterhouse, general or custom, including the humane slaughtering, skinning, defeathering, eviscerating, cutting up, packaging, or wrapping of animals or poultry and the operation of locker plants, lockers, and freezer units including the storing, freezing, smoking or curing of meat and poultry products in conjunction therewith on a lot not less than ten acres in area and not less than 400 feet in width and any such activity shall be located at least 500 feet from the nearest dwelling unit or residence district boundary line. Said operations shall conform with the performance standards, measured at the lot line, as set forth in the I2 district.

d. Grain elevators.

e. Feed, grain and seed sales.

f. Livestock sales.

g. Farm implement, machinery and equipment sales and service.

h. Veterinary care of farm animals.

(15) Firewood sales.

(16) Flea markets.

(17) Golf courses, standard, providing no clubhouse, accessory building or open off-street parking spaces shall be nearer than 50 feet from a lot line adjoining a street or a residence district boundary line, and 20 feet from an interior lot line.

(18) Heliports.

(19) Commercial landscape waste composting facilities other than garden compost operations are subject to the issuance of a special use permit. In no event shall a commercial compost facility be located nearer than 500 feet from an existing dwelling or a residential or commercial district boundary line, unless a special finding in favor thereof is recommended by the zoning board of appeals, the county board may then upon good cause shown, waive said 500-foot requirement.

(20) Liquid propane sales and service, provided that the operation shall conform with performance standards set forth in t district.

(21) Mining and quarrying operations. Preparation and transportation of minerals and other natural resource operations including but not limited to the extraction of sand, gravel, other aggregate and top soil, and oil or nonexempt gas well drilling, provided that:

a. The following information shall be submitted with the application for a special use permit:

1. Documentation of approval from the appropriate federal, state, and local agencies;
2. A location map prepared by a registered professional engineer or registered land surveyor showing:
   i. The location of the proposed operation and the present uses of land to be included in the request;
   ii. The extent of area to be excavated and the anticipated depth of excavation. No open pit, shaft, operating equipment, or building related to the processing of product shall be less than 200 feet from any public road or 50 feet from any interior side or rear property line;
   iii. Boundaries of land to be affected by the operation, including the location of storage sites for overburden, access and internal service roads, storage sites for equipment, and offices and other structures to be used in conjunction with the operation;
   iv. All buildings or structures which use is other than for the processing of product shall be located no less than 50 feet from any property line;
   v. Boundaries of adjoining lands owned by persons other than the applicant and the existing uses and zoning of those adjoining lands;
   vi. The location of all watercourses, bodies of water, public rights-of-way, public buildings, public recreation areas, public facilities and other public property on or within 1,000 feet of the boundaries described as the land affected by the operation;
   vii. Existing topography of the property indicated by contour lines of no greater than five foot intervals;
3. A development plan of the area to be affected by the operation prepared by a registered professional engineer.
   i. The nature and content of the overburden to be removed in the course of the operation;
   ii. The nature and depth of the various strata of overburden above and between mineral seams to be excavated (not less than one core sample per ten gross acres of area);
   iii. The extent of area to be excavated and the anticipated depth of excavation;
   iv. The location and quality of underground water known to be present at the site;
   v. An estimate prepared by a qualified soils engineer or geologist of the probable impact of the operation upon community and/or individual water supplies;
4. A detailed operational plan including, but not limited to, hours of operation, monitoring program, production rates, the types, quantities and use of equipment, methods of extraction, traffic impact study, drainage study, stormwater management, soil study, floodplain information, off-street parking and loading information, septic and well information;
5. A detailed land reclamation plan of the area included within the permit, showing:
   i. Proposed use or uses of the land following the operation;
   ii. Actions to be taken during mining to conserve and replace topsoil removed during the proposed operation;
   iii. The sedimentation and erosion control plan for the reclamation including the type of vegetation to be planted for soil stabilization purposes;
   iv. Proposed location of future roads, private rights-of-way, drainage courses and other proposed improvements; and
   v. A performance guarantee in the form of a corporate surety bond, letter of credit or cash bond sh be furnished to the county board in an amount adequate to assure compliance with the approve

reclamation plan. The exact amount and termination date of the completion of operations and the rehabilitation of the tract shall be established in the special use permit review process and imposed at the time of approval based upon the estimated costs of reclaiming the site and the estimated length of time the operation will be conducted. Proof that the applicant has filed an Illinois State Land Reclamation Bond with the Department of Mines and Minerals may be accepted in lieu of the county's requirement for bonding or letter of credit;

6. Such other information as may be required by the zoning board of appeals, the county board, or the planning department.

b. Such operations shall not be located less than 200 feet from a residence, business, or commercial district, use, or a residential lot of record, except for those uses owned by the operating company.

c. The affected mining area shall have a six-foot high earthen berm and a six-foot high chainlink fence either in front or behind the berm; the necessity of the fence shall be determined by the zoning board of appeals based upon conditions at the time of the application. Subsequent requirements for fencing shall be reviewed by the committee of the county board having jurisdiction as development in the area occurs.

d. No blasting or other use of explosives is permitted unless specifically requested and authorized within the special use permit. If permitted by the county board, blasting must conform to the following county requirements and standards:

1. The board shall require the applicant to prepare pre-blasting and post-blasting studies of the area (as conducted by a qualified geotechnical engineering company approved by the board), to determine the probable affects of blasting and other excavation methods upon existing uses in the area surrounding the proposed site.
2. An environmental assessment shall be completed by an aquatic biologist or an individual with a similar background and education. A written report shall be drafted stating the impact blasting and other uses of explosives may have on waterways and aquifers in and under the area.
3. The use, handling and detonation of explosives in connection with said quarrying operations shall be under the direct supervision of persons having the requisite experience and knowledge to conduct such operations with safety. If such persons are hereafter required to be licensed by any federal agency or by the state or county, such persons shall meet the licensing requirements and obtain such license.
4. The storage of explosives shall be in accordance with all applicable federal and state laws and regulations and shall be stored in magazines, buildings, or structures which shall meet the safety requirements of such laws and regulations.
5. Blasting procedures shall be in accordance with modern techniques, generally accepted in the mining and quarrying industry, and shall comply with the recommendations provided by the preblasting and post-blasting studies.
6. Blasting procedures shall be subject to and comply with the applicable requirements of the state department of mines and minerals, Federal Bureau of Mines, Illinois Environmental Protection Agency, and any other governmental agency having jurisdiction thereof.
7. Blasting procedures shall be in conformity with approved safety regulations, customs, and practices generally accepted in the mining and quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.
8. The time and day of detonation of any blast may be restricted by conditions set forth in the special use permit.
9. Proof of liability insurance shall be provided to the county board at the time of the granting of the special use permit and subsequent proof shall be provided each year.

e. A letter signed by the applicant and property owner granting right of entry upon the property to appropriate public officials for semiannual inspections shall be presented to the county board at the time of the issuance of the special use permit.

f. The special use permit shall be reviewed by the committee of the county board having jurisdiction every second y the conditions of the permit and operational standards are being complied with.

(22) Recreational areas, campgrounds, camps, and day camps whether or not operated for profit.

(23) Recreational uses:

a. Outdoor recreation: On a lot having an area and width as approved by the county board and used for one or more of the following uses: Polo fields, equestrian sports, horse shows and hunter trails; hunt clubs and gun clubs; conservation clubs; archery ranges, fishing ponds, swimming clubs, and tennis clubs; golf driving ranges; licensed go-cart tracks but not used for races; private or semipublic picnic grounds and parks, marinas and other boat landing facilities for pleasure craft and accessory uses, buildings or structures such as off-street parking and loading spaces; administration, maintenance and club house buildings, including sale of food and beverages, provided such building and off-street parking and loading spaces shall be set back from any lot line in accordance with requirements set forth by the county board.

b. Resorts: On a tract of land having frontage or approved access to frontage on a river or lake; and there shall be contained in the resort, dwelling units and lodging rooms for guests and employees of the lodge, and two or more of the uses set forth in subsections (e)(23) b.1. and 2. of this section; and may contain accessory uses set forth in subsection (e)(23) b.3. of this section; and provided that all buildings shall be located no nearer than 100 feet from a lot line.

1. Indoor recreation facilities for use only by guests of the resort, located in the principle building or a detached recreation building clubhouse, as follows: swimming pools, ice skating rinks, tennis courts, gymnasiums, theaters, and other indoor recreation facilities, as approved by the county board.
2. Outdoor recreation facilities, for use only by guests of the resort as follows: boating, swimming, water skiing, and other water sports; ice skating, skiing, hockey and other winter sports; basketball, softball, volleyball, and similar sports; tennis courts; standard, par 3, pitch and putt and miniature golf courses; and other outdoor recreation facilities as approved by the county board.
3. Accessory buildings and uses thereof customarily incidental to the uses set forth in subsections (e)(23) b.1. and 2. of this section including signs, the location, area, design, and illumination of which are approved by the county board. Accessory uses for lodges, or clubhouses also include, when located in the principle building, restaurants and cocktail lounges; curio, gift, sporting goods, flower, and wearing apparel shops; and tobacco, newspaper, magazine, and bookstores or counters.

(24) Recycling: reverse vending machines (See also general provisions):

a. Small collection facility.

b. Large collection facility.

c. Light processing facility.

d. Heavy processing facility.

(25) Sewerage treatment plants, public or community; provided, however, that no building permit for the construction of such treatment plant shall be issued by the planning director under its "building code" until he has assured that the location of such treatment plant with reference to distance and direction from habitations, office buildings, church, schools, parks, and other recreational facilities has been approved by the county board, after receiving the report and recommendations of the director.

(26) Signs, advertising as regulated in article V, division 2.

(27) Substance abuse center.

(28) Kennels shall be a minimum of 500 feet from any zoned residential district or 500 feet from any existing dwelling other than the dwelling of the owner or lessee of the premises.

(29) Billboards.

(30) Research facility for domesticated animals and livestock.

(31) Wind energy conversion systems (WECS) as regulated herein.

(32) Storage, blending, and utilization of flammable liquids, gases, or materials which produce flammable or explosive vapc exceeding the total capacity as specified in Table 6: Permitted Quantities of Highly Toxic Materials (section 121-207 Per standards) when connected to an intrastate or interstate pipeline for the purpose of transporting the stored, blended, product through the pipeline. These facilities must comply with all performance standards as specified in section 127-; County Code.

Setbacks for these facilities shall comply with the setbacks specified in section 121-206 of the County Code.

(33) Adaptive reuse. The repurposing of existing structures in the A1 agriculture district for uses that are not agriculturally related.

- The property must contain existing structures that were devoted to a nonagricultural use, special use, or long term nonconforming use that are no longer used for that particular use.
- The applicant must demonstrate that a viable agricultural use for the property could not be found.
- The applicant must demonstrate the need for the new use and how the use will complement the site and surrounding area.
- The applicant must demonstrate that the new use will not impact the neighborhood or the public's health, safety, or welfare in a negative way.
- The property must comply with all other ordinances and codes.

(34) Solar farm. Solar farms, also known as solar power plants and solar energy generation facilities, shall be permitted in the A1 district as a special use, in accordance with the following minimal regulations and design standards.

a. *Design standards.* The design standards and bulk regulations listed in the Al-Agriculture district for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

1. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
2. Other standards and codes. All solar farms shall be in compliance with any applicant local, state and federal regulatory standards, and the National Electric Code as amended.
3. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions or variances may be granted in instances where shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury lines.
4. Minimum lot size. No solar farm shall be erected on any lot less than five acres in size.
5. Height. Systems, equipment and structures shall not exceed 30 feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.
6. Setbacks. Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment excluding fences a minimum of 100 feet on the front and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 100 feet for residentially zoned lots and existing residential properties, with the setback distance to be measured from the property line of the solar farm to the property line of residentially zoned lots or existing residential properties. The zoning board of appeals may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way, if the owners of the adjoining properties agree to waiver these setback requirements. The zoning board of appeals granting of such a variance will be part of their recommendation to the county board.
7. Screening and fencing. Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of eight feet. Knox Boxes and keys shall be provided at locked entrances for emergency personnel access. The zoning board of appeals shall have the discretion to recommend or

the discretion of the county board, a 30-foot wide buffer of which part 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 three feet tall and with the expectation that this hedge shall reach the height of at least eight 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.

8. Lighting. If lighting is provide at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
9. Noise. Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.
10. Performance standards. All solar power plants must conform to the performance standards as listed in section 121-207 of this chapter.
11. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number.
12. Outdoor storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The planning director or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.

b. *Application requirements (zoning).* Due to the unique nature and special requirements of solar power plants and their potential impacts to adjoining properties and government services, solar power plants shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the county Code or any special conditions required by the zoning board of appeals or the Kankakee County Board. The applicant shall provide 50 copies of all required submittals to the planning department. However, the applicant shall only be required to submit two copies of all documents proving ownership or interest in the property.

1. A site plan with existing conditions showing the following:
    i. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
    ii. Existing public and private roads, showing widths of the roads and any associated easements.
    iii. Location and size of any abandoned wells, sewage treatments systems.
    iv. Existing buildings and any impervious surfaces.
    v. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
    vi. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
    vii. Waterways, watercourses, lakes and public water wetlands.
    viii. Any delineated wetland boundaries.
    ix. A copy of the current FEMA FIRM map that shows the subject property. And, the 100-year flood elevation and any regulated flood protection elevation, if available.

x. Floodway, flood fringe and/or general floodplain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.

xi. Mapped soils according to the Kankakee County Soil Survey.

xii. Surface water drainage patterns.

xiii. The location of any subsurface drainage tiles.

2. Plan of proposed conditions:

   i. Location and spacing of solar panels.

   ii. Location of access roads and access points.

   iii. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

   iv. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.

   v. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.

   vi. Weed/grass control. Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating company during the operation of the solar farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of $500.00 per week if the fence is not secure or the weed/grass control plan is not followed, as per section 121-7 of these regulations.

3. All solar power plant applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-ways that will be utilized for both the construction and operation of the solar power plant. Prior to the issuance of a building permit, the applicant shall submit an executed agreement between the solar power plant owner/operator and all road district authorities with infrastructure affected by the solar power plant to the county. This agreement shall include at a minimum:

   i. A final map identifying the routes that will be used.

   ii. A plan for maintaining and/or repairing the affected roads.

   iii. Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.

4. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.

5. A detailed list of costs showing the itemized total construction costs of the facility separated by parcel.

6. A description of the method of connecting the array to a building or substation.

7. At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre-operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the county.

8. A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months, the operating company and or land owner have six months to complete the decommission plan or the county will take the necessary decommission steps. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning security financing shall be required by the county in order to assure the proper decommissioning of the site and in no instance shall the financial security be less than $1,000.00 per acre. This security financing should be in the form of an irrevocable letter of credit or cash placed in a county escrow account. The county board may, in its sole discretion, agree to accept security, or a por

thereof, in another form such as a bond or corporate guarantee. The decommissioning plan and financial security must be presented to and accepted by the Kankakee County Board prior to the issuance of a building permit for the facility.

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

The county reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

c. *Fees and costs.*

1. [Applicable fees.] The fees listed in section 121-38 are not pplicable to solar farm special use permit applications and the following fees shall apply. No solar farm special use permit application shall be accepted until the filing fee of $5,000.00 is paid and accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant that the applicant will pay to the county additional fees to reimburse the county for moneys expended in excess of $5,000.00 in preparing for, processing, reviewing and evaluating the application to its final resolution. The applicant shall also agree in said notarized statement to stop all proceedings if an invoice for reimbursement to the county is not paid to the county treasurer within ten days after the invoice has been presented to the appropriate corporate officer or official legal representative of the applicant.
2. Remedial costs. Applicants and/or owners of solar farms shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the planning director or the Kankakee County Board.

(d) *Lot area.* Not less than two acres, except as otherwise regulated herein for a specific permitted or special use.

(e) *Lot width.* Not less than 330 feet, except as otherwise regulated herein for a specific permitted or special use.

(f) *Floor area ratio.* Not to exceed 0.1.

(g) *Setback requirements* . Except as otherwise regulated herein, setbacks shall be provided as follows (See general provisions for measuring setbacks):

(1) *Front:* not less than 50 feet.

(2) *Side:* not less than 30 feet for an interior side and not less than 50 feet for a side adjoining a street.

(3) *Rear:* not less than 100 feet, except for a specific special use.

(h) *Off-street parking and loading* . In accordance with regulations set forth in the applicable section of this chapter.

(i) *Signs* . In accordance with the regulations set forth in the applicable section of this chapter.

(Zoning Ordinance 1996, §§ 6.00—6.09; Res. No. 99-5-11-075, § I, 5-11-1999; Ord. No. 02-06-11-550, §§ I, II, IV, 6-11-2002; Res. No. 02-07-09-566, 7-9-2002; Res. No. 2006-04-11-81, §§ 6.02, 6.03, 4-11-2006; Ord. No. 2007-01-09-14, 1-9-2007; Res. No. 2008-02-13-21, § 3(Exh. A), 2-13-2008; Res. No. 2008-08-12-110, § 3(Exh. A), 8-12-2008; Res. No. 2011-05-10-84, 5-10-2011; Res. No. 2015-11-10-138, Exh. A, 11-10-2015; Res. No. 2017-05-09-45, Exh. A, 5-9-2017)

Editor's note— Res. No. 2008-08-12-110, § 3(Exh. A), adopted Aug. 12, 2008, added subsection (c)(30) to § 121-99. Inasmuch as said subsection already existed, the new provisions have been redesignated as (c)(31) at the editor's discretion.

Sec. 39-268. Solar Power

(a) *Scope.*

(1) This article applies to all solar energy installations in unincorporated Whiteside County.

(b) *Purpose.*

(1) Whiteside County has adopted this regulation to meet the goals of the Comprehensive Plan and preserve the health, safety, and welfare of the County's citizens by promoting the safe, effective, and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy.

(c) *Definitions.*

(1) *Active Solar Energy System*: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

(2) *Building-integrated Solar Energy Systems*: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

(3) *Grid-intertie Solar Energy System*: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

(4) *Ground-Mount*: A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

(5) *Off-grid Solar Energy System*: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

(6) *Passive Solar Energy System*: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

(7) *Photovoltaic System*: An active solar energy system that converts solar energy directly into electricity.

(8) *Renewable Energy Easement, Solar Energy Easement*: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

(9) *Renewable Energy System*: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

(10) *Roof-Mount*: A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

(11) *Roof Pitch*: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

(12) *Solar Access*: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

(13) *Solar Farm*: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

(14) *Solar Garden*: A commercial solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site

from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

(15) *Solar Resource*: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

(16) *Solar Collector*: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

(17) *Solar Collector Surface*: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

(18) *Solar Daylighting*: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

(19) *Solar Energy*: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

(20) *Solar Energy System*: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

(21) *Solar Heat Exchanger*: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

(22) *Solar Hot Air System*: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

(23) *Solar Hot Water System*: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

(24) *Solar Mounting Devices*: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

(25) *Solar Storage Unit*: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

(d) *Permitted Accessory Use*: Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in (3) below will require a special use permit, except as provided in Section (f) Special Accessory Uses.

(1) *Height*: Active solar energy systems must meet the following height requirements:

a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building- integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.

b. Ground or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

(2) *Set-back*: Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

a. Roof or Building-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

b. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

(3) *Visibility*: Active solar energy systems shall be designed to conform to the county comprehensive plan and to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys provide that screening shall not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

a. *Building Integrated Photovoltaic Systems*. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

b. *Solar Energy Systems with Mounting Devices*. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley

c. *Reflectors*. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

d. *Aviation Protection*. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

(4) *Coverage*: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

(5) *Historic Buildings*: Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must be consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

(6) *Plan Approval Required*: All solar energy systems shall require administrative plan approval by the Whiteside County zoning official via the review of the application for a building permit.

a. *Plan Applications*. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

(i) *Pitched Roof Mounted Solar Energy Systems*. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

(ii) *Flat Roof Mounted Solar Energy Systems*. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

(iii) *Plan Schematics*. Plan schematics will accompany each application. That schematic will point out, in the wiring diagram, where a separate shut off has been included for fire safety. Said schematic will also be made available to the appropriate fire department or district.

b. *Plan Approvals*. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the planning and zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

(7) *Approved Solar Components*: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

(8) *Compliance with Building Code*: All active solar energy systems shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable.

(9) *Compliance with State Electric Code*: All photovoltaic systems shall comply with the Illinois State Electric Code.

(10) *Compliance with State Plumbing Code*: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

(11) *Compliance with State Energy Code*: All photovoltaic systems and Solar thermal systems shall comply with the Illinois State Energy Code.

(12) *Utility Notification*: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(e) *Principal Uses*. Whiteside County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the development lot or lots are special uses in selected districts.

(1) *Solar gardens*: Whiteside County permits the development of unincorporated county solar gardens, subject to the following standards and requirements:

a. *Rooftop Gardens Permitted*. Rooftop community systems are permitted in all zoning districts where buildings are permitted.

b. *Ground-Mount Gardens Special Use*. Ground-mount community solar energy systems must be less than five acres in total size, and are a special use in all districts. Ground-mount solar developments covering more than five acres shall be considered solar farms.

c. *Interconnection*. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

d. *Dimensional Standards*.

1. All solar garden related structures in newly platted subdivisions must comply with setback, height, and coverage limitations for the district in which the system is located, with the exception of rear and side yard requirements. The setback from rear property lines will be 2 feet and side property line setbacks in the garden may be ignored.

2. All solar garden related structures in existing platted subdivisions must comply with setback, height, and coverage limitations for the district in which the system is located, with the exception of rear and side yard requirements.

e. *Aviation Protection*. For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

f. *Other Standards*. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

(2) *Solar farms*: Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

a. *Special Use Permit*. Solar farms are special uses in agricultural districts, in airport safety zones subject to h. below, and at the landfill.

b. *Stormwater and NPDES*. Solar farms are subject to Whiteside County's Stormwater Management regulations, erosion and sediment control provisions if adopted and NPDES permit requirements.

c. *Ground Cover and Buffer Areas*. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees.

d. *Foundations*. 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.

e. *Other Standards and Codes*. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

f. *Power and Communication Lines*. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Whiteside County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

g. *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, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by Whiteside County. The site plan should also show all zoning districts, and overlay districts.

h. *Setbacks*. A minimum setback of 50 feet must be maintained on all property lines. Solar panels will be kept at least 500 feet from a residence that is not a part of the Special Use.

i. *Aviation Protection*. For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

j. *Agricultural Protection*. Solar farms must comply with site assessment or soil identification standards (LESA) that are intended to protect agricultural soils.

k. *Decommissioning.* A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The 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. Disposal of structures and/or foundations shall meet the provisions of the Whiteside County Solid Waste Ordinance. Whiteside County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning. In the event that the State of Illinois enacts a law with regard to the decommissioning of solar farms, the strictest requirements shall prevail.

l. *Endangered Species and Wetlands.* Solar farm 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.

(f) *Conditional Accessory Uses.* Whiteside County encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the applicant demonstrates that the standards in Section (d) (1), (2), or (3) cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, the applicant may request a special use permit. A special use permit shall be granted if the following standards are met.

(1) *Minimum Performance, Defined*: The following design thresholds are necessary for efficient operation of a solar energy system:

a. Fixed-Mount Active Solar Energy Systems. Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).

b. Solar Electric (photovoltaic) Systems. Solar collectors must have a pitch of between 20 and 65 degrees.

c. Solar Hot Water Systems. Solar collectors need to be mounted at a pitch between 40 and 60 degrees.

d. System Location. The system must be located where the lot or building has a solar resource, as defined in this ordinance.

(2) *Standards for a SUP*: A special use permit shall be granted if the applicant meets the following safety, performance and aesthetic conditions:

a. *Aesthetic Conditions.* The solar energy system shall be designed to conform to the county's comprehensive plan and to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.

b. *Safety Conditions.* All applicable health and safety standards are met.

c. *Non-Tracking Ground-Mounted Systems.* Pole-mounted or ground-mounted active solar energy systems must be set back from the property line by one foot.

(g) *Restrictions on Solar Energy Systems Limited.* Consistent with 765 ILCS 165/, no homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of unincorporated Whiteside County shall prohibit or restrict homeowners from installing solar energy systems. No energy policy statement enacted by a common interest community shall be more restrictive than Whiteside County's solar energy standards.

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2018-06

AN ORDINANCE ADOPTING
A SOLAR ENERGY SYSTEM ORDINANCE
FOR DEKALB COUNTY

WHEREAS, the DeKalb County Board has determined the need for regulations governing the construction, installation, and operation of solar energy systems; and

WHEREAS, the Planning and Zoning of the DeKalb County Board has drafted a Solar Energy System Ordinance to address this need; and

WHEREAS, the DeKalb County Community Development Department, under the direction of the Planning and Zoning Committee of the DeKalb County Board, has prepared and submitted an application for a Zoning Text Amendment for the adoption of a Solar Energy System Ordinance; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on January 31, 2018, at which ten (10) members of the public spoke for the application and two (2) members of the public spoke against the application, which was continued to February 15, 2018, at least thirteen (13) members of the public presented questions and comments regarding the application, regarding the Draft Solar Energy Systems Ordinance; and

WHEREAS, based on the testimony given at the public hearing, the Hearing Officer has forwarded to the Planning and Zoning Committee findings and a recommendation that the requested Draft Solar Energy Systems Ordinance be approved, with three (3) elements of the draft ordinance recommended for further consideration by the Planning and Zoning Committee, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated March 12, 2018; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed and considered the Draft Solar Energy Systems Ordinance proposed the Text Amendment, and the recommendation of the Hearing Officer, and having moved to amend the proposed language in response to the recommendation of the Hearing Officer and concerns raised at the public hearing, and has forwarded a recommendation to the DeKalb County Board that the proposed Solar Energy Ordinance, be adopted; and

WHEREAS, the DeKalb County Board has determined that it is in the best interests of the citizens of the County to amend the DeKalb County Zoning Ordinance to adopt the Solar Energy System Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Findings above and the recommendations of the Planning and Zoning Committee are hereby adopted as the findings and conclusions of the DeKalb County Board.

SECTION TWO: The DeKalb County Solar Energy Systems Ordinance, Exhibit "A" appended hereto, is hereby adopted, effective as of April 1, 2018.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 21TH DAY OF MARCH, 2018, A.D.

_____
Mark Pietrowski, Jr.
Chairman, DeKalb County Board

ATTEST:

_____
Douglas J. Johnson
DeKalb County Clerk

DEKALB COUNTY SOLAR ENERGY SYSTEM (SES) ORDINANCE

Scope

This article applies to all solar energy installations in unincorporated DeKalb County.

Purpose

The purpose of this ordinance is to promote and encourage economic development, while maintaining order in the construction, installation and operation of Solar Energy Systems (SES) in DeKalb County, while ensuring protection of the health, safety and welfare of the residents of DeKalb County by promoting the safe, effective, and efficient use of solar energy to reduce on-site consumption of fossil fuels or utility-supplied electric energy. Also, to avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands. This ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Definitions

Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground Mount: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of

a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Roof Mount: A solar energy system that is mounted on a rack that is fastened onto a building roof.

Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector: An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar Energy System Addition: A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

Solar Energy System, Private: A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Garden: A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

Solar Hot Water System: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

Building Permit Requirements and Fees

All Solar Energy Systems (SES) will be required to have a DeKalb County Building Permit before any work can be started. A written plan and a plat/ drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat / drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the DeKalb County Community Development Department as follows:

0-	10 kilowatts (kW)	$ 150.00	
11-	50 kilowatts (kW)	$ 300.00	
51-	100 kilowatts (kW)	$ 600.00	
101-	500 kilowatts (kW)	$ 1,200.00	
501-	1,000 kilowatts (kW)	$ 2,750.00	
1,001-	2,000 kilowatts (kW)	$ 6,000.00	
Over	2,000 kilowatts (kW)	$ 6,000.00	+ 200.00 for each additional 0-100 kilowatts

Any SES that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee.

Permitted/Special Use

1) A single ground mount, roof mount or building integrated private solar energy system for residential/business use is permitted as an Accessory Use in ALL Zoning Districts where there is a principal structure, and shall be subject to the regulations for accessory uses.

2) Solar Gardens shall be allowed in ALL Zoning Districts, and shall require a Special Use Permit whether accessory or principal use of the property. However, the requirement for a Special Use Permit may be waived, provided the solar garden's

owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the need for a Special Use Permit be waived, from all property owners adjoining the zoning lot on which the solar garden is to be located (as determined by DeKalb County Community Development Department). Unless otherwise noted in this ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.

3) Solar Farms in the A-1 Zoning Districts require a Special Use Permit. Unless otherwise noted in this ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.

Set Back Requirements

1) Set back requirements for all Solar Energy Systems (SES) shall meet the structure minimum set back requirements when the SES is oriented at any & all positions.

2) The solar array and all components of the solar collector system in a Solar Farm shall be kept at least one hundred (100) feet from a property line or right-of-way. However, this requirement may be waived, provided the solar farm's owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the required minimum setback be waived, from all property owners and affected road authorities adjoining the zoning lot on which the solar farm is to be located (as determined by DeKalb County Community Development Department). However, in no instance shall any part of a solar farm, be located within fifty (50) feet of any of the aforementioned items

3) No solar energy system shall be allowed to be placed in the front yard of any residentially used or zoned property.

4) Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.

Height Requirements

1) Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any Zoning District, as stated in Article 5** of the DeKalb County Zoning Ordinance.

2) Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located.

Other Requirements

1) Upon request from the DeKalb County Community Development Department, an owner of a commercial Solar Energy System must provide documentation, within thirty (30) days, that the Solar Energy System is still in use. If it is not, the owner of the System will have 180 days, after notification from the Zoning Department, to remove

the Solar Energy System from the property.

2) Upon request from the DeKalb County Community Development Department, the owner or operator of a Solar Farm or a Solar Garden must submit, within 14 days, a current operation and maintenance report to the Department.

3) In all undeveloped areas, the Solar Energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the DeKalb County Zoning Dept. before a permit or Special Use Permit will be issued.

4) No fencing is required however if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

5) Any lighting for Solar Farms / Gardens shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

6) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

7) Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

8) Solar Energy Systems must be in compliance with ALL State of Illinois Building, Electric, Plumbing and Energy Codes.

Design Standards: Active solar energy systems shall be designed to conform to the county comprehensive plan and to blend into the architecture of the building or may be require to be screened from routine view from public right-of-ways other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1) *Building Integrated Photovoltaic Systems.* Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2) *Solar Energy Systems with Mounting Devices.* Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.

3) *Reflectors.* All solar energy systems using a reflector to enhance solar production shall

minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

4) *Aviation Protection*. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

Plan Approval Required: All solar energy systems shall require administrative plan approval by the DeKalb County Building official via the review of the application for a building permit.

1) *Plan Applications*. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

    a) *Pitched Roof Mounted Solar Energy Systems*. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

    b) *Flat Roof Mounted Solar Energy Systems*. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

2) *Plan Approvals*. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Director of Community Development and shall not require Planning and Zoning Committee review. Plan approval does not indicate compliance with Building Code or Electric Code.

Approved Solar Components: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

Compliance with Building Code: All active solar energy systems shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems

shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable.

Compliance with State Electric Code: All photovoltaic systems shall comply with the Illinois State Electric Code.

Compliance with State Plumbing Code: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

Compliance with State Energy Code: All photovoltaic systems and solar thermal systems shall comply with the Illinois State Energy Code.

Utility Notification: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

Principal Uses. DeKalb County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the zoning lot or lots are special uses in selected districts.

a) Solar gardens: DeKalb County permits the development of unincorporated county solar gardens, subject to the following standards and requirements:

   Rooftop Gardens Permitted. Rooftop community systems are permitted in all zoning districts where buildings are permitted.

   Ground-Mount Gardens. Ground-mount community solar energy gardens must be less than twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.

   Stormwater and NPDES. Solar gardens are subject to DeKalb County's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

   Interconnection. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

   Aviation Protection. For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

   Other Standards. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

b) *Solar farms*: Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

1) *Special Use Permit.* Solar farms are special uses in agricultural district.

2) *Stormwater and NPDES.* Solar farms are subject to DeKalb County's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

3) *Ground Cover and Buffer Areas.* Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Soil Water Conservation District and paid for by the developer. DeKalb County has a Noxious Weed Ordinance which is to be followed. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually, and paid for by the developer.

4) *Foundations.* 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.

5) *Other Standards and Codes.* All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

6) *Power and Communication Lines.* Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by DeKalb County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Director of Community Development. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.

7) *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, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by DeKalb County. The site plan should also show all zoning districts, and overlay districts.

8) *Aviation Protection.* For solar farms located within 500 feet of an airport or within

approach zones of an airport, the applicant must 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.

9) *Endangered Species and Wetlands.* Solar farm 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.

Liability insurance and indemnification

1) 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 $3 million per occurrence and $5 million in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of $20 million or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.

2) For Private / Individual SES(s), commencing with the issuance of building permits, the Applicant or Owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Director of Community Development.
3) Any SES(s), Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County 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 SES(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 county's other indemnification rights available under the law.

Decommissioning

1) 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.

2) Decommissioning of solar panels must occur in the event they are not in use for 90 consecutive days.

3) *The owner or operator will have 6 months to complete the decommissioning plan after operation of a Solar Farm or Solar Garden stops being operational.*

4) 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.

5) The DeKalb County Board 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 a bond may be required prior to the issuance of a building permit for the facility.*

6) In the event that the State of Illinois enacts a law with regards to the decommissioning of a Solar Farm, the strictest requirements shall prevail.

MEMO

DATE: October 25, 2018

TO: Poplar Grove Village Board

FROM: Village of Poplar Grove Planning and Zoning Commission

SUBJECT: Recommendation— Case 2018-08: Poplar Grove Solar, LLC, 4324 IL Route 173 (West Half)

REQUEST AND LOCATION:
The applicant, Poplar Grove Solar, PO Box 310, Highland Park, IL 60035, on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114, is requesting a special use to install non-building mounted solar collectors (total of 18 acres, western phase) for export of energy for use by an electrical utility at 4324 Illinois Route 173 within LI, Light Industrial District (Poplar Grove Zoning Ordinance Sections 8-6-11-B-2 and 8-5-7 Special Use. Part of PIN: 03-14-300-002. The property is rectangular in shape and is currently being farmed. The solar farm will be on the northwestern part of the property, away from Illinois Route 173. There is a cluster of single family residential to the east and a farmstead to the northwest.

RECOMMENDATION:
The Planning and Zoning Commission **approved** case number 2018-08 subject to the following *amended* conditions:

1. Substantial compliance with the narrative (*with an amended setback table to mirror those on the site plan)* and site plan submitted, unless otherwise noted.
2. All vegetation shall be approved by the Boone County Conservation District. Pollinator friendly vegetation shall be used.
3. A decommissioning and reclamation plan shall be submitted to and approved by the Village of Poplar Grove prior to the commencement of the development.
4. A surety, covering the complete execution of the decommissioning and reclamation plan for when the project ends shall be posted prior to the commencement of the development.
5. An agricultural drainage tile system survey shall be conducted prior to commencement of the project. All identified drain tile shall be protected and repaired if damaged.
6. The drainage way located in Phase II shall be left unobstructed.
7. The applicant shall provide training to Boone County Fire District 3 pertaining to the hazards in conducting fire control and extinguishment of the proposed solar system.
8. *Inspection risers shall be installed between PINs: 03-14-300-001 and 03-14-300-002 and Illinois Route 173.*

The motion to add condition 8, amend condition 1 and approve case 2018-08 for a solar farm at 4324 IL Route 173 (west half) carried with a 6-0 roll call vote.

_____
Jake Dykstra, Chairman
Poplar Grove Planning and Zoning Commission

MEMO

DATE: October 25, 2018

TO: Poplar Grove Village Board

FROM: Village of Poplar Grove Planning and Zoning Commission

SUBJECT: Findings of Fact for Case 2018-08: Poplar Grove Solar, LLC, 4324 IL Route 173 (West Half)

REQUEST AND LOCATION:
The applicant, Poplar Grove Solar, PO Box 310, Highland Park, IL 60035, on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114, is requesting a special use to install non-building mounted solar collectors (total of 18 acres, western phase) for export of energy for use by an electrical utility at 4324 Illinois Route 173 within LI, Light Industrial District (Poplar Grove Zoning Ordinance Sections 8-6-11-B-2 and 8-5-7 Special Use. Part of PIN: 03-14-300-002. The property is rectangular in shape and is currently being farmed. The solar farm will be on the northwestern part of the property, away from Illinois Route 173. There is a cluster of single family residential to the east and a farmstead to the northwest.

FINDINGS OF FACT:
Per Section 8-5-7(D) of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

A. **Findings: The establishment, maintenance or operation of the special use would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

There are many kinds of solar farms, each having their own set of environmental impacts. Solar farms can be thousands of acres in size, some require that all vegetation be removed which impacts wildlife by loss of habitat, some are constructed on cement pads that increase surface water run-off, some radiate heat and some feed into a tower that can be dangerous for birds and insects. The proposed solar farm will be 36 acres in size, have adequate vegetation, create minimal surface water run-off and is not anticipated to create a noticeable amount of heat or glare.

Considering the existing zoning of the property and the potential development that is permitted, the solar farms, with proper conditions of approval, would have less of an impact to neighboring properties. An increased setback is being utilized along the west property line to provide an additional buffer between the project and nearby properties. The addition of pollinating plants will benefit the community while providing a low maintenance vegetative cover rather than grass seed which can become unsightly.

B. **Findings: The special use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

Industrial and commercial development are already permitted. The solar farm will be required to adhere to all local, state and federal regulations in addition to the conditions of approval. The height (and potential shadow casting) and lot coverage of the solar panels are less than what is permitted while the setbacks are greater. The amount of traffic generated by the solar farm is less than an industrial or commercial development would create. Due to the NRI report, drainage ways and agricultural drainage tiles were discovered and can now be protected.

C. **Findings: The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

The solar farms are not anticipated to impact the ability for the surrounding properties to be used agriculturally. The addition of pollinators is intended to be a benefit to the agricultural community. The solar farm is not anticipated to create additional heat, odor, light or noise that would infringe on the nearby residents' enjoyment of their properties.

D. **Findings: Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

The property is located along Illinois Route 173 which can adequately handle construction equipment and increased traffic during construction. Access roads, drainage and additional power lines and power poles will be installed by the developer in accordance to the project's needs and submitted narrative and site plan.

E. **Findings: Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

Once construction of the special use is complete there will be minimal traffic generated by the routine maintenance and monitoring of the site. An access road will be wide enough to handle two-way traffic for instance when multiple vehicles are present.

F. **Findings: The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.**

The special use will be required to conform to all the applicable regulations of the Zoning Ordinance, the Subdivision Ordinance, all other regulations and to any conditions of approval enacted by the Village Board.

The motion to adopt the Findings of Fact for case 2018-08 for a special use to permit a solar farm at 4324 IL Route 173 (West Half) carried with a (6-0) roll call vote.

_____

Jake Dykstra, Chairman
Poplar Grove Planning and Zoning Commission

ORDINANCE # 2018_____

AN ORDINANCE GRANTING A SPECIAL USE FOR A SOLAR FARM WITHIN THE LI, LIGHT INDUSTRIAL DISTRICT (4324 Illinois Route 173 (West Half))

WHEREAS, the Village of Poplar Grove has adopted Title 8, Zoning in accordance with the provisions of Illinois Compiled Statutes, to regulate the use of land and specify the minimum requirements for improvements on land in the Village of Poplar Grove; and

WHEREAS, special uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property and are reviewed on a case by case basis, and are permitted only by permission of the Poplar Grove Village Board; and,

WHEREAS, the applicant, Poplar Grove Solar LLC, PO Box 310, Highland Park, IL 60035 on behalf of the property owner, DYN 173 LLC (First Rockford Group), 6801 Spring Creek Road, Rockford, IL 61114 has petitioned the Village for a special use for a solar farm at 4324 Illinois Route 173 (West Half); and,

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the Village of Poplar Grove Planning and Zoning Commission held a public hearing on October 24, 2018 concerning the proposed special use; and,

WHEREAS, the Village of Poplar Grove Planning and Zoning Commission having examined said application and having considered the evidence, both oral and documentary, and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the Village considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF POPLAR GROVE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. That a special use in the LI, Light Industrial District for a solar farm on the property (as depicted on Attachment A) legally described as:

> The South Half of the Southwest Quarter of Section 14; also all that part of the North Half of the Northwest Quarter of Section 23, lying North of the right of way of the Chicago Northwestern Railway Company, excepting

from the above one acre in said Northwest Quarter of Section 23, deeded to Wayne Wheeler, as appears of record in Book 94 of Deeds, Page 533, Boone County Records, and excepting 4.84 acres in the South Half of the Southwest Quarter of Section 14, deed to Floyd Newhouse, as appears of record in Book 103 of Deeds, on Page 444 also excepting "Tract A" containing .971 acres and "Tract B" containing 4.856 acres in South Half of the Southwest Quarter of Section 14 deed to Floyd Newhouse and Wife, as appears of record in Book 111 of Deeds, Page 359 Boone County Records and also excepting that part of the Northwest Quarter of said Section 23 Deed to John Bullard and Wife, as appears of Record in Book 106 of Deeds, on Page 504 Boone County Records all of the above situated in Township 45 North, Range 3 East of the Third Principal Meridian, in Boone County, State of Illinois and more particularly described as follows to wit:

Part of the Southwest Quarter (1/4) of Section Fourteen (14), Township Forty-Five (45) North, Range Three (3) East of the Third Principal Meridian, bounded and described as follows, to wit: Beginning at the Southwest Corner of the Southwest Quarter of said Section; thence North 00 degrees 36 minutes 51 seconds East, along the West line of the Southwest Quarter of said Section 1326.34 feet to the North Line of the South Half of the Southwest Quarter of said Section; thence South 89 degrees 49 minutes 33 seconds East, along the North Line of the South Half of the Southwest Quarter of said Section 2400.02 feet to the West Line of "Tract A" of premises conveyed Allan B. Wares to Floyd Newhouse and Shirley Newhouse by quit claim deed dated December 26, 1952 and recorded in Book 111 of Deeds on Page 359 in the Recorder's Office of Boone County, Illinois; thence South 00 degrees 38 minutes 50 seconds West, along the West Line of "Tract A" of said premises so conveyed to Newhouse as aforesaid and the Southerly extension thereof, 1324.88 feet to the South Line of the Southwest Quarter of said Section; thence North 89 degrees 51 minutes 38 seconds West, along the South Line of the Southwest Quarter of said Section 2399.26 feet to the Point of Beginning, subject to the rights of the public and State of Illinois in and to those portions thereof taken, used or dedicated for public road purposes. Situated in the County of Boone and State of Illinois. Part of PIN: 03-14-300-002.

Be and is hereby approved, subject to the following conditions:

1. Substantial compliance with the narrative (with an amended setback table to mirror those on the site plan) and site plan submitted, unless otherwise noted. (Attachment B)

2. All vegetation shall be approved by the Boone County Conservation District. Pollinator friendly vegetation shall be used.

3. A decommissioning and reclamation plan shall be submitted to and approved by the Village of Poplar Grove prior to the commencement of the development.

4. A surety, covering the complete execution of the decommissioning and reclamation plan for when the project ends shall be posted prior to the commencement of the development.

5. An agricultural drainage tile system survey shall be conducted prior to commencement of the project. All identified drain tile shall be protected and repaired if damaged.

6. The drainage way located in Phase II shall be left unobstructed.

7. The applicant shall provide training to Boone County Fire District 3 pertaining to the hazards in conducting fire control and extinguishment of the proposed solar system.

8. Inspection risers shall be installed between PINs: 03-14-300-001 and 03-14-300-002 and Illinois Route 173.

Section 2. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the Village of Poplar Grove and shall not be used except as may otherwise be expressly authorized by this Special Use.

Section 3. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Section 5. Except as expressly modified or amended in this Ordinance, all other terms, conditions, and provisions of the Village Code of Ordinances not so modified or amended, shall remain in full force and effect; provided, however, that any provision of the Village Code of Ordinances shall be deemed modified as necessary to give practical effect to the provisions of this Ordinance. To the extent that the terms and provisions of this Ordinance conflict the Village Code of Ordinances, the terms and provisions of this Ordinance shall control.

PASSED by the Village Board of the Village of Poplar Grove this ____ day of _____, 2018.

APPROVED by the President of the Village of Poplar Grove this ____ day of _____, 2018.

_____
Owen Costanza, Village President

ATTEST:

_____
Karri Anderberg, Village Clerk

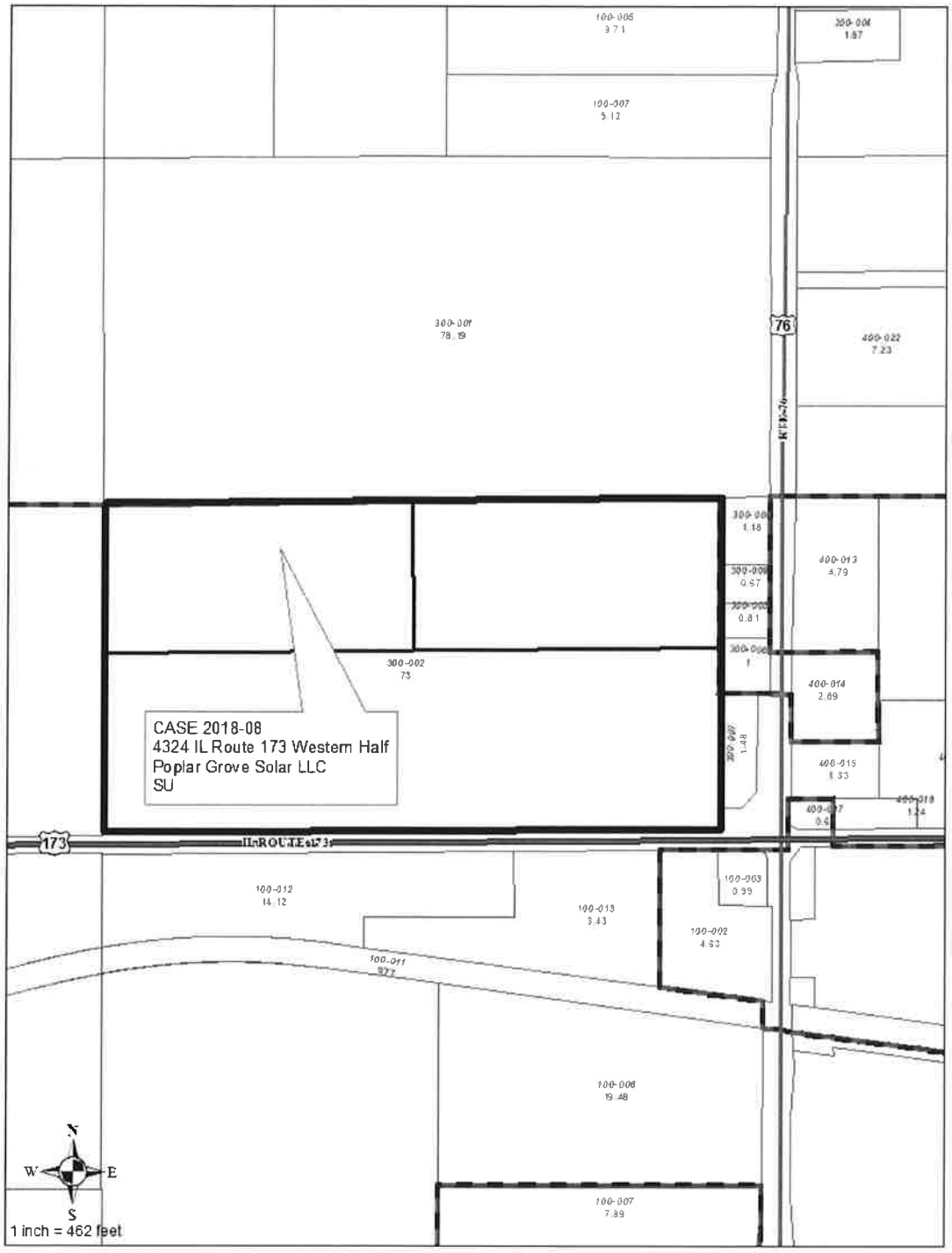
Ayes:____ Nays: ____ Absent ____

Village Board Members Voting Aye:____

Village Board Members Voting Nay:____

Date Published: _____ Sponsor:_____

Attachment A



Attachment B

Trajectory Energy Partners

EXECUTIVE SUMMARY

Poplar Grove Solar – Phase 2

Poplar Grove Solar, LLC - Phase 2 (the "Applicant") proposes to develop a community solar project approximately 2 MW AC in size, on approximately 17 acres of land located north of Illinois Route 173 and west of Fairgrounds Road in the Village of Poplar Grove, Boone County, Illinois. The Poplar Grove Solar, LLC community solar project (the "Solar Project") will be located within a portion of the parcel with PIN 03-14-300-002 (the "Project Parcel") owned by DYN 173, LLC (the "Landowner"). The Applicant is submitting this Petition for Special Use pursuant to and in compliance with the requirements set forth under Sections 8-5-4 and 8-5-7 of the Village of Poplar Grove Zoning Ordinance (the "Zoning Ordinance"), as amended by the Applicant's approved Text Amendment Submitted July 24th, 2017.

The proposed Solar Project will serve the electricity needs of 300 to 400 homes. Once installed and commissioned, the Solar Project will be continuously monitored, and engineers and maintenance technicians will visit the Solar Project a few times a year for routine maintenance and any required repairs. Post-construction, the Solar Project will generate minimal traffic, with visits to the site occurring solely in connection with routine and required maintenance.

About Trajectory Energy Partners, LLC

Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Trajectory Energy Partners, LLC brings together communities, organizations, and land owners to develop clean energy projects that are integrated into the local landscape and community.

The Future Energy Jobs Act and Community Solar Projects

Under Illinois Public Act 99-0906, commonly known as the Future Energy Jobs Act ("FEJA"), the Illinois Power Agency is currently promulgating a set of regulations and incentives to allow the creation of such community solar projects. The Solar Project is intended to be a community solar project under FEJA, which would allow residential and commercial customers to subscribe to the Solar Project. The Solar Project will support FEJA's goals of increasing the adoption and availability of renewable energy to Illinois residents and businesses.

Economic and Environmental Benefits

The Solar Project will provide economic and environmental benefits to the community. Poplar Grove residents and businesses will have an opportunity to subscribe to the Solar Project. These subscribers will support clean energy in their community while benefiting from savings on their electricity bills. In addition, the Solar Project will create new tax revenues for the community and generate economic activity through local construction, materials, and services.

Trajectory Energy Partners

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Exhibit A: Project Location

Exhibit B: Site Plan

Exhibit C: Zoning Diagram

Exhibit D: EcoCAT Consultation

Exhibit E: Impacts Study

Trajectory Energy Partners

I. APPLICANT INFORMATION

The Applicant is a limited liability company, a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Jonathan Carson is an Authorized Representative of the Applicant.

Applicant:

Poplar Grove Solar, LLC
c/o Trajectory Energy Partners, LLC
Attn: Jon Carson
P.O. Box 310
Highland Park, IL 60035
(312) 882-3713
legal@trajectoryenergy.com

Landowner:

DYN 173, LLC
c/o First Midwest Group
Attn: Marvin L. Keys
6801 Spring Creek Road
Rockford, IL, 61114
(815)-229-3000

II. PROJECT DESCRIPTION

a. General Description

The Solar Project will be located on approximately 17 acres in the Village of Poplar Grove, Section 14, Township 45 North, Range 3, Boone County, Illinois, Property Index Number: 03-14-300-002. See Exhibit A: Project Location.

Legal Description

PIN 03-14-300-002:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14; ALSO ALL THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, LYING NORTH OF THE RIGHT OF WAY OF THE CHICAGO NORTHWESTERN RAILWAY COMPANY, EXCEPTING FROM THE ABOVE ONE ACRE IN SAID NORTHWEST QUARTER OF SECTION 23, DEEDED TO WAYNE WHEELER, AS APPEARS OF RECORD IN BOOK 94 OF DEEDS, PAGE 533, BOONE COUNTY RECORDS, AND EXCEPTING 4.84 ACRES IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, DEED TO FLOYD NEWHOUSE, AS APPEARS OF RECORD IN BOOK 103 OF DEEDS, ON PAGE 444 ALSO EXCEPTING "TRACT A" CONTAINING .971 ACRES AND "TRACT B" CONTAINING 4.856 ACRES IN SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14 DEED TO FLOYD NEWHOUSE AND WIFE, AS APPEARS OF RECORD IN BOOK 111 OF DEEDS PAGE 359 BOONE COUNTY RECORDS AND ALSO EXCEPTING THAT PART OF THE NORTHWEST QUARTER OF SAID SECTION 23 DEED TO JOHN BULLARD AND

Trajectory Energy Partners

WIFE, AS APPEARS OF RECORD IN BOOK 106 OF DEEDS, ON PAGE 504 BOONE COUNTY RECORDS ALL OF THE ABOVE SITUATED IN TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BOONE COUNTY, STATE OF ILLINOIS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION FOURTEEN (14), TOWNSHIP FORTY-FIVE (45) NORTH, RANGE THREE (3) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 00°36'51" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1326.34 FEET TO
THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 89°49'33" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION, 2400.02 FEET TO THE WEST LINE OF TRACT "A" OF PREMISES CONVEYED ALLAN B. WARES TO FLOYD NEWHOUSE AND SHIRLEY NEWHOUSE BY QUIT CLAIM DEED DATED DECEMBER 26, 1952 AND RECORDED IN BOOK 111 OF DEEDS ON PAGE 359 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS; THENCE SOUTH 00°38'50" WEST, ALONG THE WEST LINE OF TRACT "A" OF SAID PREMISES SO CONVEYED TO NEWHOUSE AS AFORESAID AND THE SOUTHERLY EXTENSION THEREOF, 1324.88 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 89°51'38" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 2399.26 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHTS OF THE PUBLIC AND STATE OF ILLINOIS IN AND TO THOSE PORTIONS THEREOF TAKEN, USE OR DEDICATED FOR PUBLIC ROAD PURPOSES. SITUATED IN THE COUNTY OF BOONE AND STATE OF ILLINOIS

The project is located on the portion of the Project Parcel that is currently zoned as Light Industrial District. Pursuant to the Applicant's requested text amendment under Sections 8-5-4 the Zoning Ordinance, solar farms are permitted as a special use in the Light Industrial District. See Exhibit C: Zoning Diagram.

b. Site Plan and Phases

A Site Plan detailing the placement of the solar arrays and proposed access is included in this application. The proposed Solar Project is indicated on the Site Plan as Phase 2. The Applicant is concurrently submitting a Special Use Application for Phase 1. Each Phase contains a single 2MW AC community solar farm. Pursuant to the regulations and policies implementing FEJA, a single parcel may contain up to two 2MW AC community solar farms. The incentives required to construct each community solar farm are intended to be allocated by lottery, and thus each Phase may be awarded such incentives separately, and if both receive incentives, at different times. Thus, the Applicant may construct Phase 2 prior to Phase 1, or may only construct one of the two Phases if incentives are not available for both Phases. See Exhibit B: Site Plan.

c. Equipment Detail

The Solar Project will consist of equipment to generate electricity from solar energy, including rows of photovoltaic cell panels on a single-axis tracking system, racking, inverters, and perimeter fencing. Support poles will be driven into the ground. Transformers and other electrical equipment will be located on one to two small concrete pads measuring approximately 6' x 10' for each Phase. Panels will be installed in a north-south configuration on a rotating mounting system that will track the sun throughout the day. The panels will be

Trajectory Energy Partners

designed with an anti-reflective coating to minimize glare from the Solar Project and prevent impacts to avian wildlife including birds and bats. The Solar Project is intended to operate for a period of at least 25 years and will be constructed with solar panels and other electrical equipment with long-term warranties and very low expected rates of replacement.

The components of the Solar Project will comply with the current edition of the National Electric Code and be UL listed or meet a comparable safety standard. The Solar Project's electrical collection lines will be underground and then brought together for connection to the transmission network rather than directly to a substation. For each Phase, three on-site poles will convey powerlines to utility-owned poles and on to a proposed interconnection point within the Solar Project's footprint. See Exhibit B: Site Plan.

d. Fencing, Access, Drainage and Landscaping

Each Phase of the Solar Project will be enclosed by a 7' chain-link fence, as required by the National Electrical Code. The Solar Project will be accessed from IL 173 along a dedicated access road and through a gated entrance with a maximum width of 24'.

Vegetation under and around the Solar Project will be maintained by periodic mowing, inspections, and weed management as appropriate. The Solar Project will add cover vegetation to the site that traditionally been utilized for row crop. In doing so, drainage and runoff is expected to improve through the improved absorption of rain and melting snow and ice. No impervious surfaces will be added to Parcel, with the exception of one to two small concrete pads measuring roughly 6' x 10' for each Phase. The Solar Project will adhere to the Illinois Environmental Protection Agency (IEPA) Construction Stormwater Permit Requirements.

In addition, the Solar Project will work with the Village and the Landowner to specify low-growing grasses or pollinator-friendly plantings to be planted as a buffer around the Solar Project. The pollinator-friendly species are intended to facilitate local pollinator habitat, improve water infiltration, prevent compaction, and control erosion while increasing microbial activity and production of organic matter.

e. Total Height of Solar Arrays and Other Structures

The total overall height of the facility will not exceed 12'.

f. Requested Duration

The Illinois Power Agency and Illinois Commerce Commission are currently finalizing rules for community solar projects under FEJA, and are not expected to have finalized those rules and opened applications for renewable energy credits until the end of 2018. The Applicant will not be able to move forward with constructing either Phase of the Solar Project until it has received approval for such renewable energy credits, and until weather and ground conditions are favorable for installation. Therefore, in order to anticipate any delays in the implementation of

Trajectory Energy Partners

FEJA or the required interconnection engineering work with ComEd, the Applicant requests that the duration of the Special Use Permit be set at 36 months.

g. Proposed Setback Dimensions

See Exhibit B: Site Plan

TABLE 1: SETBACK TABLE

	Village Requirement	Proposed Setbacks
Light Industrial: Front	30'	> 650'
Light Industrial: Western Side	20'	> 700'
Light Industrial: Eastern Side	20'	100' with buffer plantings proposed.
Light Industrial: Rear	30'	30'

See Exhibit B: Site Plan.

h. Environmental Impact

The Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT) consultation has been terminated with respect to the Solar Project site. See Exhibit D: EcoCAT Consultation.

The Solar Project will comply with all local, state, and federal environmental regulations. A Natural Resource Inventory (NRI) has been requested from the Boone County Soil and Water Conservation District.

The Solar Project shall be constructed, operated and maintained in compliance with federal, state, and local laws, including with respect to the removal and disposal of solid waste generated thereby. The Solar Project will also be maintained in a clean and neat manner, and any such solid waste will be removed as appropriate, with all costs borne by the Applicant.

i. Ingress and Egress During Construction and Thereafter

One improved, gravel access road will provide ingress and egress from the Solar Project site to IL 173 both during construction and thereafter. The applicant will use a watering truck as necessary to control dust during construction. See Exhibit B: Site Plan.

j. Construction and Maintenance; Traffic

The active construction period for each Phase of the Solar Project is expected to begin at the earliest in Spring 2019 and the construction of each Phase will last approximately 3 to 6 months. Construction will require trucks no larger than a typical 18-wheeler to deliver materials to the site, and onsite equipment will be used to drive pilings into the ground and install the panels, supports, and tracking equipment. Construction workers and personnel will

Trajectory Energy Partners

arrive in pick-up trucks. Typically, solar installations do not require the use of cranes. Construction hours will follow a typical daily construction schedule.

The operations and maintenance of the Solar Project will generate minimal traffic. Because the Solar Project will be continuously monitored electronically off-site, engineers and maintenance technicians will visit the Solar Project a few times a year for routine maintenance and any repairs. Landscaping will be managed regularly during the growing season as described below.

k. Public Road Routes
The public road route will utilize IL 173, which is paved and designed for construction traffic.

l. Warning Signage
The Applicant will place signs warning of high voltage at the entrance to the solar facility as well as on the base of all pad mounted transformers. In addition, the Solar Project will prominently display a sign providing emergency contact information including the name of the solar facility, address, and the emergency contact telephone numbers for the Solar Project and the Operations and Maintenance contractor.

m. Conformance to Industry and Code Standards/Engineer Certification
The Solar Project will comply with all applicable local and county codes for the electrical, mechanical, and structural components of the facility.

n. Lighting
The Solar Project does not require lighting. No lighting will be installed.

o. Decommissioning
Upon the cessation of operations of the Solar Project, the Applicant will remove the installed Solar Project equipment and restore the site pursuant to its obligations to the Landowner, and will comply with the requirements of any governmental agency respecting the decommissioning and reclamation obligations for the Parcel. In connection with such decommissioning, the Applicant will remove the above-ground structures as well as the installed underground electrical equipment.

p. Property Value Impacts
Property valuation experts from CohnReznick have studied the value of properties that adjoin solar farms in Illinois and Indiana and concluded that the solar farms do not adversely affect the property values in either the short or long term.

The study included solar farms in Lasalle and Winnebago Counties in Illinois; as well as Elkhart, Lake, Madison, Marion and Porter Counties in Indiana. Experts analyzed property sale prices and marketability of single family homes and agricultural land that adjoins solar farms and compared this data to comparable properties in the same county. The study also included interviews with county assessors and local real estate professionals, all of whom concluded that

solar farms in their area had not impacted property values. Similar research has been conducted in other states across the U.S. and none of these studies have found that solar farms adversely affect nearby property values. Please see Exhibit E: Impacts Study.

q. Owners of Record

The following landowners are adjacent to the Project Parcel:

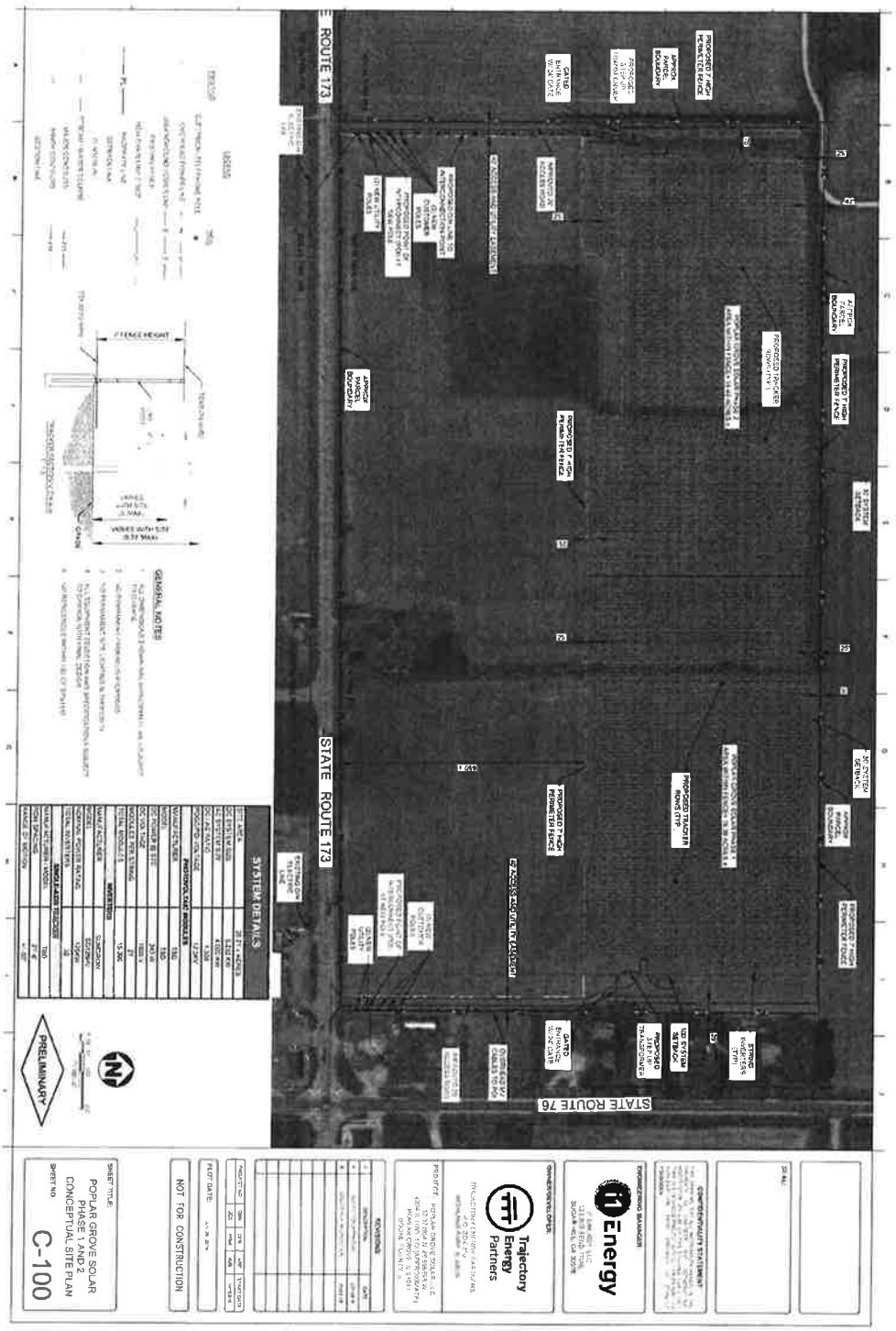
PIN#	Name/Trust No.	Street	City	Zip
03-15-400-011	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-15-400-010	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-001	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-008	MCINTYRE, MICHAEL S & JANE A (HAAS)	15302 IL ROUTE 76	Poplar Grove	61065
03-14-300-009	RABE, DALE A & CANDY E	15270 IL ROUTE 76	Poplar Grove	61065
03-14-300-005	RABE, BENJAMIN	15246 IL ROUTE 76	Poplar Grove	61065
03-14-300-006	GUTHRIE, GLENN S & COLLEEN	15214 IL ROUTE 76	Poplar Grove	61065
03-14-300-007	DELIJAHN INCORPORATED	PO BOX 305	Caledonia	61011
03-23-100-003	NEBIU, ERGEN & NADRIT & MURAT	4481 IL ROUTE 173	Caledonia	61011
03-23-100-002	GRACEFFA, PETER J	4557 IL ROUTE 173	Caledonia	61011
03-23-100-013	POPLAR GROVE STORAGE LLC	6801 SPRING CREEK RD	Rockford	61114
03-23-100-012	DYN 173 LLC	6801 SPRING CREEK RD	Rockford	61114
03-22-200-002	BOONE/POPLAR GROVE LLC	6277 E RIVERSIDE BLVD	Rockford	61114

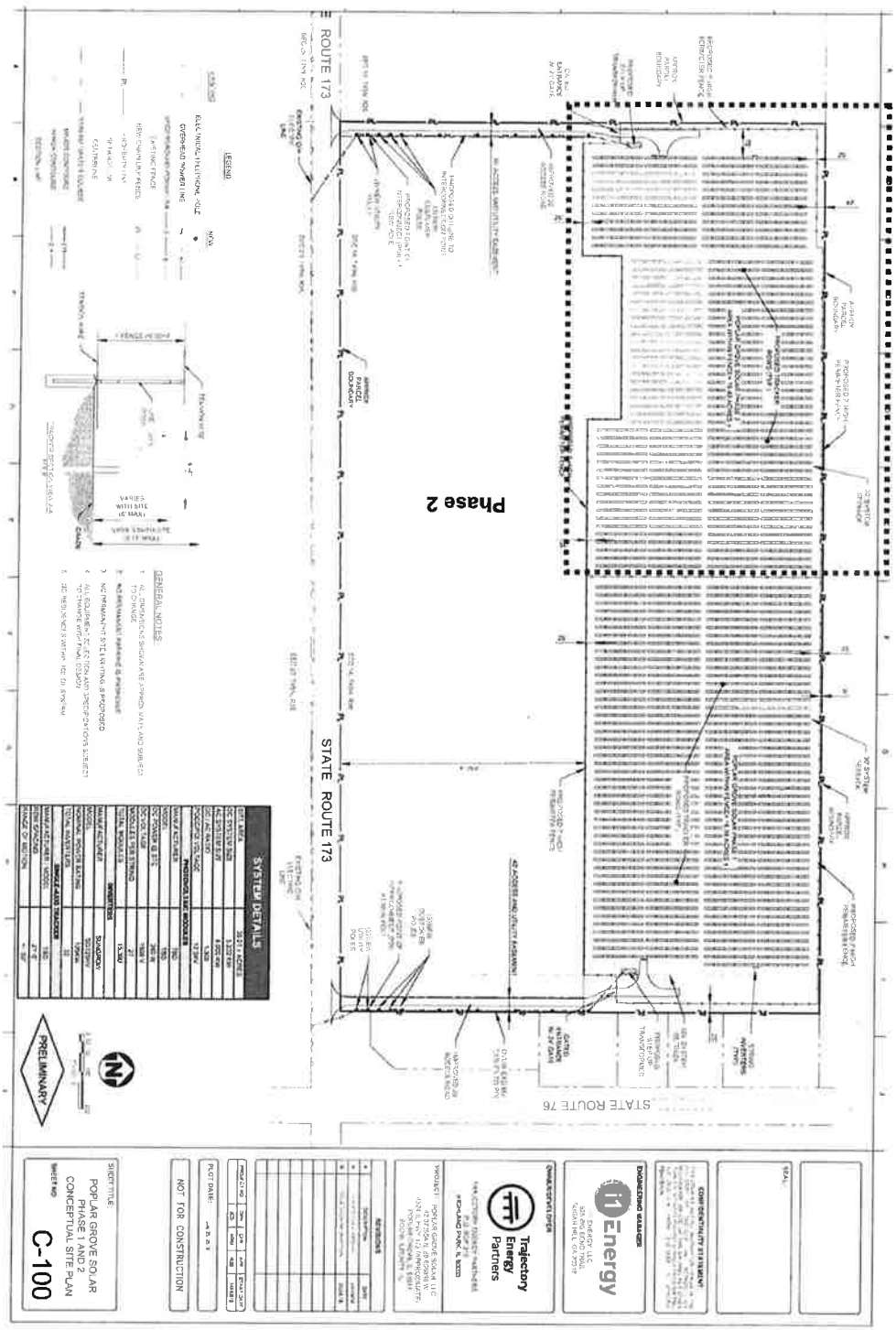
r. **Special Use for Corporations, Partnerships, and Joint Venture**

a. The Applicant is not a corporation, partnership or joint venture.
b. The Applicant is not doing business under an assumed name.
c. The Applicant is acting on its behalf.
d. Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC, P.O. Box 310, Highland Park, IL 60035.

s. **Special Use Fees**

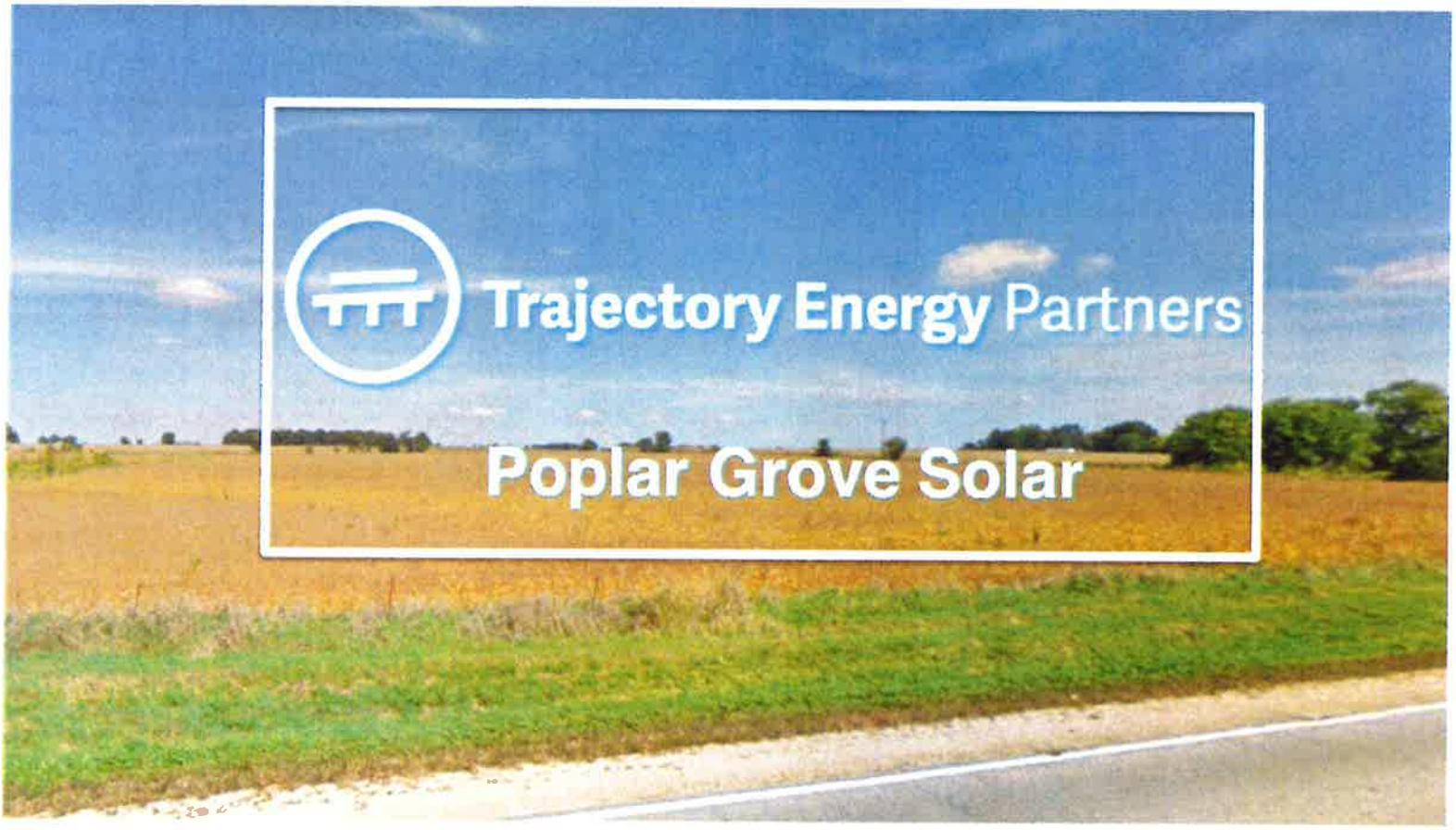
The Applicant has enclosed the filing fee with this application.


STATE ROUTE 173
STATE ROUTE 76
PROPOSED 7' HIGH PERIMETER FENCE
PROPOSED TRACKER ROWS (TYP.)
PROPOSED INVERTER & TRANSFORMER
PROPOSED SUBSTATION
ACCESS ROAD
SYSTEM DETAILS
GENERAL NOTES
PRELIMINARY
NOT FOR CONSTRUCTION
POPLAR GROVE SOLAR PHASE 1 AND 2
CONCEPTUAL SITE PLAN
C-100
Trajectory Energy Partners
Energy


Phase 2
STATE ROUTE 173
STATE ROUTE 76
ROUTE 173
PRELIMINARY
SYSTEM DETAILS
GENERAL NOTES
LEGEND
Trajectory Energy Partners
Energy
POPLAR GROVE SOLAR
PHASE 1 AND 2
CONCEPTUAL SITE PLAN
C-100
NOT FOR CONSTRUCTION

POWER POINT SUBMITTED BY APPLICANT

FOR CASE 2018-08


Trajectory Energy Partners
Poplar Grove Solar

A New Opportunity for Solar in Illinois

The Illinois Future Energy Jobs Act passed in December 2016 creates new opportunities for communities to bring solar power to their homes and business.

Trajectory Energy Partners brings together communities, organizations, and landowners to develop clean energy projects that are integrated into the local landscape and community.

The Basics Of

COMMUNITY SOLAR



Community solar opens up access to communities, governmental entities, organizations, and landowners that can't install solar on their roof or property.
They can participate in a community solar project and be credited for the energy produced by their share of the solar installation.

3

Community Benefits for Poplar Grove

Tax Revenue
The projects will result in increased tax revenue for the community - estimated at $15,000 per project.

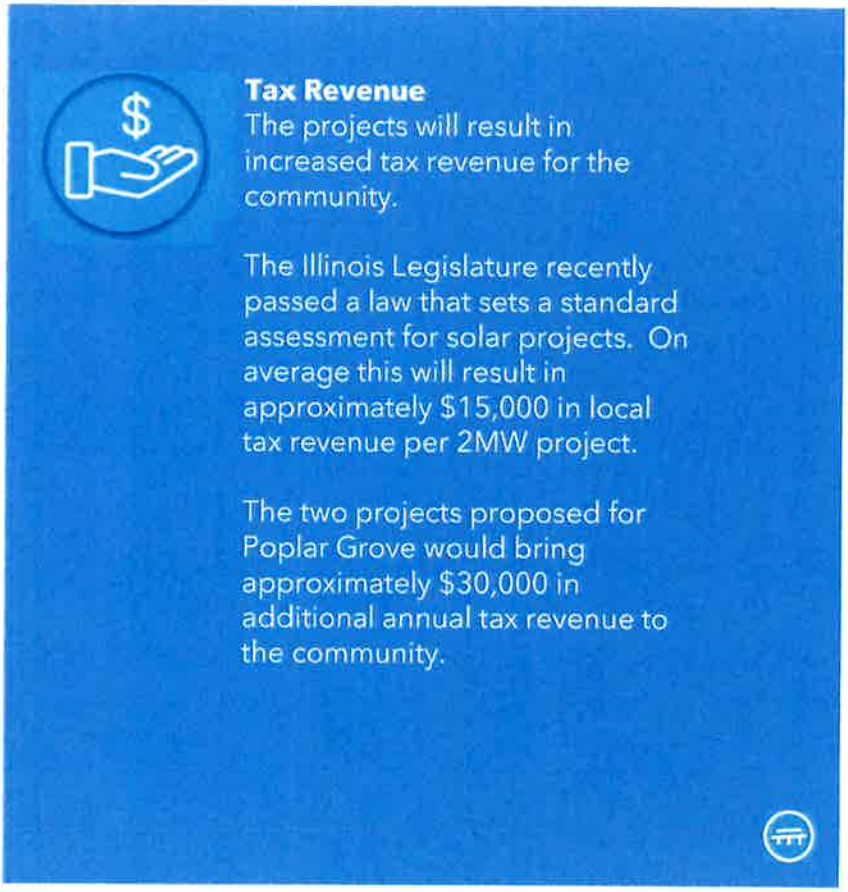
Community Solar Subscriptions
Trajectory will give priority to local electricity users for the energy savings from the community solar system.

Pollinator Friendly Groundcover
Trajectory will incorporate pollinator-friendly groundcover into the landscape of the proposed site.

Educational Opportunities
Trajectory will work with local schools to offer a solar curriculum for students.

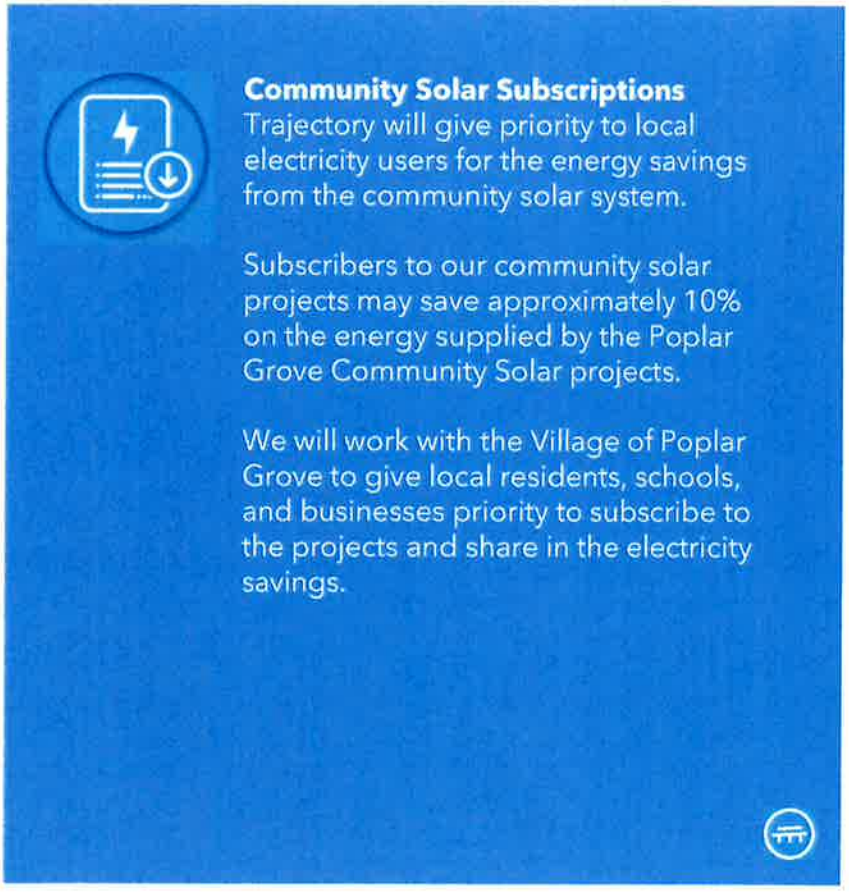
Community Benefits for Poplar Grove

Tax Revenue



Community Benefits for Poplar Grove

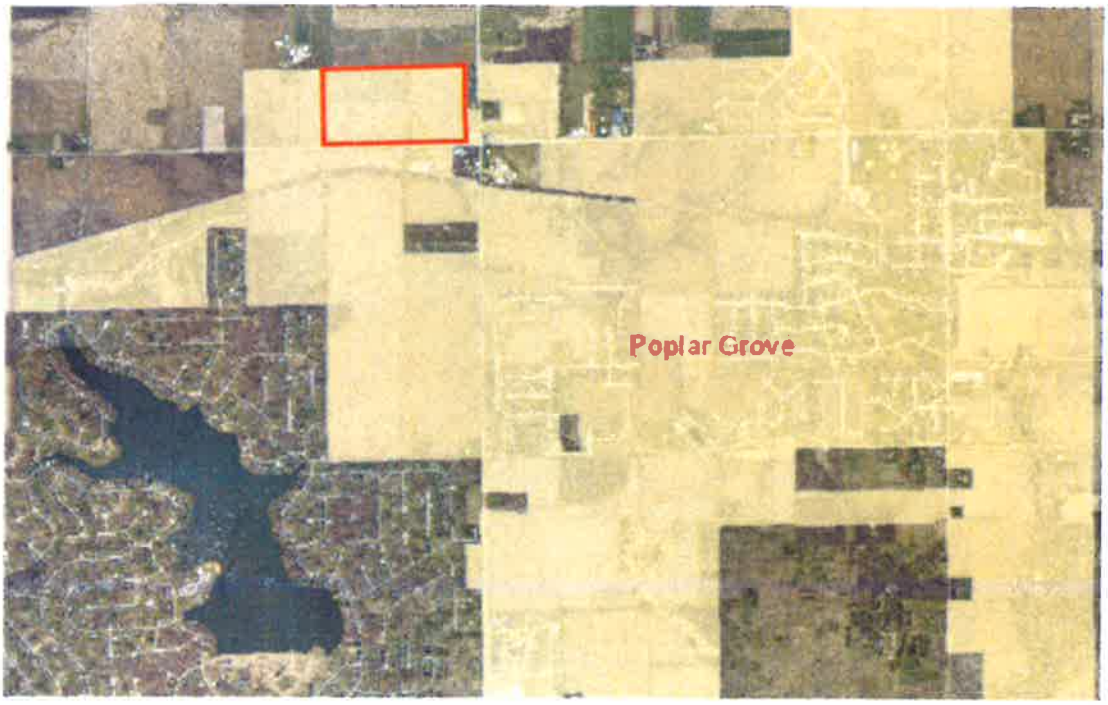
Community Solar Subscriptions



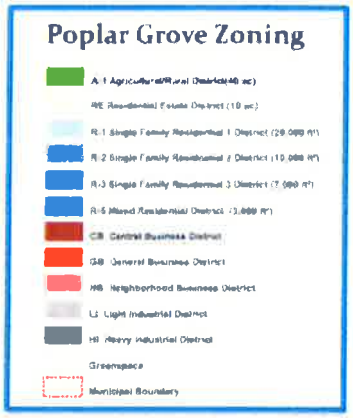
Community Solar in Poplar Grove

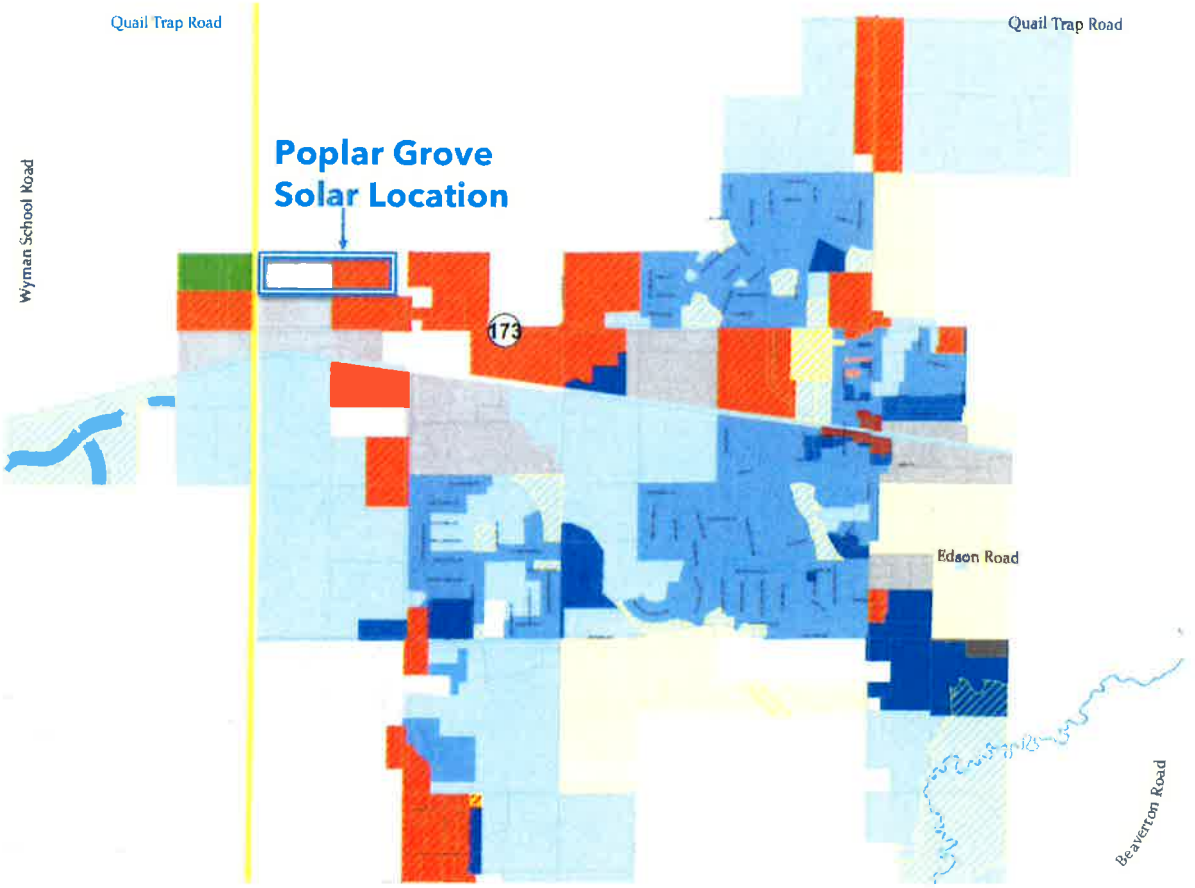
Trajectory Energy Partners has worked with landowner First Midwest Group to identify a potential site for community solar on their property in Poplar Grove.

The site is along Hwy 173 west of Hwy 76. The solar arrays would be located away from the Hwy, leaving the frontage area for future development.



Poplar Grove Zoning

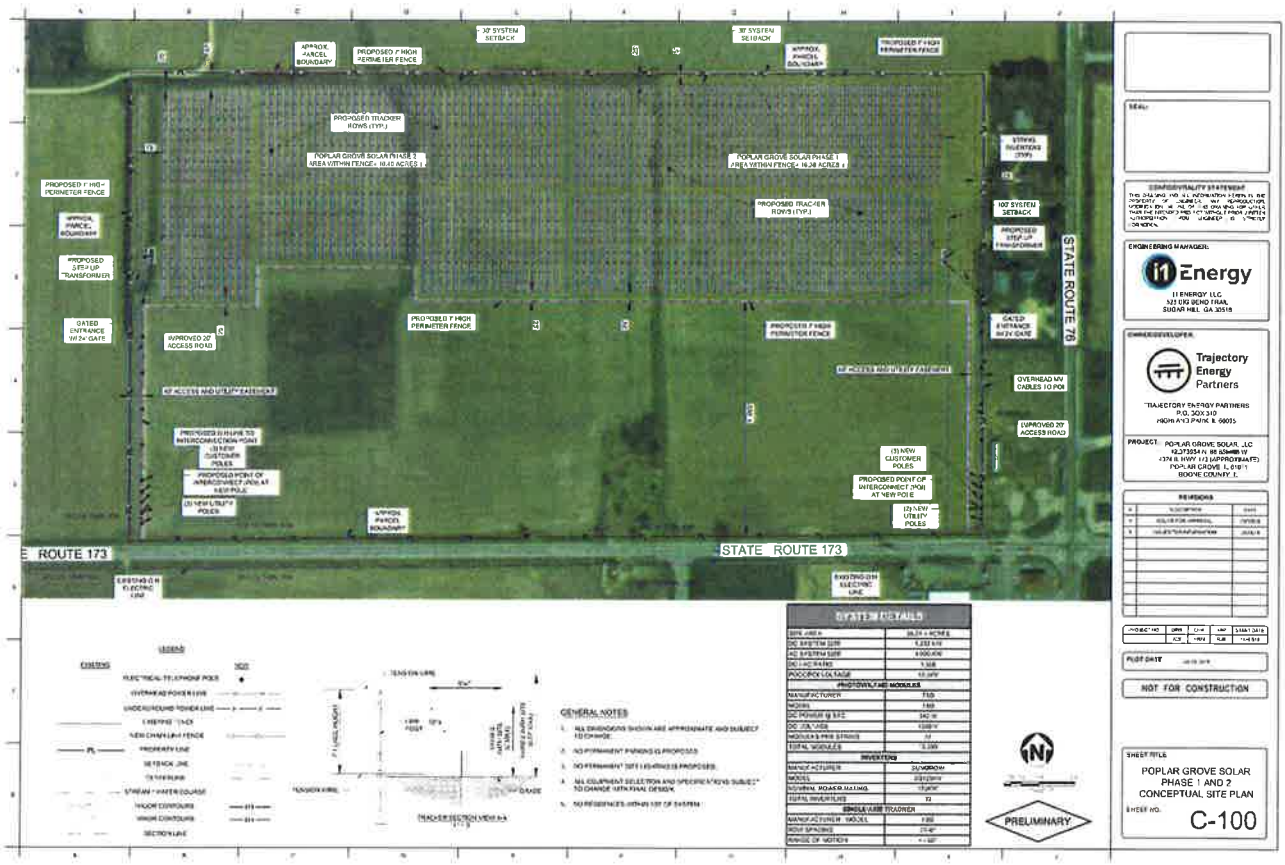




8

Poplar Grove Solar

Site Design




Single Axis
Tracker System



Pollinator Friendly Groundcover

Poplar Grove Solar will have a pollinator friendly groundcover in setback areas and around the solar panels.

Solar Development Process

Key Steps in the Solar Development Process:

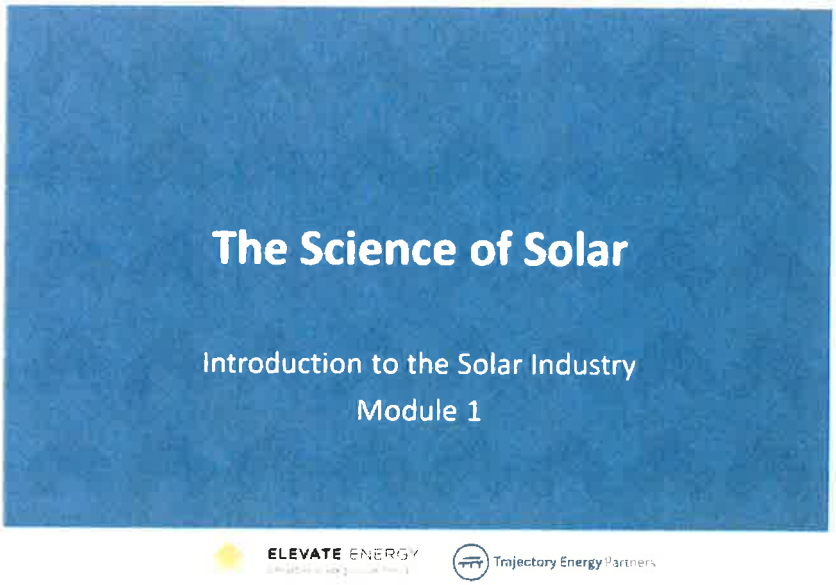
1. Agreement between Landowner and Trajectory
2. Zoning, permitting and utility interconnection processes
3. Apply for Renewable Energy Credits (RECs)
4. Manage project construction
5. Customers subscribe to the community solar project

Community Benefits:

Educational Opportunities

Our educational modules include:

- The Science of Solar, Introduction to the Solar Industry
- Policy and Solar Business, Market Drivers
- An Introduction to Photovoltaic System Design, Design Steps & Considerations



12

About Us

Trajectory Energy Partners brings together communities, organizations, and land owners to develop clean energy projects that are integrated into the local landscape and community.

Partners at Trajectory have executed renewable energy transactions with:

- Amazon
- Apex Clean Energy
- Apple
- Bank of America Merrill Lynch
- Bloom Energy
- BNP Paribas
- Boston Properties
- Campbell's Soup
- CIT Bank
- City and County of Denver
- CoBank
- Cogentrix Energy
- Credit Suisse
- Denver International Airport
- Deutsche Bank
- EDF Renewable Energy
- EDP Renewables
- E.ON SE
- First Energy
- Gap Inc.
- Geronimo Energy
- Google
- JP Morgan
- KeyBank
- Macquarie
- Macy's Inc.
- Morgan Stanley
- NRG
- PGGM
- PNC
- Royal Bank of Scotland
- Salesforce
- Samsung C&T Corporation
- Sempra Generation
- SolarCity
- SunEdison
- SunPower
- Sunrun
- TPG
- U.S. Department of Energy
- Vivint Solar
- Wells Fargo
- Xcel Energy
- Yale University



Trajectory Members have Executed Renewable Energy Transactions with:

Campbell's

Google

DENVER
THE MILE HIGH CITY

Amazon	JP Morgan
Apex Clean Energy	KeyBank
Apple	Macquarie
Bank of America Merrill Lynch	Macy's Inc.
Bloom Energy	Morgan Stanley
BNP Paribas	NRG
Boston Properties	PGGM
Campbell's Soup	PNC
CIT Bank	Royal Bank of Scotland
City and County of Denver	Salesforce
CoBank	Samsung C&T Corporation
Gogentrix Energy	Sempra Generation
Conergy	SMBC
Credit Suisse	SolarCity
Denver International Airport	SunEdison
Deutsche Bank	SunPower
EDF Renewable Energy	TPG
EDP Renewables	U.S. Department of Energy
E.ON SE	Vivint Solar
First Energy	Wells Fargo
Gap Inc.	Xcel Energy
Geronimo Energy	Yale University
Google	

Memorandum

DATE: October 16, 2018

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Community Development Planner

SUBJECT: Staff advisory memo for case: 2018-08: Poplar Grove Solar, LLC, 4324 IL Route 173 (West Half)

REQUEST AND LOCATION:
The applicant, Poplar Grove Solar, PO Box 310, Highland Park, IL 60035, on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114, is requesting a special use to install non-building mounted solar collectors (total of 18 acres, western phase) for export of energy for use by an electrical utility at 4324 Illinois Route 173 within LI, Light Industrial District (Poplar Grove Zoning Ordinance Sections 8-6-11-B-2 and 8-5-7 Special Use. Part of PIN: 03-14-300-002. The property is rectangular in shape and is currently being farmed. The solar farm will be on the northwestern part of the property, away from Illinois Route 173. There is a cluster of single family residential to the east and a farmstead to the northwest.

BACKGROUND:
The property is currently zoned light industrial on the western half and general business on the eastern half and was annexed into the Village of Poplar Grove in 2005. Along with the special uses for Phase 1 (east half) and Phase II (west half) of a solar farm, the applicant has also petitioned for a rezoning of the northeastern half of the property to Light Industrial. The Light Industrial District allows for vehicle related sales/services, light manufacturing/industrial and wireless communication facilities by right and rail transit stations, airports/heliports and indoor warehouse/wholesale by special use. Development in the light industrial district can create 65% lot coverage, buildings can be 50 feet in height and constructed 20 feet from the side lot line and 30 feet from the rear lot line.

Although traditional development is permitted 20 feet from the western property line and 30 feet from the northern property line, the solar panels will be constructed 75 feet from the western property line and 30 feet from the northern property line.

The special uses consist of Phase II of a two phase soar The special use consists of two adjacent projects totaling 36 acres and encompassing an area approximately 2,215 feet wide and 600 feet deep, not including access roads and power lines. The front portion of the property will remain in agricultural production. The projects are designed to be Community Solar projects, allowing residences and businesses to subscribe to use the electricity. The projects will be 2 MW AC each in size and are anticipated to power 600-800 homes. Once the projects are completed, there will be minimal traffic generated from the routine monitoring and maintenance of the property.

The solar panels will be up to 12 feet in height and mounted into the ground on poles, not concrete pads. The panels will be configured in a north-south layout with the capability to rotate in order to track the sun throughout the day. There will be an anti-reflective coating placed on

the panels to help minimize glare. Due to the mounting style of the solar panels, there will be minimal lot coverage; however, there will be a 6'x10' concrete pad for the transformer associated with each project as well as a set of three onsite poles that will convey power lines to the utility owned poles. Electrical collection lines will be underground and brought together for connection to the transmission network rather than directly to a substation. Security lighting is not anticipated to be used; there will, however, be a 7' chain link fence and warning signs around the perimeter of the projects.

The projects have a 25-year design life and all equipment (above and below ground) will be required to be removed and the site restored per the approved decommissioning plan. The projects will be required to be landscaped with low maintenance plants that act as natural pollinators. These plantings shall be reviewed and approved by the Boone County Conservation District.

According to the Natural Resources Inventory Report (NRI) #1594 there is a drainage way on the western half of the property (Phase II) and agricultural drainage tiles that serve the properties to the west and north that traverse the subject property. The tiles feed into a tile breather located south of Illinois 173. Since an NRI was not done at time of annexation or rezoning, these factors were not considered during the rezoning of the property. Through the special use process conditions such as leaving the drainage ways unobstructed and locating and protecting the agricultural drainage tile system can be enacted to help minimize the negative impacts to adjacent property owners.

Construction of special uses shall begin within 365 days of their approval and special uses shall be operational within 730 days of approval by the Village Board. Due to the regulations of the Illinois Power Agency and the Illinois Commerce Commission, it is anticipated that the project could take longer than the permitted time to begin work and be completed. Application for extensions shall be submitted at the appropriate time.

The adjacent property owners were sent certified notices on August 3, 2018 and the green cards have been returned. The request was published in the Boone County Journal on August 3, 2018. The appropriate village staff and other agencies were notified on August 3, 2018. No objections from the agencies were received.

FINDINGS OF FACT:
Per Section 8-5-7(D) of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

A. **<u>Findings:</u> The establishment, maintenance or operation of the special use would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

There are many kinds of solar farms, each having their own set of environmental impacts. Solar farms can be thousands of acres in size, some require that all vegetation be removed which impacts wildlife by loss of habitat, some are constructed on cement pads that increase surface water run-off, some radiate heat and some feed into a tower that can be dangerous for birds and insects. The proposed solar farm will be 36 acres in size, have adequate vegetation, create minimal surface water run-off and is not anticipated to create a noticeable amount of heat or glare.

Considering the existing zoning of the property and the potential development that is permitted, the solar farms, with proper conditions of approval, would have less of an impact to neighboring properties. An increased setback is being utilized along the west property line to provide an additional buffer between the project and nearby properties. The addition of pollinating plants will benefit the community while providing a low maintenance vegetative cover rather than grass seed which can become unsightly.

B. **Findings: The special use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

Industrial and commercial development are already permitted. The solar farm will be required to adhere to all local, state and federal regulations in addition to the conditions of approval. The height (and potential shadow casting) and lot coverage of the solar panels are less than what is permitted while the setbacks are greater. The amount of traffic generated by the solar farm is less than an industrial or commercial development would create. Due to the NRI report, drainage ways and agricultural drainage tiles were discovered and can now be protected.

C. **Findings: The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

The solar farms are not anticipated to impact the ability for the surrounding properties to be used agriculturally. The addition of pollinators is intended to be a benefit to the agricultural community. The solar farm is not anticipated to create additional heat, odor, light or noise that would infringe on the nearby residents' enjoyment of their properties.

D. **Findings: Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

The property is located along Illinois Route 173 which can adequately handle construction equipment and increased traffic during construction. Access roads, drainage and additional power lines and power poles will be installed by the developer in accordance to the project's needs and submitted narrative and site plan.

E. **Findings: Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

Once construction of the special use is complete there will be minimal traffic generated by the routine maintenance and monitoring of the site. An access road will be wide enough to handle two-way traffic for instance when multiple vehicles are present.

F. **Findings: The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.**

The special use will be required to conform to all the applicable regulations of the Zoning Ordinance, the Subdivision Ordinance, all other regulations and to any conditions of approval enacted by the Village Board.

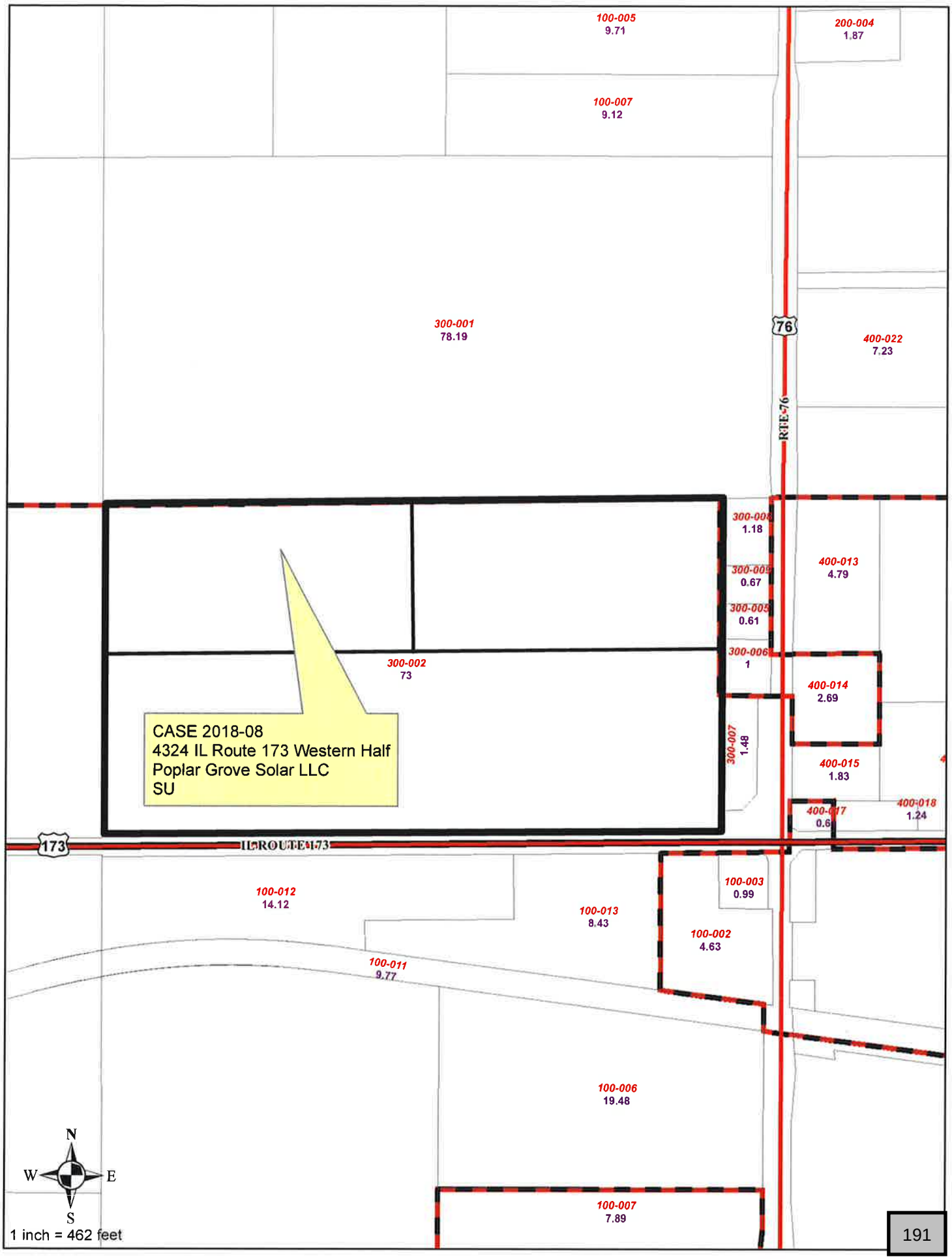
RECOMMENDATION:
The planning staff recommends approval of case 2018-08 subject to following conditions:

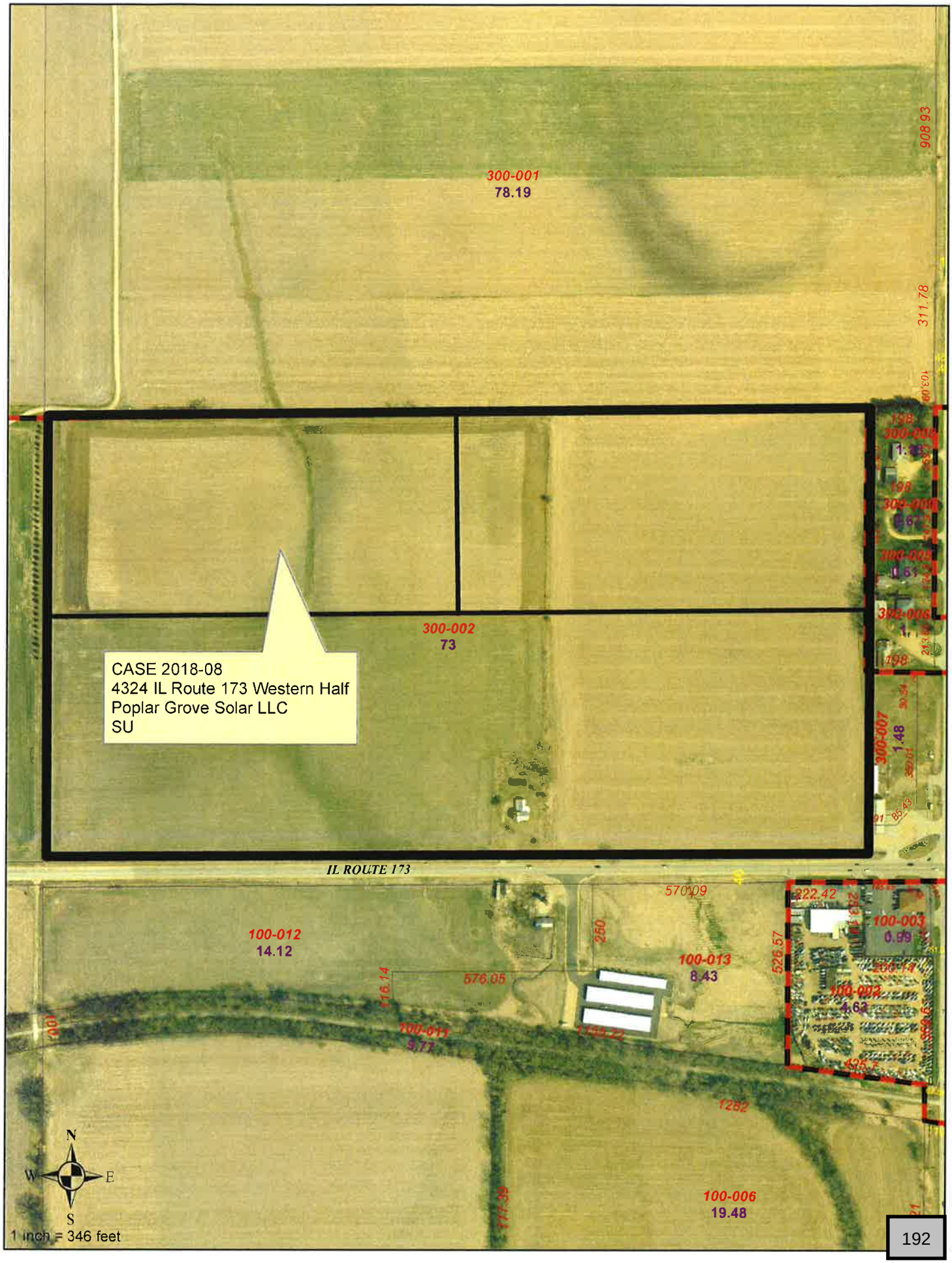
1. Substantial compliance with the narrative and site plan submitted, unless otherwise noted.
2. All vegetation shall be approved by the Boone County Conservation District. Pollinator friendly vegetation shall be used.
3. A decommissioning and reclamation plan shall be submitted to and approved by the Village of Poplar Grove prior to the commencement of the development.
4. A surety, covering the complete execution of the decommissioning and reclamation plan for when the project ends shall be posted prior to the commencement of the development.
5. An agricultural drainage tile system survey shall be conducted prior to commencement of the project. All identified drain tile shall be protected and repaired if damaged.
6. The drainage way located in Phase II shall be left unobstructed.
7. The applicant shall provide training to Boone County Fire District 3 pertaining to the hazards in conducting fire control and extinguishment of the proposed solar system.

PLANNING AND ZONING COMMISSION/VILLAGE BOARD ACTION
The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed special use with the standards and make a recommendation to the Village Board. The Village Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the Village Board may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed special use.

ATTACHMENTS

1. Location Map submitted by Planning Staff.
2. Aerial Photo submitted by Planning Staff.
3. Narrative submitted by the Applicant.
4. Site Plan submitted by the Applicant.
5. Site pictures from NRI #1594.
6. Overview and Opinion from NRI #1594.
7. Drainage way and agricultural drainage tile information from NRI #1594.
8. Letter from Boone County Health Department, Amanda Mehl, October 11, 2018.
9. Letter from Illinois Department of Transportation, Kevin Marchek, October 11, 2018.


100-005
9.71
200-004
1.87
100-007
9.12
300-001
78.19
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RTE-76
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CASE 2018-08
4324 IL Route 173 Western Half
Poplar Grove Solar LLC
SU
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400-017
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IL ROUTE 173
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100-013
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100-002
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100-011
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100-006
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1 inch = 462 feet
100-007
7.89


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CASE 2018-08
4324 IL Route 173 Western Half
Poplar Grove Solar LLC
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1 inch = 346 feet

EXECUTIVE SUMMARY

Poplar Grove Solar – Phase 2

Poplar Grove Solar, LLC - Phase 2 (the "Applicant") proposes to develop a community solar project approximately 2 MW AC in size, on approximately 17 acres of land located north of Illinois Route 173 and west of Fairgrounds Road in the Village of Poplar Grove, Boone County, Illinois. The Poplar Grove Solar, LLC community solar project (the "Solar Project") will be located within a portion of the parcel with PIN 03-14-300-002 (the "Project Parcel") owned by DYN 173, LLC (the "Landowner"). The Applicant is submitting this Petition for Special Use pursuant to and in compliance with the requirements set forth under Sections 8-5-4 and 8-5-7 of the Village of Poplar Grove Zoning Ordinance (the "Zoning Ordinance"), as amended by the Applicant's approved Text Amendment Submitted July 24th, 2017.

The proposed Solar Project will serve the electricity needs of 300 to 400 homes. Once installed and commissioned, the Solar Project will be continuously monitored, and engineers and maintenance technicians will visit the Solar Project a few times a year for routine maintenance and any required repairs. Post-construction, the Solar Project will generate minimal traffic, with visits to the site occurring solely in connection with routine and required maintenance.

About Trajectory Energy Partners, LLC

Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Trajectory Energy Partners, LLC brings together communities, organizations, and land owners to develop clean energy projects that are integrated into the local landscape and community.

The Future Energy Jobs Act and Community Solar Projects

Under Illinois Public Act 99-0906, commonly known as the Future Energy Jobs Act ("FEJA"), the Illinois Power Agency is currently promulgating a set of regulations and incentives to allow the creation of such community solar projects. The Solar Project is intended to be a community solar project under FEJA, which would allow residential and commercial customers to subscribe to the Solar Project. The Solar Project will support FEJA's goals of increasing the adoption and availability of renewable energy to Illinois residents and businesses.

Economic and Environmental Benefits

The Solar Project will provide economic and environmental benefits to the community. Poplar Grove residents and businesses will have an opportunity to subscribe to the Solar Project. These subscribers will support clean energy in their community while benefiting from savings on their electricity bills. In addition, the Solar Project will create new tax revenues for the community and generate economic activity through local construction, materials, and services.

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Exhibit C: Zoning Diagram

Exhibit D: EcoCAT Consultation

Exhibit E: Impacts Study

I. APPLICANT INFORMATION

The Applicant is a limited liability company, a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Jonathan Carson is an Authorized Representative of the Applicant.

Applicant:

Poplar Grove Solar, LLC
c/o Trajectory Energy Partners, LLC
Attn: Jon Carson
P.O. Box 310
Highland Park, IL 60035
(312) 882-3713
legal@trajectoryenergy.com

Landowner:

DYN 173, LLC
c/o First Midwest Group
Attn: Marvin L. Keys
6801 Spring Creek Road
Rockford, IL, 61114
(815)-229-3000

II. PROJECT DESCRIPTION

a. General Description

The Solar Project will be located on approximately 17 acres in the Village of Poplar Grove, Section 14, Township 45 North, Range 3, Boone County, Illinois, Property Index Number: 03-14-300-002. See Exhibit A: Project Location.

Legal Description

PIN 03-14-300-002:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14; ALSO ALL THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, LYING NORTH OF THE RIGHT OF WAY OF THE CHICAGO NORTHWESTERN RAILWAY COMPANY, EXCEPTING FROM THE ABOVE ONE ACRE IN SAID NORTHWEST QUARTER OF SECTION 23, DEEDED TO WAYNE WHEELER, AS APPEARS OF RECORD IN BOOK 94 OF DEEDS, PAGE 533, BOONE COUNTY RECORDS, AND EXCEPTING 4.84 ACRES IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, DEED TO FLOYD NEWHOUSE, AS APPEARS OF RECORD IN BOOK 103 OF DEEDS, ON PAGE 444 ALSO EXCEPTING "TRACT A" CONTAINING .971 ACRES AND "TRACT B" CONTAINING 4.856 ACRES IN SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14 DEED TO FLOYD NEWHOUSE AND WIFE, AS APPEARS OF RECORD IN BOOK 111 OF DEEDS PAGE 359 BOONE COUNTY RECORDS AND ALSO EXCEPTING THAT PART OF THE NORTHWEST QUARTER OF SAID SECTION 23 DEED TO JOHN BULLARD AND

WIFE, AS APPEARS OF RECORD IN BOOK 106 OF DEEDS, ON PAGE 504 BOONE COUNTY RECORDS ALL OF THE ABOVE SITUATED IN TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BOONE COUNTY, STATE OF ILLINOIS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION FOURTEEN (14), TOWNSHIP FORTY-FIVE (45) NORTH, RANGE THREE (3) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 00°36'51" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1326.34 FEET TO
THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 89°49'33" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION, 2400.02 FEET TO THE WEST LINE OF TRACT "A" OF PREMISES CONVEYED ALLAN B. WARES TO FLOYD NEWHOUSE AND SHIRLEY NEWHOUSE BY QUIT CLAIM DEED DATED DECEMBER 26, 1952 AND RECORDED IN BOOK 111 OF DEEDS ON PAGE 359 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS; THENCE SOUTH 00°38'50" WEST, ALONG THE WEST LINE OF TRACT "A" OF SAID PREMISES SO CONVEYED TO NEWHOUSE AS AFORESAID AND THE SOUTHERLY EXTENSION THEREOF, 1324.88 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 89°51'38" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 2399.26 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHTS OF THE PUBLIC AND STATE OF ILLINOIS IN AND TO THOSE PORTIONS THEREOF TAKEN, USE OR DEDICATED FOR PUBLIC ROAD PURPOSES. SITUATED IN THE COUNTY OF BOONE AND STATE OF ILLINOIS

The project is located on the portion of the Project Parcel that is currently zoned as Light Industrial District. Pursuant to the Applicant's requested text amendment under Sections 8-5-4 the Zoning Ordinance, solar farms are permitted as a special use in the Light Industrial District. See Exhibit C: Zoning Diagram.

b. Site Plan and Phases

A Site Plan detailing the placement of the solar arrays and proposed access is included in this application. The proposed Solar Project is indicated on the Site Plan as Phase 2. The Applicant is concurrently submitting a Special Use Application for Phase 1. Each Phase contains a single 2MW AC community solar farm. Pursuant to the regulations and policies implementing FEJA, a single parcel may contain up to two 2MW AC community solar farms. The incentives required to construct each community solar farm are intended to be allocated by lottery, and thus each Phase may be awarded such incentives separately, and if both receive incentives, at different times. Thus, the Applicant may construct Phase 2 prior to Phase 1, or may only construct one of the two Phases if incentives are not available for both Phases. See Exhibit B: Site Plan.

c. Equipment Detail

The Solar Project will consist of equipment to generate electricity from solar energy, including rows of photovoltaic cell panels on a single-axis tracking system, racking, inverters, and perimeter fencing. Support poles will be driven into the ground. Transformers and other electrical equipment will be located on one to two small concrete pads measuring approximately 6' x 10' for each Phase. Panels will be installed in a north-south configuration on a rotating mounting system that will track the sun throughout the day. The panels will be

designed with an anti-reflective coating to minimize glare from the Solar Project and prevent impacts to avian wildlife including birds and bats. The Solar Project is intended to operate for a period of at least 25 years and will be constructed with solar panels and other electrical equipment with long-term warranties and very low expected rates of replacement.

The components of the Solar Project will comply with the current edition of the National Electric Code and be UL listed or meet a comparable safety standard. The Solar Project's electrical collection lines will be underground and then brought together for connection to the transmission network rather than directly to a substation. For each Phase, three on-site poles will convey powerlines to utility-owned poles and on to a proposed interconnection point within the Solar Project's footprint. See Exhibit B: Site Plan.

d. Fencing, Access, Drainage and Landscaping

Each Phase of the Solar Project will be enclosed by a 7' chain-link fence, as required by the National Electrical Code. The Solar Project will be accessed from IL 173 along a dedicated access road and through a gated entrance with a maximum width of 24'.

Vegetation under and around the Solar Project will be maintained by periodic mowing, inspections, and weed management as appropriate. The Solar Project will add cover vegetation to the site that traditionally been utilized for row crop. In doing so, drainage and runoff is expected to improve through the improved absorption of rain and melting snow and ice. No impervious surfaces will be added to Parcel, with the exception of one to two small concrete pads measuring roughly 6' x 10' for each Phase. The Solar Project will adhere to the Illinois Environmental Protection Agency (IEPA) Construction Stormwater Permit Requirements.

In addition, the Solar Project will work with the Village and the Landowner to specify low-growing grasses or pollinator-friendly plantings to be planted as a buffer around the Solar Project. The pollinator-friendly species are intended to facilitate local pollinator habitat, improve water infiltration, prevent compaction, and control erosion while increasing microbial activity and production of organic matter.

e. Total Height of Solar Arrays and Other Structures

The total overall height of the facility will not exceed 12'.

f. Requested Duration

The Illinois Power Agency and Illinois Commerce Commission are currently finalizing rules for community solar projects under FEJA, and are not expected to have finalized those rules and opened applications for renewable energy credits until the end of 2018. The Applicant will not be able to move forward with constructing either Phase of the Solar Project until it has received approval for such renewable energy credits, and until weather and ground conditions are favorable for installation. Therefore, in order to anticipate any delays in the implementation of

FEJA or the required interconnection engineering work with ComEd, the Applicant requests that the duration of the Special Use Permit be set at 36 months.

g. Proposed Setback Dimensions

See Exhibit B: Site Plan

TABLE 1: SETBACK TABLE

	Village Requirement	Proposed Setbacks
Light Industrial: Front	30'	> 650'
Light Industrial: Western Side	20'	> 700'
Light Industrial: Eastern Side	20'	100' with buffer plantings proposed.
Light Industrial: Rear	30'	30'

See Exhibit B: Site Plan.

h. Environmental Impact

The Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT) consultation has been terminated with respect to the Solar Project site. See Exhibit D: EcoCAT Consultation.

The Solar Project will comply with all local, state, and federal environmental regulations. A Natural Resource Inventory (NRI) has been requested from the Boone County Soil and Water Conservation District.

The Solar Project shall be constructed, operated and maintained in compliance with federal, state, and local laws, including with respect to the removal and disposal of solid waste generated thereby. The Solar Project will also be maintained in a clean and neat manner, and any such solid waste will be removed as appropriate, with all costs borne by the Applicant.

i. Ingress and Egress During Construction and Thereafter

One improved, gravel access road will provide ingress and egress from the Solar Project site to IL 173 both during construction and thereafter. The applicant will use a watering truck as necessary to control dust during construction. See Exhibit B: Site Plan.

j. Construction and Maintenance; Traffic

The active construction period for each Phase of the Solar Project is expected to begin at the earliest in Spring 2019 and the construction of each Phase will last approximately 3 to 6 months. Construction will require trucks no larger than a typical 18-wheeler to deliver materials to the site, and onsite equipment will be used to drive pilings into the ground and install the panels, supports, and tracking equipment. Construction workers and personnel will

arrive in pick-up trucks. Typically, solar installations do not require the use of cranes. Construction hours will follow a typical daily construction schedule.

The operations and maintenance of the Solar Project will generate minimal traffic. Because the Solar Project will be continuously monitored electronically off-site, engineers and maintenance technicians will visit the Solar Project a few times a year for routine maintenance and any repairs. Landscaping will be managed regularly during the growing season as described below.

k. Public Road Routes

The public road route will utilize IL 173, which is paved and designed for construction traffic.

l. Warning Signage

The Applicant will place signs warning of high voltage at the entrance to the solar facility as well as on the base of all pad mounted transformers. In addition, the Solar Project will prominently display a sign providing emergency contact information including the name of the solar facility, address, and the emergency contact telephone numbers for the Solar Project and the Operations and Maintenance contractor.

m. Conformance to Industry and Code Standards/Engineer Certification

The Solar Project will comply with all applicable local and county codes for the electrical, mechanical, and structural components of the facility.

n. Lighting

The Solar Project does not require lighting. No lighting will be installed.

o. Decommissioning

Upon the cessation of operations of the Solar Project, the Applicant will remove the installed Solar Project equipment and restore the site pursuant to its obligations to the Landowner, and will comply with the requirements of any governmental agency respecting the decommissioning and reclamation obligations for the Parcel. In connection with such decommissioning, the Applicant will remove the above-ground structures as well as the installed underground electrical equipment.

p. Property Value Impacts

Property valuation experts from CohnReznick have studied the value of properties that adjoin solar farms in Illinois and Indiana and concluded that the solar farms do not adversely affect the property values in either the short or long term.

The study included solar farms in Lasalle and Winnebago Counties in Illinois; as well as Elkhart, Lake, Madison, Marion and Porter Counties in Indiana. Experts analyzed property sale prices and marketability of single family homes and agricultural land that adjoins solar farms and compared this data to comparable properties in the same county. The study also included interviews with county assessors and local real estate professionals, all of whom concluded that

solar farms in their area had not impacted property values. Similar research has been conducted in other states across the U.S. and none of these studies have found that solar farms adversely affect nearby property values. Please see Exhibit E: Impacts Study.

q. Owners of Record

The following landowners are adjacent to the Project Parcel:

PIN#	Name/Trust No.	Street	City	Zip
03-15-400-011	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-15-400-010	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-001	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-008	MCINTYRE, MICHAEL S & JANE A (HAAS)	15302 IL ROUTE 76	Poplar Grove	61065
03-14-300-009	RABE, DALE A & CANDY E	15270 IL ROUTE 76	Poplar Grove	61065
03-14-300-005	RABE, BENJAMIN	15246 IL ROUTE 76	Poplar Grove	61065
03-14-300-006	GUTHRIE, GLENN S & COLLEEN	15214 IL ROUTE 76	Poplar Grove	61065
03-14-300-007	DELIJAHN INCORPORATED	PO BOX 305	Caledonia	61011
03-23-100-003	NEBIU, ERGEN & NADRIT & MURAT	4481 IL ROUTE 173	Caledonia	61011
03-23-100-002	GRACEFFA, PETER J	4557 IL ROUTE 173	Caledonia	61011
03-23-100-013	POPLAR GROVE STORAGE LLC	6801 SPRING CREEK RD	Rockford	61114
03-23-100-012	DYN 173 LLC	6801 SPRING CREEK RD	Rockford	61114
03-22-200-002	BOONE/POPLAR GROVE LLC	6277 E RIVERSIDE BLVD	Rockford	61114

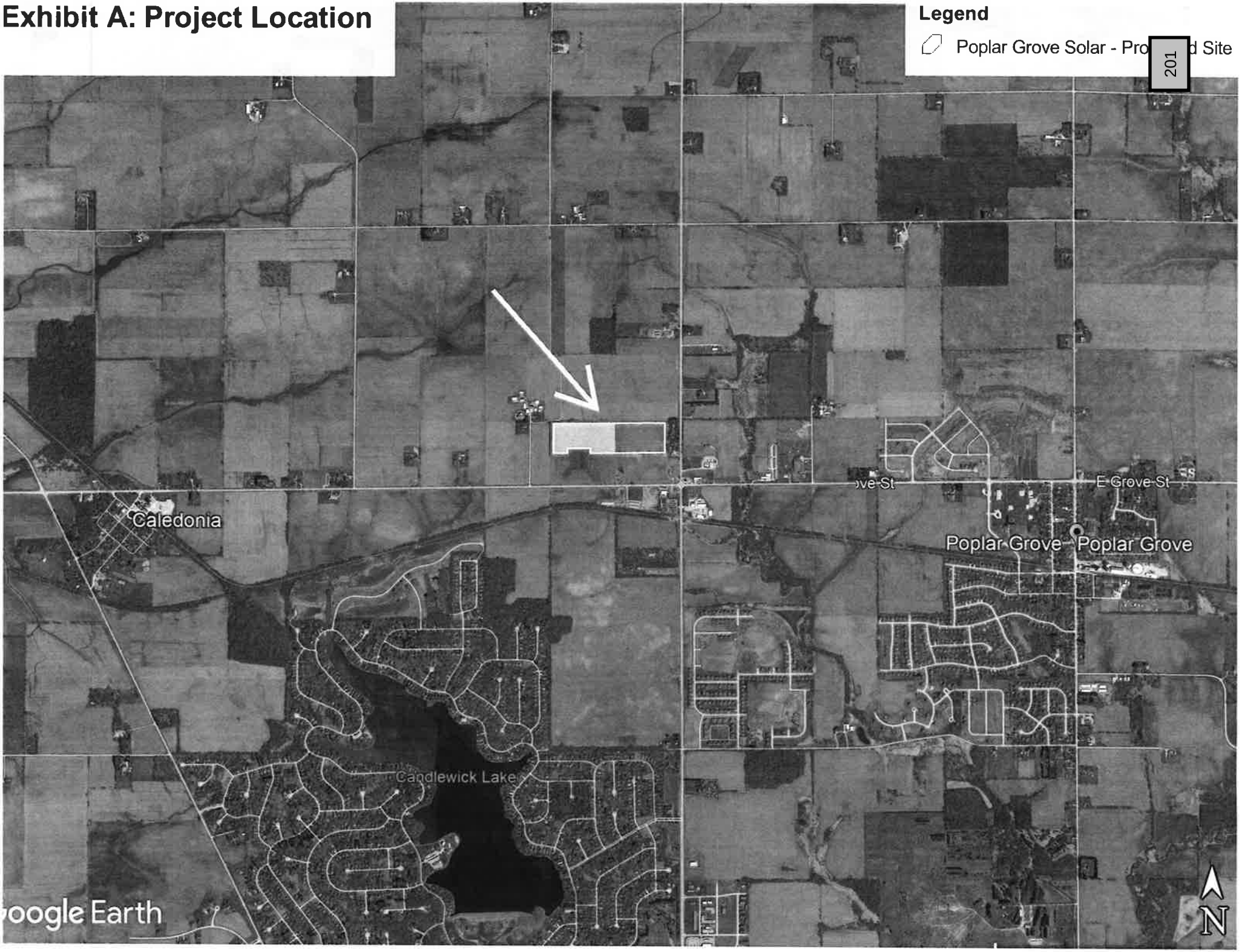
r. Special Use for Corporations, Partnerships, and Joint Venture

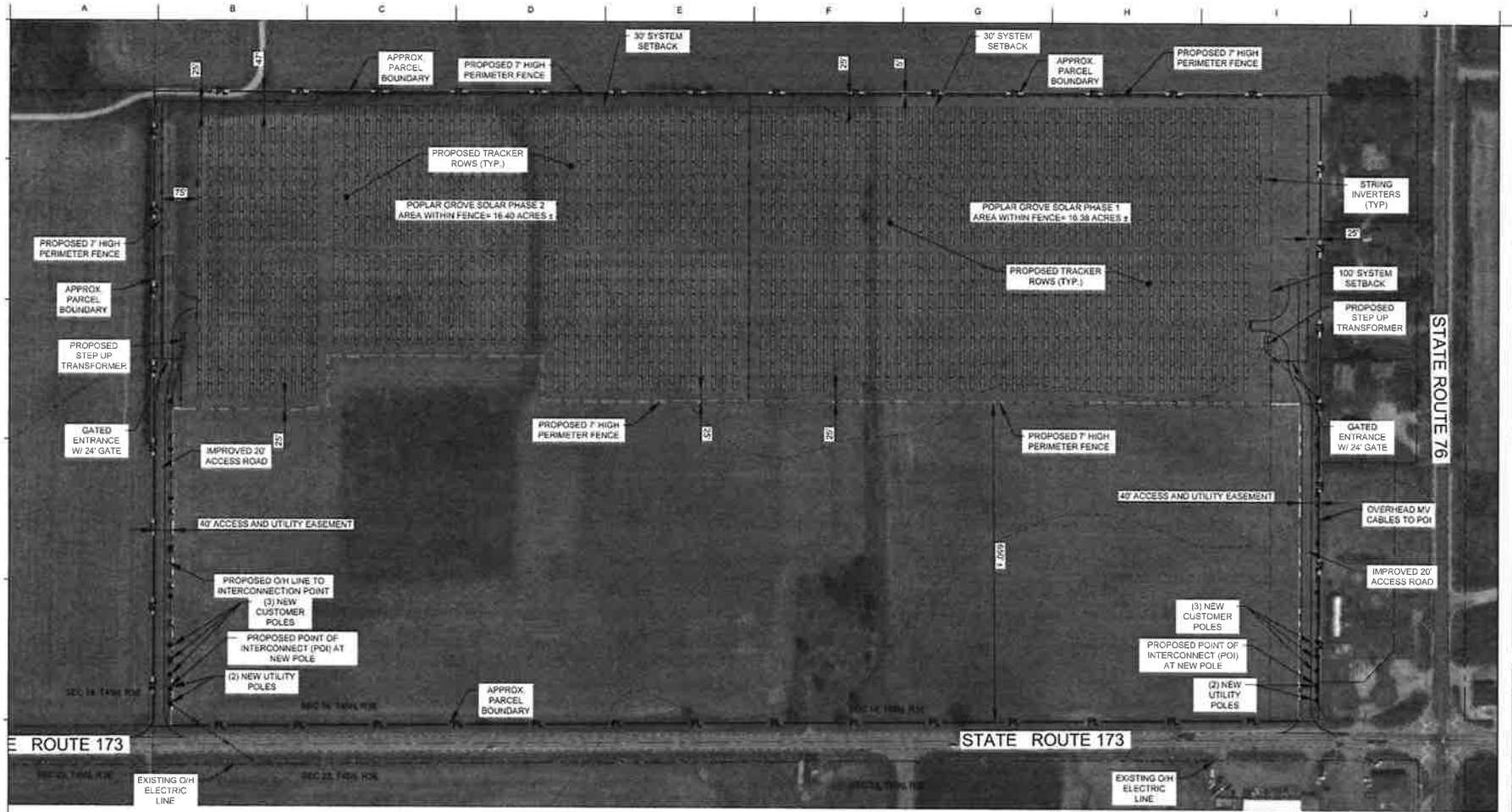
a. The Applicant is not a corporation, partnership or joint venture.
b. The Applicant is not doing business under an assumed name.
c. The Applicant is acting on its behalf.
d. Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC, P.O. Box 310, Highland Park, IL 60035.

s. Special Use Fees

The Applicant has enclosed the filing fee with this application.

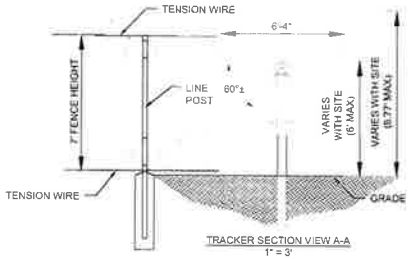
Exhibit A: Project Location





LEGEND

EXISTING		NEW
○	ELECTRICAL/TELEPHONE POLE	●
OH OH	OVERHEAD POWER LINE	OH OH
E E	UNDERGROUND POWER LINE	E E
	EXISTING FENCE	
	NEW CHAIN LINK FENCE	
PL	PROPERTY LINE	
	SETBACK LINE	
	CENTERLINE	
	STREAM / WATER COURSE	
215	MAJOR CONTOURS	215
214	MINOR CONTOURS	214
	SECTION LINE	



TRACKER SECTION VIEW A-A
1" = 3'

GENERAL NOTES

1. ALL DIMENSIONS SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE.
2. NO PERMANENT PARKING IS PROPOSED
3. NO PERMANENT SITE LIGHTING IS PROPOSED.
4. ALL EQUIPMENT SELECTION AND SPECIFICATIONS SUBJECT TO CHANGE WITH FINAL DESIGN.
5. NO RESIDENCES WITHIN 100' OF SYSTEM

SYSTEM DETAILS	
SITE AREA	35.21 ± ACRES
DC SYSTEM SIZE	5,232 KW
AC SYSTEM SIZE	4,000 KW
DC / AC RATIO	1.308
POCC/POI VOLTAGE	12.5KV
PHOTOVOLTAIC MODULES	
MANUFACTURER	TBD
MODEL	TBD
DC POWER @ STC	340 W
DC VOLTAGE	1500 V
MODULES PER STRING	27
TOTAL MODULES	15,390
INVERTERS	
MANUFACTURER	SUNGROW
MODEL	SG125HV
NOMINAL POWER RATING	125KW
TOTAL INVERTERS	32
SINGLE-AXIS TRACKER	
MANUFACTURER / MODEL	TBD
ROW SPACING	21'-6"
RANGE OF MOTION	+/- 60°

N

0 20' 50' 100' 200'
1" = 100'-0"

PRELIMINARY

SEAL:

CONFIDENTIALITY STATEMENT

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ENGINEERING MANAGER:

i1 Energy

i1 ENERGY, LLC
525 BIG BEND TRAIL
SUGAR HILL, GA 30518

OWNER/DEVELOPER:

Trajectory Energy Partners

TRAJECTORY ENERGY PARTNERS
P.O. BOX 310
HIGHLAND PARK, IL 60035

PROJECT: POPLAR GROVE SOLAR, LLC
42.373954 N, 88.856898 W
4324 IL HWY 173 (APPROXIMATE)
POPLAR GROVE, IL 61011
BOONE COUNTY, IL

REVISIONS		
#	DESCRIPTION	DATE
A	ISSUED FOR APPROVAL	23FEB18
B	ISSUED FOR INFORMATION	25JUL18

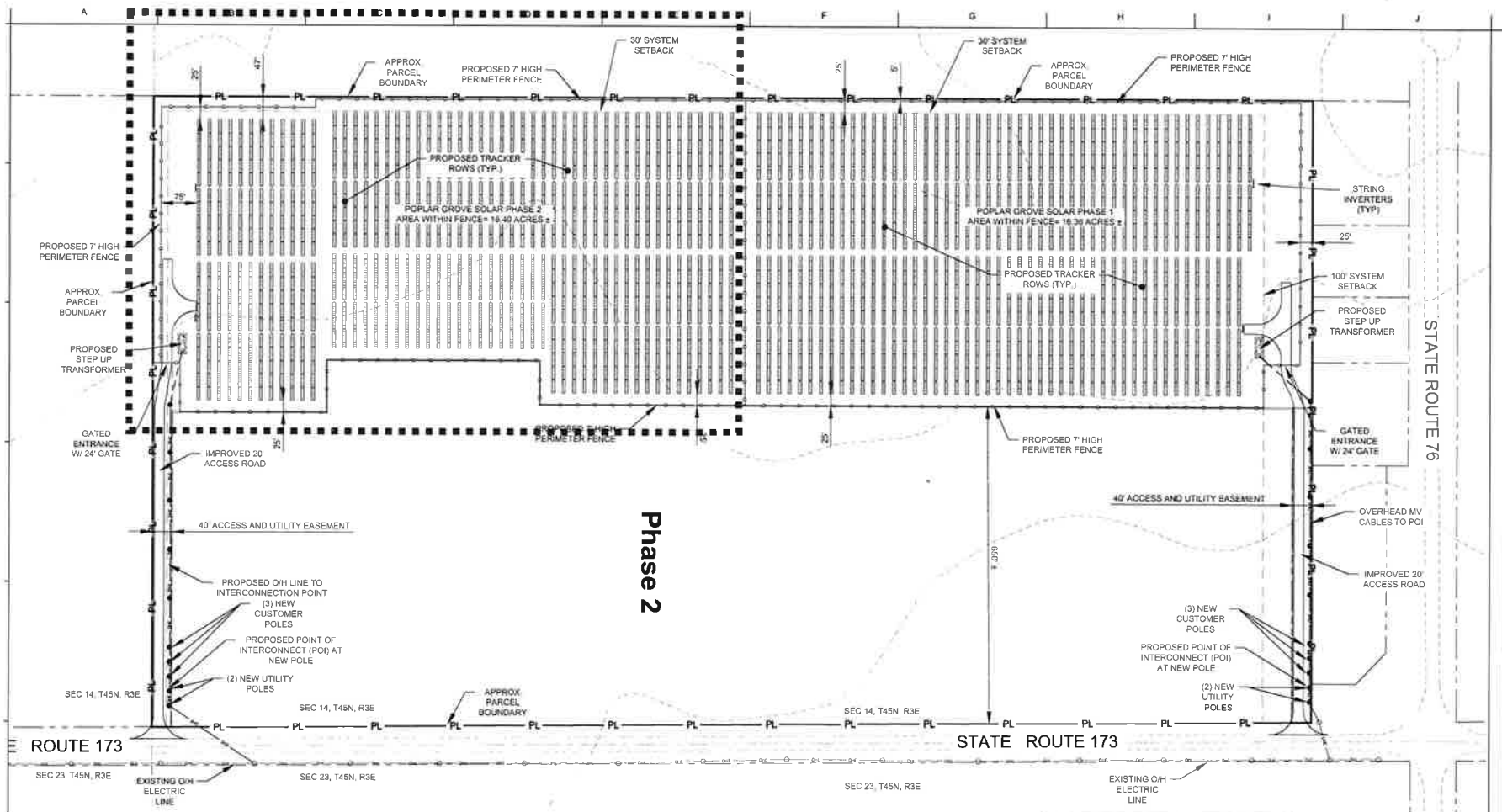
PROJECT NO.	DWN	CHK	APP	START DATE
	JCS	HSM	RJR	14FEB18

PLOT DATE: July 25, 2018

NOT FOR CONSTRUCTION

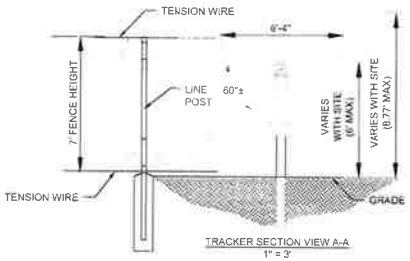
SHEET TITLE:
POPLAR GROVE SOLAR
PHASE 1 AND 2
CONCEPTUAL SITE PLAN

SHEET NO.
C-100



LEGEND

EXISTING		NEW
○	ELECTRICAL/TELEPHONE POLE	●
	OVERHEAD POWER LINE	OHL
	UNDERGROUND POWER LINE	E
	EXISTING FENCE	
	NEW CHAIN LINK FENCE	
PL	PROPERTY LINE	
	SETBACK LINE	
	CENTERLINE	
	STREAM / WATER COURSE	
215	MAJOR CONTOURS	215
214	MINOR CONTOURS	214
	SECTION LINE	



TRACKER SECTION VIEW A-A
1" = 3'

GENERAL NOTES

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5. NO RESIDENCES WITHIN 100' OF SYSTEM

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MODEL	TBD
DC POWER @ STC	340 W
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MODEL	SG125HV
NOMINAL POWER RATING	125KW
TOTAL INVERTERS	32
SINGLE-AXIS TRACKER	
MANUFACTURER / MODEL	TBD
ROW SPACING	21'-6"
RANGE OF MOTION	+/- 60°

N

0 20' 50' 100' 200'
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ENGINEERING MANAGER:

i1 Energy

i1 ENERGY, LLC
525 BIG BEND TRAIL
SUGAR HILL, GA 30518

OWNER/DEVELOPER:

Trajectory Energy Partners

TRAJECTORY ENERGY PARTNERS
P.O. BOX 310
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42.373954 N, 88.856896 W
4324 IL HWY 173 (APPROXIMATE)
POPLAR GROVE, IL 61011
BOONE COUNTY, IL

REVISIONS

#	DESCRIPTION	DATE
A	ISSUED FOR APPROVAL	2/21/2018
B	ISSUED FOR INFORMATION	2/5/2018

PROJECT NO.	DWN	CHK	APP	START DATE
	JCS	HRM	RJB	12/5/2018

PLOT DATE: July 25, 2018

NOT FOR CONSTRUCTION

SHEET TITLE:

POPLAR GROVE SOLAR
PHASE 1 AND 2
CONCEPTUAL SITE PLAN

SHEET NO.

C-100

4. Site Photographs



Figure 2. View toward AOI, looking northwest toward structures at 3952 Illinois Route 173, Caledonia, Illinois (top left); Area for proposed access road and chain link fence along western property boundary, looking north (top right); Drainage way (circled in orange), looking southeast (bottom).

15. Overview

This report details information for several natural resource topics. Most of the details for individual topics are presented in a special section. This section highlights the natural resource concerns, which are most important to this site, the environment, and the community:

1. The land evaluation score for this site is 84.42 (Table 13) and most soils are listed as prime farmland or prime farmland when drained (Table 6). The BCSWCD Board has historically opposed zoning changes with land evaluation scores of 69 points or higher; however, characteristics of the proposed project may also influence the Board's final decision.

2. It appears some solar arrays are proposed within a main drainage way (Figures 15 & 16). These areas should be left unobstructed to avoid additional ponding (Tables 9, & 10). Likewise, within a main drainage way Sable silty clay loam (68A) is present. This soil has characteristics that describe it as 85 percent hydric (Figure 9; Table 8), poorly drained (Table 9), and frequently ponds (Table 10). Approximately eight percent of the AOI contains hydric soils (Figure 9; Table 8)

3. Based on mapped soil types, topography, watershed data, and an onsite investigation, a complex agricultural drainage tile system is likely present and should be ***located and protected prior to construction***. During onsite inspection a main drainage way was noticeable near the northwest AOI boundary (Figure 2). Drainage tile maps have been provided from adjacent properties and illustrate several existing drainage tiles (some old clay tiles are also included) (Appendix D). References and maps show a natural drainage from northern border of the AOI trending south-southeast towards Illinois Route 173. Corn crop on this parcel currently masks evidence of any physical drainage way. Additionally, a tile breather south of Illinois Route 173 across from expected natural drainage way was observed during the site inspection, indicated water is likely being intercepted from the AOI and neighboring properties. If drainage tile systems are disrupted, additional ponding and flooding will likely occur.

4. Hydric soils are expected at this site, with approximately eight percent of the AOI expected to be hydric (Figure 9; Table 8).

5. Approximately 197 acres drain through this parcel and into Beaver Creek (Figure 10).

6. If this special use is approved and acreage of land disturbance is greater than one acre in size, a National Pollutant Discharge Elimination System Permit (NPDES Permit) will be required. Temporary soil stabilization, control of sediment during construction and permanent site stabilization after construction is completed is required under a NPDES permit.

2. Opinion of the BCSWCD Board

Jon Carson, on behalf of Trajectory Energy Partners, LLC., has submitted a request for a Natural Resources Information Report as part of an application for a Special Use for a solar energy facility in Section 14 of Poplar Grove Township. The Area of Interest (AOI) is less than a tenth of a mile west of the intersection of Illinois Route 76 and Illinois Route 173. The parcel identification number is 03-14-300-002; however, only about half of this parcel is proposed for the solar facility project.

The Boone County Soil & Water Conservation District Board has a

- [x] Favorable
- [ ] Unfavorable
- [ ] Other: _____

opinion of the proposed land use change. The Board concerns are stressed in the "Overview" section of the report. More detailed information is presented throughout the various sections of this document.

Signature of Board Chairman:

Bill Hall on 8-17-2018



Figure 16. Preliminary Conceptual Plan with Aerial Photograph. Preliminary site plan (provided by Trajectory Solar Partners) illustrates some solar arrays are proposed within main drainage way (circled in orange). This drainage area should be left unobstructed to avoid additional ponding (Tables 9 & 10). Approximate location of tile breather, south of Illinois Route 173, is also circled in orange, but not in AOI. The tile breather indicates water is likely being intercepted from the AOI and neighboring properties. If drainage tile systems are disrupted, additional ponding and flooding will likely occur. Drainage tiles should be located and protected prior to construction. Disruptions of tiles can also lead to additional ponding (Table 10).

Appendix D—Adjacent Property Tile Drainage Maps

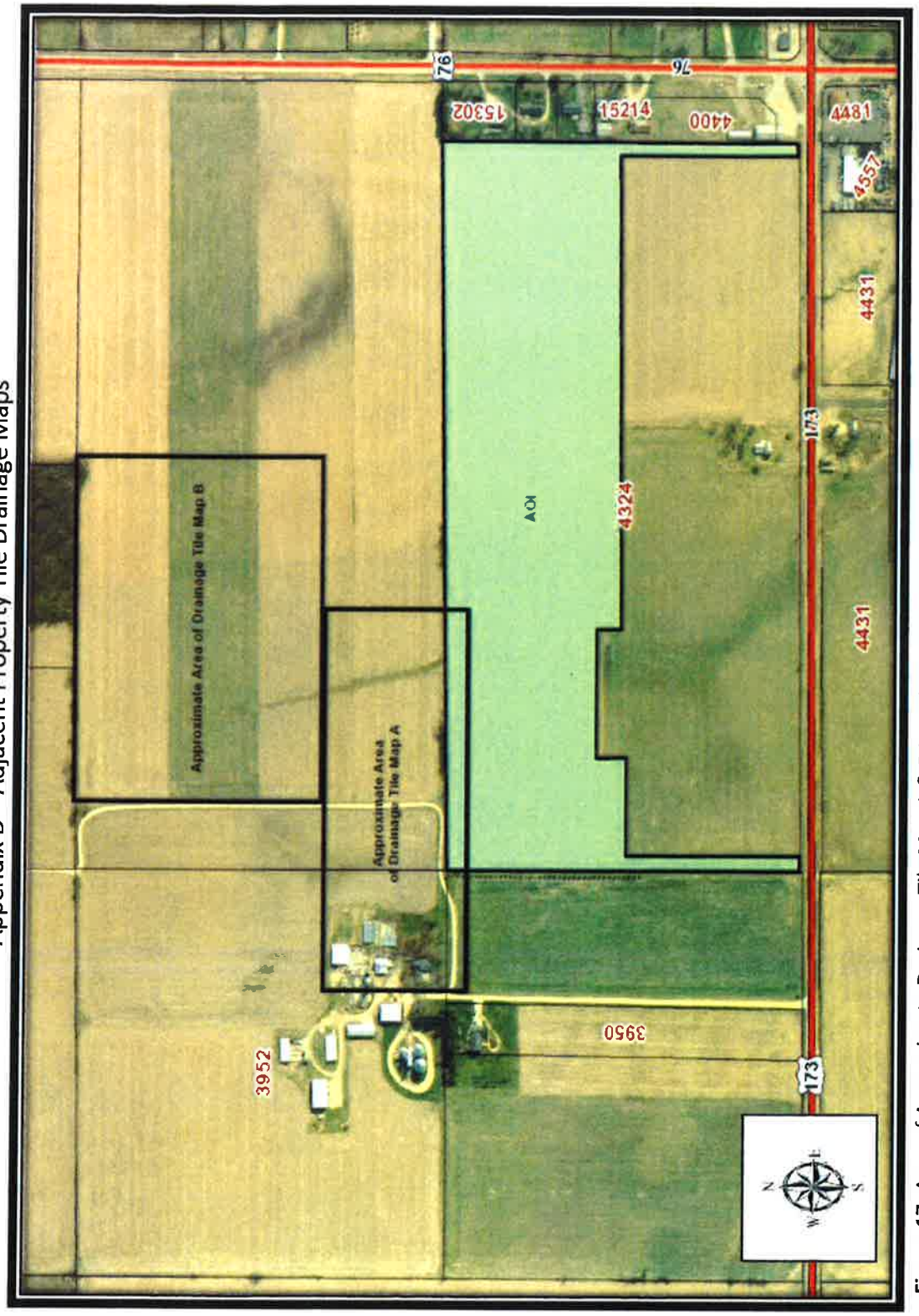


Figure 17. Area of Approximate Drainage Tile Map A & B Locations.

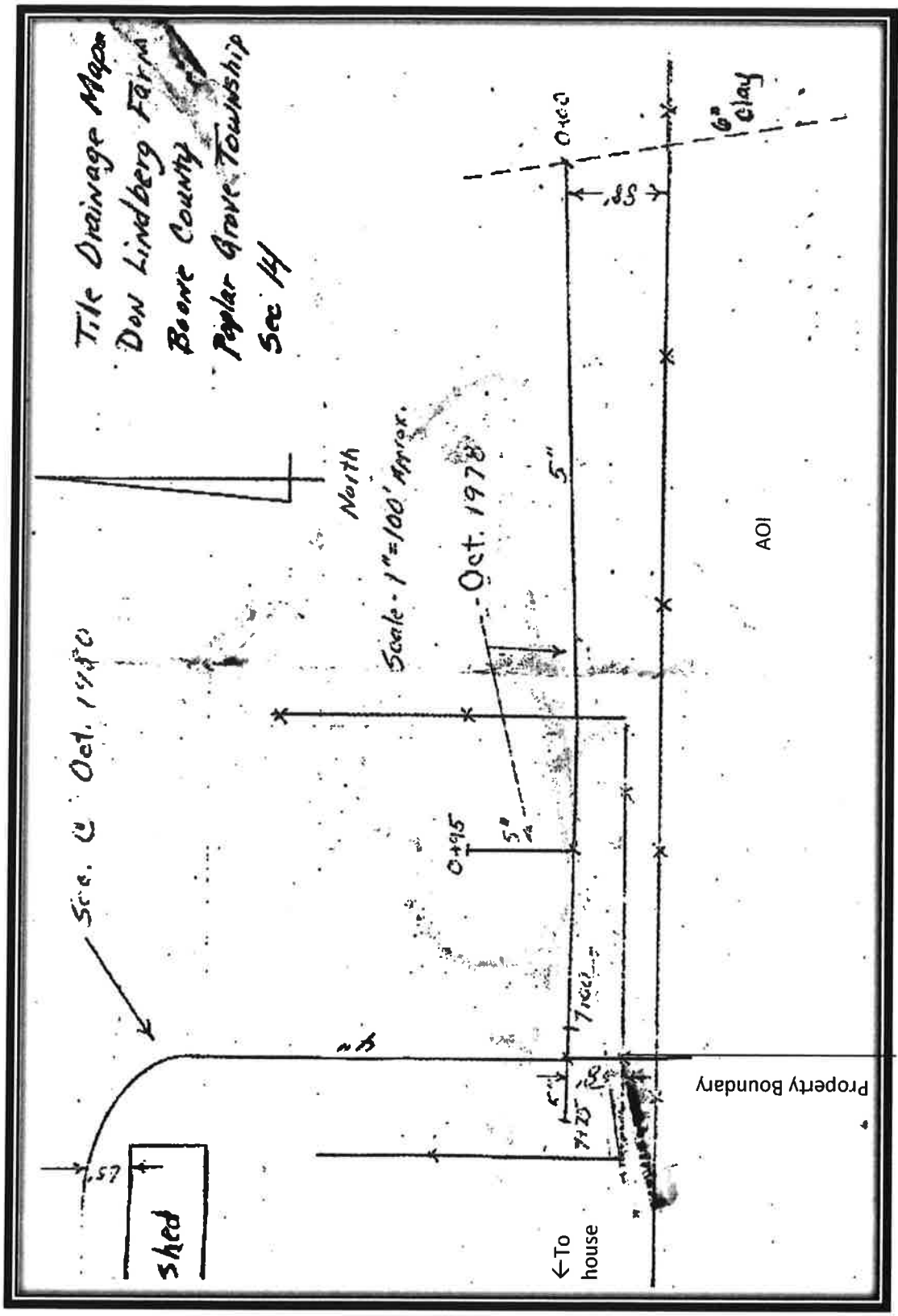


Figure 18. Tile Drainage Map A. Drainage tiles were mapped October of 1978 and 1980 by Lischka Drainage. Map illustrates there is a 6" clay tile present and enters into the AOI. There is approximately 2,980 linear feet of drainage tile mapped. Tile drainage map was provided by Don Lindberg August 15, 2018 and modified to define property boundary, location to house, and AOI.

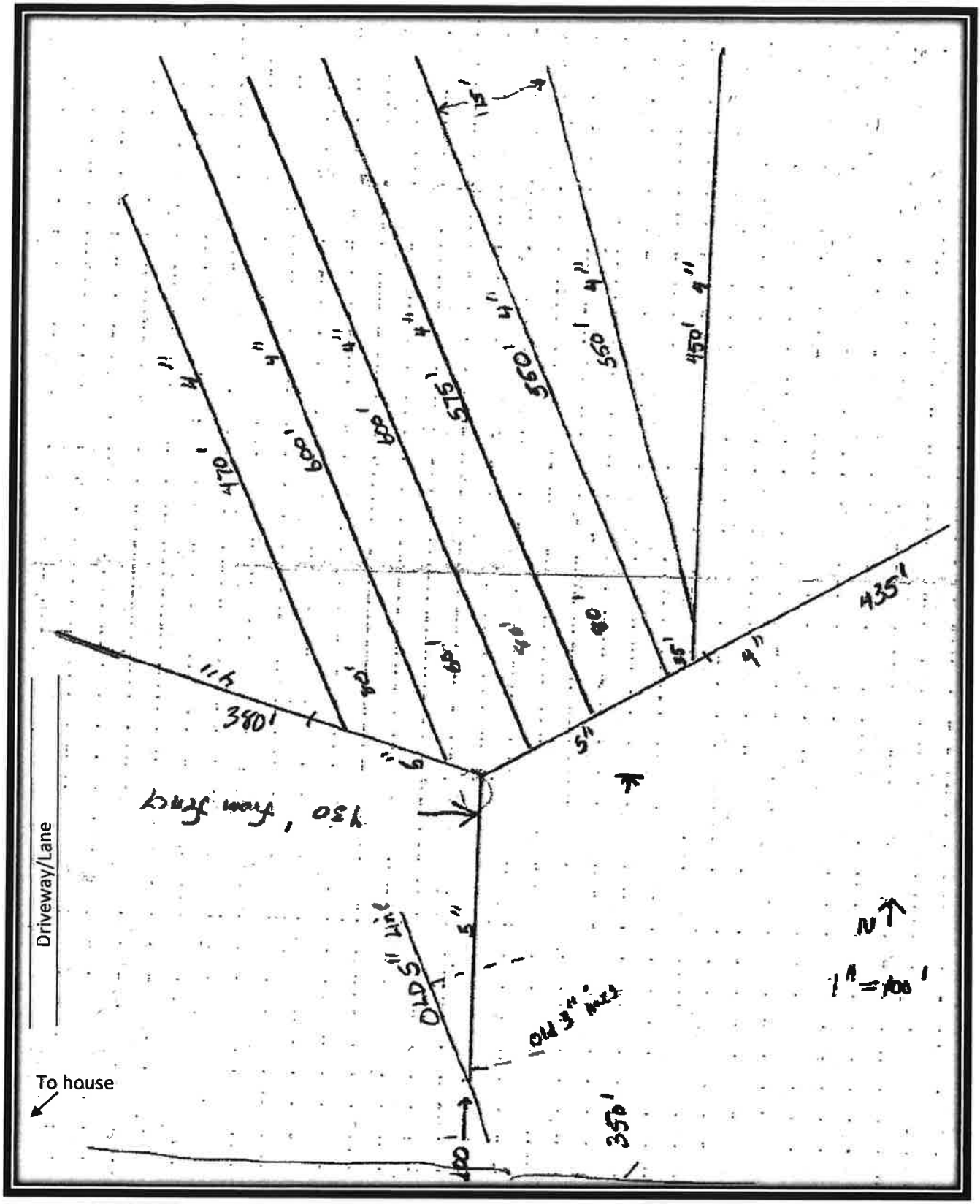


Figure 19. Tile Drainage Map B. Drainage tiles were mapped November 2000. There is approximately 5,040 linear feet of drainage tile mapped. This also indicates there are old 3" and 5" clay tiles. Tile drainage map was provided by Don Lindberg August 15, 2018 and was modified to include location to house and driveway/ lane boundary locations.

Public Health
Prevent. Promote. Protect.

Boone County Health Department
1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

October 11, 2018

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Planning Services for Poplar Grove

Re: Case: 2018-08, Poplar Grove Solar, LLC 4324 Il Route 173

Dear Gina,

We are in receipt of the special use request to allow an operation of an energy facility. At this time the Boone County Health Department has no comment.

If you have any questions, or concerns, please let us know.

Thank you,

Amanda Mehl
Public Health Administrator
skm

Illinois Department of Transportation
Office of Highways Project Implementation / Region 2 / District 2
819 Depot Avenue / Dixon, Illinois 61021-3500

PROGRAM DEVELOPMENT
Programming
Boone County

October 11, 2018

Ms. Gina DelRose
Community Development Planner
City of Belvidere
401 Whitney Boulevard, Suite 300
Belvidere, Illinois 61008

Dear Ms. DelRose:

Thank you for the notification of the Public Hearing on October 24, 2018, regarding a request for a special use permit by Poplar Grove Solar to install non-building mounted solar collectors for export of energy for use by an electrical utility. The property is located at 4324 IL 173, Poplar Grove and is owned by DYN 173, LLC.

Currently our records indicate we have a resurfacing project in the multi-year program along IL 173 adjacent to this location. For questions pertaining to the reconstruction project please contact Masood Ahmad at (815) 284-5307.

Please note petitioners must apply to this office for an access permit for a new entrance or a modification to an existing entrance onto a State maintained road. Since this is intended, please have the petitioner contact Mr. Jason Stringer, Senior Permit Technician at (815) 284-5413 for access permit information.

Thank you for the opportunity to comment on the special use permit. If you have any questions, please call Ms. Katie Smith, Systems Inventory Supervisor, at (815) 284-5447.

Sincerely,

Kevin Marchek

Kevin Marchek, P.E.
Region Two Engineer

KS/fd
cc: Jason Stringer

LETTER SUBMITTED BY NEIGHBOR

FOR CASE 2018-08

RENO & ZAHM LLP

ATTORNEYS AND COUNSELORS

MICHAEL G. SCHULTZ
MGS@RENOZAHM.COM

October 17 2018

Poplar Grove Planning and Zoning Commission
200 N. Hill Street
Poplar Grove IL 61065

Re: Cases 2018-07 and 2018-08
Poplar Grove Solar, 4324 IL Rt. 173

Dear Commissioners:

This firm represents the Don and Karen Lindberg family. Enclosed is our prior objection relating to Case 2018-05. We reassert the concerns and objection as they relate to the above-referenced cases.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Michael G. Schultz

MGS:smc
Enclosure
cc: Ryan Straw, Esq. (rts@renozahm.com)
Don and Karen Lindberg
Gina DelRose, Zoning/Planning (gdelrose@ci.belvidere.il.us)
Aaron Szeto, Village Attorney (aaron@sosnowskiszeto.com)
Owen Costanza, Village President (president@villageofpoplargrove.com)
Trajectory Energy Partners, LLC, Applicant (legal@trajectoryenergy.com)

RENO & ZAHM LLP
ATTORNEYS AND COUNSELORS

MICHAEL G. SCHULTZ
MGS@RENOZAHM.COM

August 17 2018

Poplar Grove Planning and Zoning Commission
200 N. Hill Street
Poplar Grove IL 61065

Re: Case 2018-05
Poplar Grove Solar, 4324 IL Rt. 173

Dear Commissioners:

This firm represents Don and Karen Lindberg who own three parcels of property adjacent to the proposed solar project. One adjacent parcel (03-15-400-010) includes two residences, including Don and Karen's home on the Southeast corner of the parcel closest to the proposed solar power facility. The Lindbergs have lived and farmed this property for generations (over 100 years). The Lindbergs do not oppose the project, but they do have concerns relating to the implementation of the solar energy structures that they would like addressed and included in any special use permit. The Lindbergs' concerns are summarized herein and include: (1) drainage/flow of water, (2) the proposed setbacks, (3) any use of the Lindbergs' property, and (4) decommissioning.

As of submitting this position statement, the Lindbergs have not had an opportunity to review the soil and water report prepared by the Conservation District. The Lindbergs reserve the right to further comment after review of that or any additional reports.

1. Drainage and Waterflow Concerns.

Enclosed with this letter are two drawings and an aerial photograph that depict the current waterflow and drainage in the area. As you can see from the aerial photograph, water flows from the Lindberg property onto the property where the solar project is proposed. Drainage tiles are currently in place that carry the water from the Lindberg property, located to the north of the proposed solar project, southward to Highway 173 and under the roadway.

The proposed solar project includes drilling and/or digging posts to anchor the solar panel structures and installation of concrete pads. The project will also require heavy machinery driving and working on the property which has potential to damage the drainage tiles that are now almost 40 years old. The drainage tiles are presently functioning without issue. They keep the area properly drained and prevent water from flooding Highway 173 during heavy rains and creating a danger to the public.

The Lindbergs have valid concerns that the drainage tile may be damaged in the construction or maintenance of the solar project. Damage to the tile and the resulting disruption in waterflow has the potential to accelerate erosion of topsoil, damage crops (those currently in the ground as well as the viability of future plantings) and create a hazard to the public in the event that the water is not properly routed under Highway 173 and past the roadway. The Village can avoid these problems by placing certain reasonable conditions on any special use.

The Applicant should be required to replace and relocate the tile. It is likely, or even certain, that the heavy construction equipment will damage the 40-year-old clay tile designed for agricultural equipment not industrial equipment. One crushed or cracked clay tile will result in the entire system becoming unusable. As noted below, the Applicant, pursuant to Illinois statute, has an legal obligation to avoid damage to the tile. Replacement and relocation of the tile prior to the work beginning will avoid damage. Should the tile become damaged or in need of repair after the project is underway or complete, the costs of correction will multiply greatly (and may necessitate removing the installed solar panels). The most prudent and cost-effective solution is for the Applicant to address the tile prior to installation of the solar panels.

At minimum, the Village should require the drainage tile to be inspected both before and after construction. The inspection will allow for locating and marking the location of the tile to avoid damage to the system. If, based on his inspection, the inspector recommends rerouting tile or installing new tile due to implications of the project, the Applicant should be required to do so at its expense. Inspection risers should be installed both at the north border of the proposed solar project (at the property line of the Lindberg/solar project properties) and at Highway 173. Inspection risers will allow verification of waterflow and proper functioning of the tile. There are a number of qualified local contractors that work with drainage tile. The Lindbergs have worked with Chad Harbison (847-561-0849) in the past and believe him to be qualified for the job.

The Applicant should be required to remedy any damage to the drainage tile and any adverse impact on the drainage in the area that may result from the proposed project. This should apply to the Lindbergs' property as well as all other surrounding properties, including Highway 173. In order to ensure that this project does not become a nuisance, a surety/performance bond should be required of the Applicant as a condition of the special use. The security bond should be of a sufficient amount both to reimburse the Lindbergs for any damage to their crops (presently valued at approximately $40,000 - $50,000 per season) and to remedy any other property damage or harm resulting from any disruption of the waterflow in the area. We request a surety bond as a condition to any approval in an amount of at least $50,000 to ensure water rights and drainage tile are properly protected.

The Lindbergs' requests in this regard are consistent with what is already required under Illinois law to protect landowners who rely on drainage systems running through the land of others. See the Illinois Drainage Code (the "Code"), 70 ILCS 605/1-1 *et seq.* Section 12-7 of the Code provides criminal penalties for the willful obstruction, injury or destruction of any covered drain constructed through the land of others. 70 ILCS 605/12-7. The Code additionally provides for civil liability against any party that willfully or negligently obstructs, injures, cuts, breaches or destroys a drain. *Id.* By requiring certain preliminary measures to be taken as a condition of the special use, the

Village can protect against the much greater costs likely to be incurred by both parties and the judicial system in resolving any issues that may arise after the damage has been done.

2. Setbacks.

The setbacks proposed by the Applicant vary depending on what is bordering the property. The setbacks are reduced to as little as 30 feet in some areas. As a general comment, the Village should be cognizant of the fact that it is setting precedent for any future proposed projects. If it allows excessively narrow setbacks on this project, it will be difficult for the Village to later impose stricter standards on such projects if it finds them to be more prudent.

In this application, the Applicant proposes 100-foot setbacks for the areas which include residential homes. The 100-foot setback applies to all areas bordering homes *except* the Lindbergs' home northwest of the proposed solar project. In viewing the enclosed aerial photograph of the Lindbergs' property, it is clear that the Lindbergs' home is actually the closest structure to the proposed solar project. The setbacks at that corner of the solar project property, however, are only 30 feet to the north and 75 feet to the west, far less than the 100-foot setbacks proposed for the residential properties to the east. When visiting the Lindberg's home, the distance is alarmingly close. The Lindbergs request that the setbacks provide for 100 feet from all property lines. Additionally, any fence built on the solar project property should be set back from the Lindbergs' property a sufficient distance to allow the Lindebergs to continue to use their equipment at the edge of their properties.

The setbacks determined by the Village in this application will also impact the rights of property owners having lots abutting the solar project that may be buildable in the future. Setting 100-foot setbacks based on property lines alone, and notwithstanding whether the adjacent properties *currently* contain a structure, will ensure consistency over time.

The Lindbergs' requests are reasonable and consistent with local ordinances that have been implemented in nearby counties governing similar solar projects. The standard setback for solar farms from residential properties appears to be 100 feet. Copies of the relevant ordinances from Kankakee County, Whiteside County and DeKalb County are enclosed herewith for the Village's consideration.

Kankakee County, for instance, requires a front setback of 100 feet and a setback of 50 feet for all other property lines except those bordering residential properties, in which case the setback is 100 feet. Whiteside County requires solar farms to have a minimum setback of 50 feet from all property lines and 500 feet from any residence. DeKalb County requires setbacks of 100 feet from all property lines or right of ways. DeKalb County allows surrounding property owners to waive the setbacks affecting their property such that it may be reduced to as little as 50 feet. In no circumstances, however, does DeKalb County allow the setback to be less than 50 feet. It should also be noted that although Boone County has not yet enacted a solar farm ordinance, it is currently in the process of developing one. The setback under consideration by the Boone County Board was most recently 100 feet.

The Village should take a similar approach to that taken by these nearby, comparable areas. A 30-foot setback is simply an unreasonably short distance under any circumstances. The DeKalb County approach seems to be a particularly effective solution. Allowing the neighboring property

owners a waiver ensures a safe distance for all, but also allows the parties the flexibility to work out the best solution between them as they see fit.

3. Use of the Lindbergs' Property.

The Lindbergs also have concerns regarding the transmission of the energy produced on the solar farm. The application does not give clear details as to how the energy will be transmitted from the solar panels to a transformer or other energy receptacle.

The Lindbergs have provided Commonwealth Edison an easement along the eastern edge of their property for the delivery of electricity to the Lindbergs' home and farming operation. The Lindbergs are concerned that the solar project may attempt to make use of this easement rather than developing its own infrastructure for the transmission of its energy. The Lindbergs are concerned that their property will be burdened with additional structures and/or equipment to be used for the transmission of electricity from the Applicant by means of the easement. Any special use approval should include language that prohibits the Applicant's use of Lindbergs' easement to Commonwealth Edison for the transmission of energy. It should prohibit any additional structures or equipment on the Lindbergs' property and require the Applicant to install its own infrastructure (absent written consent from the Lindbergs or future property owners).

4. Decommissioning.

The application submitted addresses decommissioning only to the extent that the Applicant states it will occur. To avoid materials being left behind and the property becoming a hazard or an eyesore, we request that any approval be conditioned upon an appropriate surety bond sufficient to ensure full decommissioning and return of the land to the state it is in now.

Conclusion.

It is important that Poplar Grove take a conservative approach to this application. The treatment of this request will serve as precedent to any future requests. The Village must be sure that neighboring water rights are protected and that appropriate setbacks are required. The setbacks need to be of a sufficient distance to ensure that the structures, equipment and operations of the solar farm will not serve as a nuisance or barrier to neighboring landowners. Based on a review of nearby counties' ordinances, a standard setback from residential properties appears to be 100 feet. Some have had success with a waiver provision allowing the minimum setback to be reduced upon agreement with the property owners and/or road authorities of the adjoining the lot. The Lindbergs make no objection to the project, so long as the following conditions are imposed:

1. Relocation and replacement of drainage tile (from Parcel 03-14-300-001 to South of Hwy 173) by a qualified contractor at the expense of the Applicant. GPS marking of the location of the drainage tile and installation of inspection risers between Parcels 03-14-300-001 and 03-14-300-002 and at Hwy 173;

2. In the alternative to (1), inspection and any recommended rerouting of the drainage tile (from Parcel 03-14-300-001 to South of Hwy 173) by a qualified contractor. Applicant

shall, at its own sole expense, comply with any recommendations of the inspector. The inspection shall include the marking of the location of the drainage tile and installation of inspection risers between Parcels 03-14-300-001 and 03-14-300-002 and at Hwy 173;

3. Obligation of the Applicant to repair and/or replace any damaged tile with a surety bond posted by the Applicant in an amount of at least $50,000 to secure the same;

4. A 100-foot setback from the property lines of the proposed solar project. The Village, if it sees fit, should authorize adjacent property owners a waiver that may reduce the setback to as little as 50 feet;

5. Any fence on the solar project shall be set back at least 5 feet onto the Applicant's land to allow the Lindbergs to continue to use their equipment at the edge of their properties;

6. Absent written authorization from an adjacent landowner, Applicant shall be required to place all infrastructure, including structures or equipment necessary to transmit any collected energy, on property owned by the Applicant; and

7. An appropriate bond shall be posted by the Applicant to ensure decommissioning.

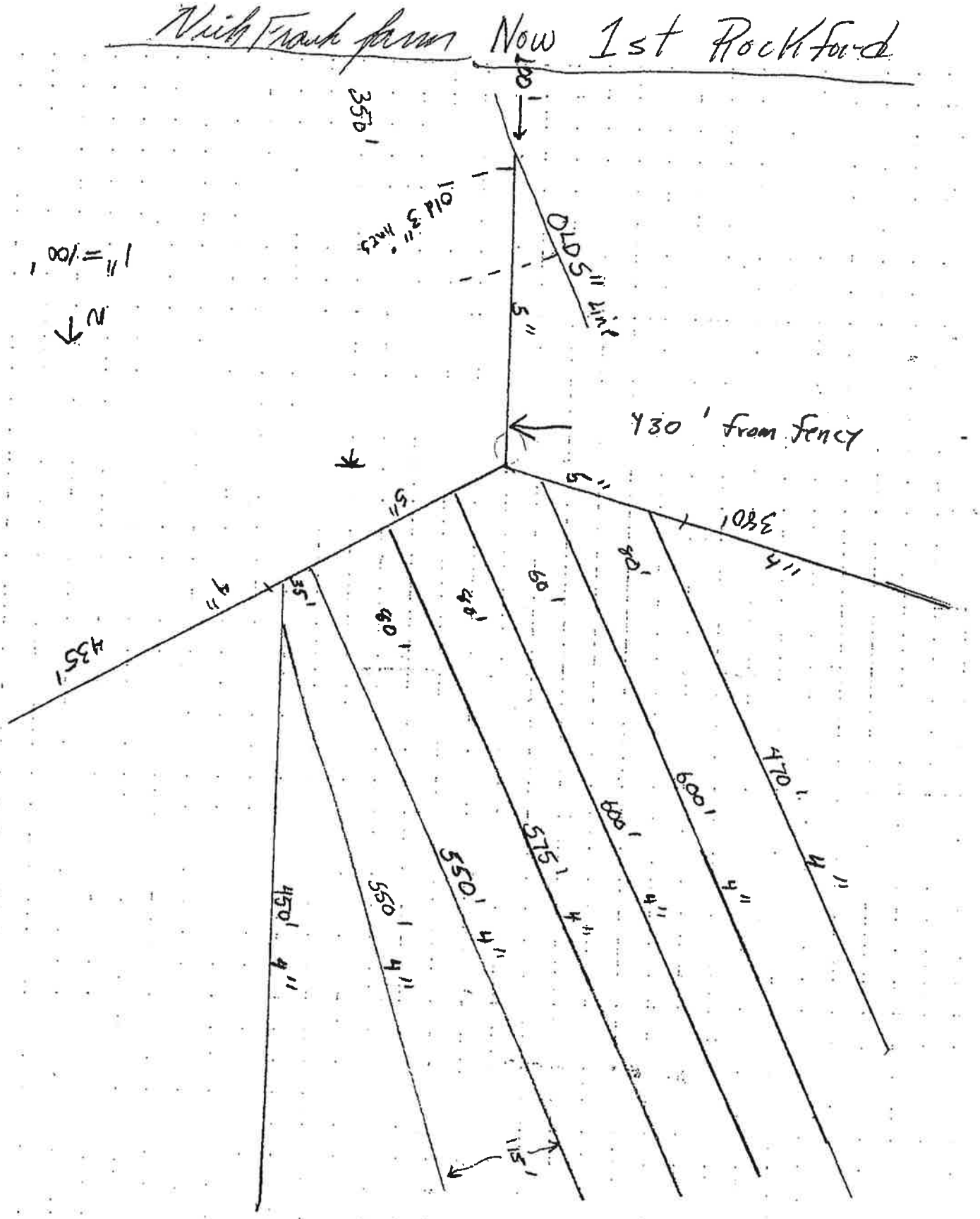
Should any of these conditions not be made part of the special use, the Lindbergs oppose this project and ask that the Village reject the same.

Sincerely,

Michael G Schultz (smc)

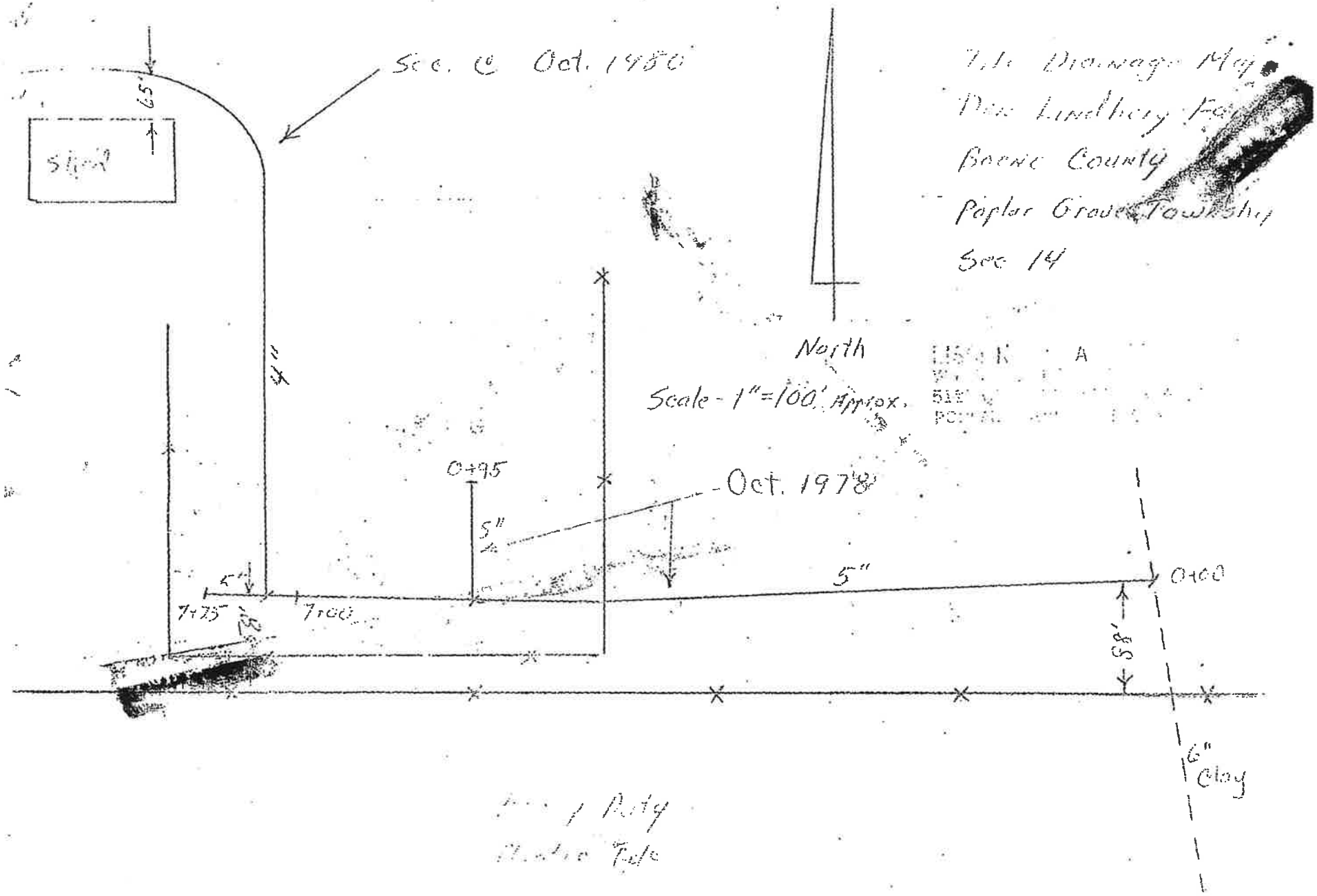
Michael G. Schultz

MGS:smc
Enclosures
cc: Ryan Straw, Esq. (rts@renozahm.com)
Don and Karen Lindberg
Gina DelRose, Zoning/Planning (gdelrose@ci.belvidere.il.us)
Aaron Szeto, Village Attorney (aaron@sosnowskiszeto.com)
Owen Costanza, Village President (president@villageofpoplargrove.com)
Trajectory Energy Partners, LLC, Applicant (legal@trajectoryenergy.com)



Home on East 80 West End
Nov 2000 plowed in

4-10N


Sec. of Oct. 1980
65'
Shed
North
Scale - 1"=100' Approx.
0+95
Oct. 1978
5"
5"
5"
0+00
7+25'
7+00
6" Clay

United States Department of Agriculture

Rock County, Wisconsin

Entire Tract: IR / (NI) GR / FG unless otherwise labeled
Shares: 100% Donald Lindberg

Farm 12953
Tract 13478
2017 Program Year

CLU	Acres	HEL	Crop
9	71.55	NHEL	
16	24.92	NHEL	
23	0.72	NHEL	
25	0.12	NHEL	NC
30	21.3	NHEL	
31	0.14	UHEL	NC
32	13.86	NHEL	
36	3.58	NHEL	
44	10.97	NHEL	
45	11.18	UHEL	NC

Page Cropland Total: 146.9 acres



Map Created April 19, 2017

Common Land Unit
- Cropland
- Non-Cropland
- Tract Boundary

NAIP Imagery 2015

Wetland Determination Identifiers
- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the NAIP imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact NRCS.

Sec. 121-99. - Agriculture district (A1).

(a) *Intent.* Agriculture district regulations are designed to regulate the use of land, buildings, and structures, and the uses thereof within the areas of the county where soil and topographic conditions are best adapted to the pursuit of agriculture and the utilization of other natural land resources. This section applies to the A1 district.

(b) *Permitted uses.*

(1) The minimum lot area shall be five acres. A single-family dwelling is permitted on a lot not less than 20 acres in area. However, after the effective date of the ordinance from which this chapter is derived, the following uses, either as a dominant or accessory use in the pursuit of agriculture, shall not be established or enlarged:

a. Livestock feed lots located nearer than 1,000 feet from a residence district boundary line.

b. Land used for the disposal of garbage, sewage, rubbish, or offal.

(2) Agriculturally related meeting halls and offices, by public conservation agencies; voluntary societies and associations, and governmental agencies.

(3) Public parks, playgrounds and recreation areas.

(4) The following public service uses when located 200 feet or more from a residence district boundary line or an existing dwelling, except as otherwise provided herein:

a. Electric and telephone substations and distribution centers.

b. Filtration plants, sewage treatment facilities, pumping stations and other reservoirs, public or community.

c. Gas regulator stations.

d. Police and fire stations.

e. Railroad rights-of-way and passenger stations.

f. Well head stations, well separators and other similar above-the-ground facilities customarily used for the distribution of natural gas, provided equipment and other installations shall be in completely enclosed buildings or may be in the open if they are completely enclosed behind a two inch or less mesh chainlink fence, or equal, not less than six feet in height.

(5) Nurseries, truck and flower gardening greenhouses and wholesale sales and incidental seasonal retail sales of plant materials, a substantial percentage of which are grown on the premises

(6) Ethanol plant, utilizing grain or other raw materials grown only on property owned or rented by producer and only for their own use. The producer shall include a cooperative consisting of ten or fewer members.

(7) Roadside stands, for the sale of produce and poultry grown and raised on or in the immediate area of the premises, and provided that such stand shall contain not more than 600 square feet of floor area or be higher than one story, and shall not exceed 17 feet in height. The stand or produce on sale shall not be located nearer than 50 feet from a street or highway right-of-way line, except a temporary roadside stand may be within ten feet of a street or highway right-of-way line provided the stand shall be at such location only during the harvest season of garden products grown in the open on the premises. There shall be provided with each roadside stand facilities approved by the planning director for vehicular ingress and egress to such stand from and to the street or highway and adequate parking facilities off of the street or highway right-of-way for motor vehicles of the customers being served or waiting to be served.

(8) Rural-based service provider only as an accessory use to an owner-occupied residential use. Any rural-based service provider operation shall fill out and submit an application with the planning office. The application forms are available in the planning office. Any rural-based service provider operation shall notify all owners of property within 500 feet of the subject site by certified mail within five days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten days after the date of the notice, file a written objection with the planning office thereto, by certified mail or in person, the question of whether such application shall be granted shall be referred to the zoning board of appeals which shall consider the matter at its

next regular or special meeting. A report summarizing the findings of fact and a recommendation of the zoning board of appeals shall be forwarded to the county board for a determination. Rural-based service provider businesses are subject to the following restrictions:

a. Shall not be permitted in a platted residential subdivision;
b. Shall only be established where an owner-occupied residence exists on the same lot as the provider business;
c. Shall be located within such owner's dwelling, storage area, or accessory building for the operation of such a building;
d. Shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six feet in height;
e. Shall not utilize more than 25 percent of the lot area or two acres, whichever is less;
f. Detached accessory storage buildings which are used in conjunction with the service operation shall conform to all applicable set back and location requirements set forth within this chapter;
g. On-site employees shall consist of immediate family members, and not more than three other persons;
h. Said business shall be owned by the owner of the residence;
i. Such businesses shall provide a parking area to accommodate at least two cars in addition to one parking space for each on-site employee. Such off-street parking area shall not be located in any required front yard and shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings;
j. Retail and/or wholesale sales shall be prohibited on the site of such use, except those sales incidental to the service provided and agricultural uses permitted in other parts of this chapter;
k. No more than one business shall be permitted on a site;
l. Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use;
m. The planning office shall notify the township assessor within the township in which such rural-based service provider is established within 90 days of the approved use and the structure used in association with such use;
n. Hours of operation shall be from 8:00 a.m. to 8:00 p.m.

(9) Composting of landscape waste for land application in pursuit of agriculture on a parcel not less than 20 acres.

(10) Home occupations as defined in this chapter.

(11) Single-family detached dwelling existing on the effective date of the ordinance from which this chapter is derived where a single-family detached dwelling may be divided from a parcel used in the pursuit of agriculture. A one-time exemption is permitted on a given tract of land in existence on the effective date of the ordinance from which this chapter is derived.

a. An applicant shall file the following information with the planning director:
    1. Administrative fee as stated in section 18-1.
    2. Application form.
    3. Plat of survey containing the following information:
        i. Stamped and signed by a licensed surveyor.
        ii. Legal description.
        iii. Stakes and monuments are clearly identified.
        iv. Lot size is not less than one acre and not more than five acres.
        v. Lot width is not less than 150 feet and not more than 499 feet. The lot width may be reduced to 50 feet when a farmstead is located more than 500 feet from a public road.
        vi. Proposed lot complies with the following provisions:
            (A) Lot coverage: does not exceed 30 percent of lot area.
            (B) Floor area ratio: does not exceed 0.2.

(C) Setback requirements.

aa. Front: Thirty feet in depth on platted rights-of-way. Sixty feet in depth on unplatted roads, measuring from the centerline of the road.

bb. Side: Six feet in width. Thirty feet in width when adjoining a street.

cc. Rear: 40 feet in depth.

b. A successful application must meet all of the standards listed below:

1. The detached single-family dwelling must have been erected prior to the effective date of the passage of the ordinance from which this chapter is derived and standing on the date of the application.
2. The property must be in compliance with all applicable property maintenance codes and have no outstanding code violations.
3. Rural based service providers and home occupations are in compliance.
4. A single-family detached dwelling is the principle structure on the parcel.
5. The property must have frontage along a public street or have proof of access from a private drive or an easement.
6. Said application must be in compliance with sections 121-146, 121-285, 121-286, and 121-396.
7. Not more than 50 percent of the subject site may contain tillable land.
8. Accessory buildings, structures, and uses must comply with section 121-281 of this chapter.
9. Does not include any new easements of access.

(12) Child care center within an occupied residence, not more than five children.

(13) Small wind energy systems provided the following are met:

a. A small wind energy system shall not be permitted on any parcel that is less than 2.00 acres.

b. There shall be no more than one small wind energy system located on a parcel.

c. Small wind energy systems are only permitted as an accessory use to a principal structure, and in no case will a small wind energy system be permitted on a vacant parcel.

d. Small wind energy systems shall only be permitted in a rear yard.

e. Small wind energy systems are not permitted in any platted subdivision.

f. Small wind energy systems may not be constructed within any recorded easements.

g. The maximum permitted system height of a small wind energy system from average grade to the top of the blade shall be no more than 125 feet.

h. Small wind energy systems shall be set back a distance equal to 110 percent of the system height from all adjacent property lines, third-party transmission lines, communication towers, and from occupied structures on the same parcel as the system. Additionally, a system must be a minimum distance equal to 150 percent of the system height from any dwelling inhabited by humans on neighboring property.

i. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be ten feet above the height of any structure within 50 feet of the base.

j. Guy wires and anchoring systems shall extend no closer than 30 feet from an adjacent property line.

k. The supporting tower shall also be enclosed with a six-foot-tall fence or the base of the tower shall not be climbable for a distance of 12 feet.

l. Small wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority. Any required lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

m. Small wind energy systems, except as may be required by the FAA, shall be finished in either off-white, light gray, other neutral color, or a color as approved by the Kankakee County Planning Department, including the blades. The finish shall be flat or matte. The required coloration and finish shall be maintained throughout the

life of the system.

n. No small wind energy system shall have any advertising material, writing, picture, or signage other than warning, equipment identification or ownership information. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, but not including meteorological/weather devices.

o. Small wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during a short-term event such as utility outages and/or severe windstorms.

p. Small wind energy systems shall not operate so as to cause microwave, television, radio, or navigation interference contrary to Federal Communication Commission regulations or other laws.

q. Small wind energy systems shall comply with all applicable FAA and any other federal, state or local requirements. Nothing in these requirements is intended to preempt other applicable federal, state and local laws and regulations.

(c) *Special uses.* The following special uses shall be permitted only in accordance with procedures, regulations and standards set forth in this chapter, applicable federal, state, or county regulations and standards, and additional standards that may be required by the county board. Development plans and specifications showing, when applicable, utility installations; site and land improvements; location, architectural elevations and construction details of buildings and structures; traffic control facilities and other improvements shall be submitted to the county board, if requested by the county board, for approval:

(1) Airports, aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings, and other auxiliary facilities on a parcel not less than five acres.

(2) Animal farms engaged in the raising of exotic animals, fox, mink, chinchilla, hogs, chickens, turkeys, dairy cows, horses, and other farm animals when not accessory to the pursuit of agriculture and provided no building or structure is located nearer than 200 feet from a lot line, and is located on a lot no smaller than five acres.

(3) Automobile wrecking yards and junkyards, providing they are contained within completely enclosed buildings or screened by a solid wall or attractive solid fence at least 12 feet high.

(4) Carnivals, circuses, and other similar uses as recommended by the zoning board of appeals and approved by the county board, for a period not to exceed 90 days, provided, that no lot used for such a purpose shall be located nearer than 500 feet from an existing dwelling, and operations shall conform with the performance standards, measured at the lot line, as set forth in the I2 District.

(5) Cemeteries, including crematories and mausoleums, provided no building shall be located nearer than 200 feet from a lot line.

(6) Child care centers not to exceed 12 children, ages six months to seven years. Child care center within an occupied residence, not less than six children and not more than twelve children.

(7) Churches, chapels, temples, and synagogues.

(8) Commercial radio and television towers and accessory buildings, provided, that the plans for the tower and related accessory buildings shall be sealed by a state licensed structural engineer verifying that the construction standards are adequate. Lot size and setbacks of the use shall be determined by the structural engineer and approved by the county board based upon the given specification and location of the subject site as to not endanger the public safety. Although, in no case shall the set back from any public right-of-way be less than 50 feet, provided for in this chapter under "setback requirements."

(9) Community centers, county-wide (publicly or semipublicly owned or operated, but not for profit), on a lot not less than 25 acres in area and for such uses as: Agricultural and horticultural fairs, and shows and exhibits conducted by rural and agricultural organizations; and other public or semipublic voluntary organizations, but not including commercial race tracks. The operations of all uses shall conform with performance standards set forth herein in the I1 light industrial district. The setback areas bordering the property lines shall be landscaped and so maintained as permanent open areas but may contain driveways, walks, fences, and buildings or structures at entrances for admission controls.

(10) Community residential home.

(11) Convalescent, nursing, and rest homes and accessory uses, buildings, and structures.

(12) Convents, seminaries, monasteries, and nunneries.

(13) Educational and institutional uses:

a. Colleges, junior colleges, and universities including fraternity and sorority houses, dormitories, and other accessory structures and facilities necessary to its operation on a lot not less than 20 acres in area, and provided no buildings or structures, including off-street parking and loading facilities, are located nearer than 200 feet from a lot line.

b. Schools, parochial, private or not for profit and boarding schools, public or private on a lot not less than two acres for a nursery school, eight acres for an elementary school, and 30 acres for a high school.

c. Hospitals and sanitariums and accessory uses, buildings, and structures, on a lot not less than ten acres in area and provided no buildings or structures, including off-street parking and loading facilities, are located nearer than 200 feet from a lot line.

(14) Farm related sales and service:

a. Fertilizer sales, including bulk storage and blending, provided all products sold and stored on the premises are manufactured elsewhere, on a lot not less than one acre in area and provided the lot is not located nearer than 1,000 feet from an existing dwelling or a residence district boundary line. The operations shall conform with performance standards set forth in the I1 industrial district.

b. Dairy products processing including the production or other acquisition of whole milk, cream, skim or dried milk and processing the same for delivery to customers in bottles, cans, cartons or other appropriate container, excluding, however, the production from such products of cheese or ice creams, on a lot not less than one-half acre and provided the lot is located not nearer than 1,000 feet from an existing dwelling or place of public assembly, a residence district boundary line, or a residential lot of record. The operations shall conform with the performance standards, measured at the lot line, as set forth in the I1 district.

c. Slaughterhouse, general or custom, including the humane slaughtering, skinning, defeathering, eviscerating, cutting up, packaging, or wrapping of animals or poultry and the operation of locker plants, lockers, and freezer units including the storing, freezing, smoking or curing of meat and poultry products in conjunction therewith on a lot not less than ten acres in area and not less than 400 feet in width and any such activity shall be located at least 500 feet from the nearest dwelling unit or residence district boundary line. Said operations shall conform with the performance standards, measured at the lot line, as set forth in the I2 district.

d. Grain elevators.

e. Feed, grain and seed sales.

f. Livestock sales.

g. Farm implement, machinery and equipment sales and service.

h. Veterinary care of farm animals.

(15) Firewood sales.

(16) Flea markets.

(17) Golf courses, standard, providing no clubhouse, accessory building or open off-street parking spaces shall be nearer than 50 feet from a lot line adjoining a street or a residence district boundary line, and 20 feet from an interior lot line.

(18) Heliports.

(19) Commercial landscape waste composting facilities other than garden compost operations are subject to the issuance of a special use permit. In no event shall a commercial compost facility be located nearer than 500 feet from an existing dwelling or a residential or commercial district boundary line, unless a special finding in favor thereof is recommended by the zoning board of appeals, the county board may then upon good cause shown, waive said 500-foot requirement.

(20) Liquid propane sales and service, provided that the operation shall conform with performance standards set forth in t district.

(21) Mining and quarrying operations. Preparation and transportation of minerals and other natural resource operations including but not limited to the extraction of sand, gravel, other aggregate and top soil, and oil or nonexempt gas well drilling, provided that:

a. The following information shall be submitted with the application for a special use permit:

1. Documentation of approval from the appropriate federal, state, and local agencies;
2. A location map prepared by a registered professional engineer or registered land surveyor showing:
   i. The location of the proposed operation and the present uses of land to be included in the request;
   ii. The extent of area to be excavated and the anticipated depth of excavation. No open pit, shaft, operating equipment, or building related to the processing of product shall be less than 200 feet from any public road or 50 feet from any interior side or rear property line;
   iii. Boundaries of land to be affected by the operation, including the location of storage sites for overburden, access and internal service roads, storage sites for equipment, and offices and other structures to be used in conjunction with the operation;
   iv. All buildings or structures which use is other than for the processing of product shall be located no less than 50 feet from any property line;
   v. Boundaries of adjoining lands owned by persons other than the applicant and the existing uses and zoning of those adjoining lands;
   vi. The location of all watercourses, bodies of water, public rights-of-way, public buildings, public recreation areas, public facilities and other public property on or within 1,000 feet of the boundaries described as the land affected by the operation;
   vii. Existing topography of the property indicated by contour lines of no greater than five foot intervals;
3. A development plan of the area to be affected by the operation prepared by a registered professional engineer.
   i. The nature and content of the overburden to be removed in the course of the operation;
   ii. The nature and depth of the various strata of overburden above and between mineral seams to be excavated (not less than one core sample per ten gross acres of area);
   iii. The extent of area to be excavated and the anticipated depth of excavation;
   iv. The location and quality of underground water known to be present at the site;
   v. An estimate prepared by a qualified soils engineer or geologist of the probable impact of the operation upon community and/or individual water supplies;
4. A detailed operational plan including, but not limited to, hours of operation, monitoring program, production rates, the types, quantities and use of equipment, methods of extraction, traffic impact study, drainage study, stormwater management, soil study, floodplain information, off-street parking and loading information, septic and well information;
5. A detailed land reclamation plan of the area included within the permit, showing:
   i. Proposed use or uses of the land following the operation;
   ii. Actions to be taken during mining to conserve and replace topsoil removed during the proposed operation;
   iii. The sedimentation and erosion control plan for the reclamation including the type of vegetation to be planted for soil stabilization purposes;
   iv. Proposed location of future roads, private rights-of-way, drainage courses and other proposed improvements; and
   v. A performance guarantee in the form of a corporate surety bond, letter of credit or cash bond shall be furnished to the county board in an amount adequate to assure compliance with the approv

reclamation plan. The exact amount and termination date of the completion of operations and the rehabilitation of the tract shall be established in the special use permit review process and imposed at the time of approval based upon the estimated costs of reclaiming the site and the estimated length of time the operation will be conducted. Proof that the applicant has filed an Illinois State Land Reclamation Bond with the Department of Mines and Minerals may be accepted in lieu of the county's requirement for bonding or letter of credit;

6. Such other information as may be required by the zoning board of appeals, the county board, or the planning department.

b. Such operations shall not be located less than 200 feet from a residence, business, or commercial district, use, or a residential lot of record, except for those uses owned by the operating company.

c. The affected mining area shall have a six-foot high earthen berm and a six-foot high chainlink fence either in front or behind the berm; the necessity of the fence shall be determined by the zoning board of appeals based upon conditions at the time of the application. Subsequent requirements for fencing shall be reviewed by the committee of the county board having jurisdiction as development in the area occurs.

d. No blasting or other use of explosives is permitted unless specifically requested and authorized within the special use permit. If permitted by the county board, blasting must conform to the following county requirements and standards:

1. The board shall require the applicant to prepare pre-blasting and post-blasting studies of the area (as conducted by a qualified geotechnical engineering company approved by the board), to determine the probable affects of blasting and other excavation methods upon existing uses in the area surrounding the proposed site.
2. An environmental assessment shall be completed by an aquatic biologist or an individual with a similar background and education. A written report shall be drafted stating the impact blasting and other uses of explosives may have on waterways and aquifers in and under the area.
3. The use, handling and detonation of explosives in connection with said quarrying operations shall be under the direct supervision of persons having the requisite experience and knowledge to conduct such operations with safety. If such persons are hereafter required to be licensed by any federal agency or by the state or county, such persons shall meet the licensing requirements and obtain such license.
4. The storage of explosives shall be in accordance with all applicable federal and state laws and regulations and shall be stored in magazines, buildings, or structures which shall meet the safety requirements of such laws and regulations.
5. Blasting procedures shall be in accordance with modern techniques, generally accepted in the mining and quarrying industry, and shall comply with the recommendations provided by the preblasting and post-blasting studies.
6. Blasting procedures shall be subject to and comply with the applicable requirements of the state department of mines and minerals, Federal Bureau of Mines, Illinois Environmental Protection Agency, and any other governmental agency having jurisdiction thereof.
7. Blasting procedures shall be in conformity with approved safety regulations, customs, and practices generally accepted in the mining and quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.
8. The time and day of detonation of any blast may be restricted by conditions set forth in the special use permit.
9. Proof of liability insurance shall be provided to the county board at the time of the granting of the special use permit and subsequent proof shall be provided each year.

e. A letter signed by the applicant and property owner granting right of entry upon the property to appropriate public officials for semiannual inspections shall be presented to the county board at the time of the issuance of the special use permit.

f. The special use permit shall be reviewed by the committee of the county board having jurisdiction every second y the conditions of the permit and operational standards are being complied with.

(22) Recreational areas, campgrounds, camps, and day camps whether or not operated for profit.

(23) Recreational uses:

a. Outdoor recreation: On a lot having an area and width as approved by the county board and used for one or more of the following uses: Polo fields, equestrian sports, horse shows and hunter trails; hunt clubs and gun clubs; conservation clubs; archery ranges, fishing ponds, swimming clubs, and tennis clubs; golf driving ranges; licensed go-cart tracks but not used for races; private or semipublic picnic grounds and parks, marinas and other boat landing facilities for pleasure craft and accessory uses, buildings or structures such as off-street parking and loading spaces; administration, maintenance and club house buildings, including sale of food and beverages, provided such building and off-street parking and loading spaces shall be set back from any lot line in accordance with requirements set forth by the county board.

b. Resorts: On a tract of land having frontage or approved access to frontage on a river or lake; and there shall be contained in the resort, dwelling units and lodging rooms for guests and employees of the lodge, and two or more of the uses set forth in subsections (e)(23) b.1. and 2. of this section; and may contain accessory uses set forth in subsection (e)(23) b.3. of this section; and provided that all buildings shall be located no nearer than 100 feet from a lot line.

1. Indoor recreation facilities for use only by guests of the resort, located in the principle building or a detached recreation building clubhouse, as follows: swimming pools, ice skating rinks, tennis courts, gymnasiums, theaters, and other indoor recreation facilities, as approved by the county board.
2. Outdoor recreation facilities, for use only by guests of the resort as follows: boating, swimming, water skiing, and other water sports; ice skating, skiing, hockey and other winter sports; basketball, softball, volleyball, and similar sports; tennis courts; standard, par 3, pitch and putt and miniature golf courses; and other outdoor recreation facilities as approved by the county board.
3. Accessory buildings and uses thereof customarily incidental to the uses set forth in subsections (e)(23) b.1. and 2. of this section including signs, the location, area, design, and illumination of which are approved by the county board. Accessory uses for lodges, or clubhouses also include, when located in the principle building, restaurants and cocktail lounges; curio, gift, sporting goods, flower, and wearing apparel shops; and tobacco, newspaper, magazine, and bookstores or counters.

(24) Recycling: reverse vending machines (See also general provisions):

a. Small collection facility.

b. Large collection facility.

c. Light processing facility.

d. Heavy processing facility.

(25) Sewerage treatment plants, public or community; provided, however, that no building permit for the construction of such treatment plant shall be issued by the planning director under its "building code" until he has assured that the location of such treatment plant with reference to distance and direction from habitations, office buildings, church, schools, parks, and other recreational facilities has been approved by the county board, after receiving the report and recommendations of the director.

(26) Signs, advertising as regulated in article V, division 2.

(27) Substance abuse center.

(28) Kennels shall be a minimum of 500 feet from any zoned residential district or 500 feet from any existing dwelling other than the dwelling of the owner or lessee of the premises.

(29) Billboards.

(30) Research facility for domesticated animals and livestock.

(31) Wind energy conversion systems (WECS) as regulated herein.

(32) Storage, blending, and utilization of flammable liquids, gases, or materials which produce flammable or explosive vapc exceeding the total capacity as specified in Table 6: Permitted Quantities of Highly Toxic Materials (section 121-207 Per standards) when connected to an intrastate or interstate pipeline for the purpose of transporting the stored, blended, product through the pipeline. These facilities must comply with all performance standards as specified in section 127-; County Code.

Setbacks for these facilities shall comply with the setbacks specified in section 121-206 of the County Code.

(33) Adaptive reuse. The repurposing of existing structures in the A1 agriculture district for uses that are not agriculturally related.

- The property must contain existing structures that were devoted to a nonagricultural use, special use, or long term nonconforming use that are no longer used for that particular use.
- The applicant must demonstrate that a viable agricultural use for the property could not be found.
- The applicant must demonstrate the need for the new use and how the use will complement the site and surrounding area.
- The applicant must demonstrate that the new use will not impact the neighborhood or the public's health, safety, or welfare in a negative way.
- The property must comply with all other ordinances and codes.

(34) Solar farm. Solar farms, also known as solar power plants and solar energy generation facilities, shall be permitted in the A1 district as a special use, in accordance with the following minimal regulations and design standards.

a. *Design standards.* The design standards and bulk regulations listed in the AI-Agriculture district for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

1. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
2. Other standards and codes. All solar farms shall be in compliance with any applicant local, state and federal regulatory standards, and the National Electric Code as amended.
3. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions or variances may be granted in instances where shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury lines.
4. Minimum lot size. No solar farm shall be erected on any lot less than five acres in size.
5. Height. Systems, equipment and structures shall not exceed 30 feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.
6. Setbacks. Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment excluding fences a minimum of 100 feet on the front and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 100 feet for residentially zoned lots and existing residential properties, with the setback distance to be measured from the property line of the solar farm to the property line of residentially zoned lots or existing residential properties. The zoning board of appeals may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way, if the owners of the adjoining properties agree to waiver these setback requirements. The zoning board of appeals granting of such a variance will be part of their recommendation to the county board.
7. Screening and fencing. Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of eight feet. Knox Boxes and keys shall be provided at locked entrances for emergency personnel access. The zoning board of appeals shall have the discretion to recommend or at

the discretion of the county board, a 30-foot wide buffer of which part 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 three feet tall and with the expectation that this hedge shall reach the height of at least eight 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.

8. Lighting. If lighting is provide at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
9. Noise. Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.
10. Performance standards. All solar power plants must conform to the performance standards as listed in section 121-207 of this chapter.
11. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number.
12. Outdoor storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The planning director or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.

b. *Application requirements (zoning).* Due to the unique nature and special requirements of solar power plants and their potential impacts to adjoining properties and government services, solar power plants shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the county Code or any special conditions required by the zoning board of appeals or the Kankakee County Board. The applicant shall provide 50 copies of all required submittals to the planning department. However, the applicant shall only be required to submit two copies of all documents proving ownership or interest in the property.

1. A site plan with existing conditions showing the following:
    i. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
    ii. Existing public and private roads, showing widths of the roads and any associated easements.
    iii. Location and size of any abandoned wells, sewage treatments systems.
    iv. Existing buildings and any impervious surfaces.
    v. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
    vi. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
    vii. Waterways, watercourses, lakes and public water wetlands.
    viii. Any delineated wetland boundaries.
    ix. A copy of the current FEMA FIRM map that shows the subject property. And, the 100-year flood elevation and any regulated flood protection elevation, if available.

x. Floodway, flood fringe and/or general floodplain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.

xi. Mapped soils according to the Kankakee County Soil Survey.

xii. Surface water drainage patterns.

xiii. The location of any subsurface drainage tiles.

2. Plan of proposed conditions:

   i. Location and spacing of solar panels.

   ii. Location of access roads and access points.

   iii. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

   iv. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.

   v. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.

   vi. Weed/grass control. Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating company during the operation of the solar farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of $500.00 per week if the fence is not secure or the weed/grass control plan is not followed, as per section 121-7 of these regulations.

3. All solar power plant applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-ways that will be utilized for both the construction and operation of the solar power plant. Prior to the issuance of a building permit, the applicant shall submit an executed agreement between the solar power plant owner/operator and all road district authorities with infrastructure affected by the solar power plant to the county. This agreement shall include at a minimum:

   i. A final map identifying the routes that will be used.

   ii. A plan for maintaining and/or repairing the affected roads.

   iii. Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.

4. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.

5. A detailed list of costs showing the itemized total construction costs of the facility separated by parcel.

6. A description of the method of connecting the array to a building or substation.

7. At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre-operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the county.

8. A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months, the operating company and or land owner have six months to complete the decommission plan or the county will take the necessary decommission steps. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning security financing shall be required by the county in order to assure the proper decommissioning of the site and in no instance shall the financial security be less than $1,000.00 per acre. This security financing should be in the form of an irrevocable letter of credit or cash placed in a county escrow account. The county board may, in its sole discretion, agree to accept security, or a portion

thereof, in another form such as a bond or corporate guarantee. The decommissioning plan and financial security must be presented to and accepted by the Kankakee County Board prior to the issuance of a building permit for the facility.

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

The county reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

c. *Fees and costs.*

1. [Applicable fees.] The fees listed in section 121-38 are not pplicable to solar farm special use permit applications and the following fees shall apply. No solar farm special use permit application shall be accepted until the filing fee of $5,000.00 is paid and accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant that the applicant will pay to the county additional fees to reimburse the county for moneys expended in excess of $5,000.00 in preparing for, processing, reviewing and evaluating the application to its final resolution. The applicant shall also agree in said notarized statement to stop all proceedings if an invoice for reimbursement to the county is not paid to the county treasurer within ten days after the invoice has been presented to the appropriate corporate officer or official legal representative of the applicant.
2. Remedial costs. Applicants and/or owners of solar farms shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the planning director or the Kankakee County Board.

(d) *Lot area.* Not less than two acres, except as otherwise regulated herein for a specific permitted or special use.

(e) *Lot width.* Not less than 330 feet, except as otherwise regulated herein for a specific permitted or special use.

(f) *Floor area ratio.* Not to exceed 0.1.

(g) *Setback requirements*. Except as otherwise regulated herein, setbacks shall be provided as follows (See general provisions for measuring setbacks):

(1) *Front:* not less than 50 feet.

(2) *Side:* not less than 30 feet for an interior side and not less than 50 feet for a side adjoining a street.

(3) *Rear:* not less than 100 feet, except for a specific special use.

(h) *Off-street parking and loading*. In accordance with regulations set forth in the applicable section of this chapter.

(i) *Signs*. In accordance with the regulations set forth in the applicable section of this chapter.

(Zoning Ordinance 1996, §§ 6.00—6.09; Res. No. 99-5-11-075, § I, 5-11-1999; Ord. No. 02-06-11-550, §§ I, II, IV, 6-11-2002; Res. No. 02-07-09-566, 7-9-2002; Res. No. 2006-04-11-81, §§ 6.02, 6.03, 4-11-2006; Ord. No. 2007-01-09-14, 1-9-2007; Res. No. 2008-02-13-21, § 3(Exh. A), 2-13-2008; Res. No. 2008-08-12-110, § 3(Exh. A), 8-12-2008; Res. No. 2011-05-10-84, 5-10-2011; Res. No. 2015-11-10-138, Exh. A, 11-10-2015; Res. No. 2017-05-09-45, Exh. A, 5-9-2017)

Editor's note— Res. No. 2008-08-12-110, § 3(Exh. A), adopted Aug. 12, 2008, added subsection (c)(30) to § 121-99. Inasmuch as said subsection already existed, the new provisions have been redesignated as (c)(31) at the editor's discretion.

Sec. 39-268. Solar Power

(a) *Scope.*

(1) This article applies to all solar energy installations in unincorporated Whiteside County.

(b) *Purpose.*

(1) Whiteside County has adopted this regulation to meet the goals of the Comprehensive Plan and preserve the health, safety, and welfare of the County's citizens by promoting the safe, effective, and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy.

(c) *Definitions.*

(1) *Active Solar Energy System*: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

(2) *Building-integrated Solar Energy Systems*: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

(3) *Grid-intertie Solar Energy System*: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

(4) *Ground-Mount*: A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

(5) *Off-grid Solar Energy System*: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

(6) *Passive Solar Energy System*: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

(7) *Photovoltaic System*: An active solar energy system that converts solar energy directly into electricity.

(8) *Renewable Energy Easement, Solar Energy Easement*: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

(9) *Renewable Energy System*: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

(10) *Roof-Mount*: A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

(11) *Roof Pitch*: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

(12) *Solar Access*: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

(13) *Solar Farm*: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

(14) *Solar Garden*: A commercial solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site

from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

(15) *Solar Resource*: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

(16) *Solar Collector*: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

(17) *Solar Collector Surface*: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

(18) *Solar Daylighting*: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

(19) *Solar Energy*: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

(20) *Solar Energy System*: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

(21) *Solar Heat Exchanger*: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

(22) *Solar Hot Air System*: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

(23) *Solar Hot Water System*: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

(24) *Solar Mounting Devices*: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

(25) *Solar Storage Unit*: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

(d) *Permitted Accessory Use*: Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in (3) below will require a special use permit, except as provided in Section (f) Special Accessory Uses.

(1) *Height*: Active solar energy systems must meet the following height requirements:

a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building- integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.

b. Ground or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

(2) *Set-back*: Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

a. Roof or Building-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

b. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

(3) *Visibility*: Active solar energy systems shall be designed to conform to the county comprehensive plan and to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys provide that screening shall not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

a. *Building Integrated Photovoltaic Systems*. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

b. *Solar Energy Systems with Mounting Devices*. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley

c. *Reflectors*. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

d. *Aviation Protection*. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

(4) *Coverage*: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

(5) *Historic Buildings*: Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must be consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

(6) *Plan Approval Required*: All solar energy systems shall require administrative plan approval by the Whiteside County zoning official via the review of the application for a building permit.

a. *Plan Applications*. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

(i) *Pitched Roof Mounted Solar Energy Systems*. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

(ii) *Flat Roof Mounted Solar Energy Systems.* For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

(iii) *Plan Schematics.* Plan schematics will accompany each application. That schematic will point out, in the wiring diagram, where a separate shut off has been included for fire safety. Said schematic will also be made available to the appropriate fire department or district.

b. *Plan Approvals.* Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the planning and zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

(7) *Approved Solar Components*: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

(8) *Compliance with Building Code*: All active solar energy systems shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable.

(9) *Compliance with State Electric Code*: All photovoltaic systems shall comply with the Illinois State Electric Code.

(10) *Compliance with State Plumbing Code*: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

(11) *Compliance with State Energy Code*: All photovoltaic systems and Solar thermal systems shall comply with the Illinois State Energy Code.

(12) *Utility Notification*: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(e) *Principal Uses.* Whiteside County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the development lot or lots are special uses in selected districts.

(1) *Solar gardens*: Whiteside County permits the development of unincorporated county solar gardens, subject to the following standards and requirements:

a. *Rooftop Gardens Permitted.* Rooftop community systems are permitted in all zoning districts where buildings are permitted.

b. *Ground-Mount Gardens Special Use.* Ground-mount community solar energy systems must be less than five acres in total size, and are a special use in all districts. Ground-mount solar developments covering more than five acres shall be considered solar farms.

c. *Interconnection.* An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

d. *Dimensional Standards.*

1. All solar garden related structures in newly platted subdivisions must comply with setback, height, and coverage limitations for the district in which the system is located, with the exception of rear and side yard requirements. The setback from rear property lines will be 2 feet and side property line setbacks in the garden may be ignored.

2. All solar garden related structures in existing platted subdivisions must comply with setback, height, and coverage limitations for the district in which the system is located, with the exception of rear and side yard requirements.

e. *Aviation Protection*. For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

f. *Other Standards.* Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

(2) *Solar farms*: Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

a. *Special Use Permit.* Solar farms are special uses in agricultural districts, in airport safety zones subject to h. below, and at the landfill.

b. *Stormwater and NPDES*. Solar farms are subject to Whiteside County's Stormwater Management regulations, erosion and sediment control provisions if adopted and NPDES permit requirements.

c. *Ground Cover and Buffer Areas*. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees.

d. *Foundations*. 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.

e. *Other Standards and Codes*. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

f. *Power and Communication Lines*. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Whiteside County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

g. *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, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by Whiteside County. The site plan should also show all zoning districts, and overlay districts.

h. *Setbacks*. A minimum setback of 50 feet must be maintained on all property lines. Solar panels will be kept at least 500 feet from a residence that is not a part of the Special Use.

i. *Aviation Protection*. For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

j. *Agricultural Protection*. Solar farms must comply with site assessment or soil identification standards (LESA) that are intended to protect agricultural soils.

k. *Decommissioning.* A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The 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. Disposal of structures and/or foundations shall meet the provisions of the Whiteside County Solid Waste Ordinance. Whiteside County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning. In the event that the State of Illinois enacts a law with regard to the decommissioning of solar farms, the strictest requirements shall prevail.

l. *Endangered Species and Wetlands.* Solar farm 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.

(f) *Conditional Accessory Uses.* Whiteside County encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the applicant demonstrates that the standards in Section (d) (1), (2), or (3) cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, the applicant may request a special use permit. A special use permit shall be granted if the following standards are met.

(1) *Minimum Performance, Defined*: The following design thresholds are necessary for efficient operation of a solar energy system:

a. Fixed-Mount Active Solar Energy Systems. Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).

b. Solar Electric (photovoltaic) Systems. Solar collectors must have a pitch of between 20 and 65 degrees.

c. Solar Hot Water Systems. Solar collectors need to be mounted at a pitch between 40 and 60 degrees.

d. System Location. The system must be located where the lot or building has a solar resource, as defined in this ordinance.

(2) *Standards for a SUP*: A special use permit shall be granted if the applicant meets the following safety, performance and aesthetic conditions:

a. *Aesthetic Conditions*. The solar energy system shall be designed to conform to the county's comprehensive plan and to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.

b. *Safety Conditions.* All applicable health and safety standards are met.

c. *Non-Tracking Ground-Mounted Systems.* Pole-mounted or ground-mounted active solar energy systems must be set back from the property line by one foot.

(g) *Restrictions on Solar Energy Systems Limited.* Consistent with 765 ILCS 165/, no homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of unincorporated Whiteside County shall prohibit or restrict homeowners from installing solar energy systems. No energy policy statement enacted by a common interest community shall be more restrictive than Whiteside County's solar energy standards.

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2018-06

AN ORDINANCE ADOPTING
A SOLAR ENERGY SYSTEM ORDINANCE
FOR DEKALB COUNTY

WHEREAS, the DeKalb County Board has determined the need for regulations governing the construction, installation, and operation of solar energy systems; and

WHEREAS, the Planning and Zoning of the DeKalb County Board has drafted a Solar Energy System Ordinance to address this need; and

WHEREAS, the DeKalb County Community Development Department, under the direction of the Planning and Zoning Committee of the DeKalb County Board, has prepared and submitted an application for a Zoning Text Amendment for the adoption of a Solar Energy System Ordinance; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on January 31, 2018, at which ten (10) members of the public spoke for the application and two (2) members of the public spoke against the application, which was continued to February 15, 2018, at least thirteen (13) members of the public presented questions and comments regarding the application, regarding the Draft Solar Energy Systems Ordinance; and

WHEREAS, based on the testimony given at the public hearing, the Hearing Officer has forwarded to the Planning and Zoning Committee findings and a recommendation that the requested Draft Solar Energy Systems Ordinance be approved, with three (3) elements of the draft ordinance recommended for further consideration by the Planning and Zoning Committee, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated March 12, 2018; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed and considered the Draft Solar Energy Systems Ordinance proposed the Text Amendment, and the recommendation of the Hearing Officer, and having moved to amend the proposed language in response to the recommendation of the Hearing Officer and concerns raised at the public hearing, and has forwarded a recommendation to the DeKalb County Board that the proposed Solar Energy Ordinance, be adopted; and

WHEREAS, the DeKalb County Board has determined that it is in the best interests of the citizens of the County to amend the DeKalb County Zoning Ordinance to adopt the Solar Energy System Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Findings above and the recommendations of the Planning and Zoning Committee are hereby adopted as the findings and conclusions of the DeKalb County Board.

SECTION TWO: The DeKalb County Solar Energy Systems Ordinance, Exhibit "A" appended hereto, is hereby adopted, effective as of April 1, 2018.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 21TH DAY OF MARCH, 2018, A.D.

_____
Mark Pietrowski, Jr.
Chairman, DeKalb County Board

ATTEST:

_____
Douglas J. Johnson
DeKalb County Clerk

DEKALB COUNTY SOLAR ENERGY SYSTEM (SES) ORDINANCE

Scope

This article applies to all solar energy installations in unincorporated DeKalb County.

Purpose

The purpose of this ordinance is to promote and encourage economic development, while maintaining order in the construction, installation and operation of Solar Energy Systems (SES) in DeKalb County, while ensuring protection of the health, safety and welfare of the residents of DeKalb County by promoting the safe, effective, and efficient use of solar energy to reduce on-site consumption of fossil fuels or utility-supplied electric energy. Also, to avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands. This ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Definitions

Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground Mount: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of

a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Roof Mount: A solar energy system that is mounted on a rack that is fastened onto a building roof.

Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector: An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar Energy System Addition: A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

Solar Energy System, Private: A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Garden: A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

Solar Hot Water System: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

Building Permit Requirements and Fees

All Solar Energy Systems (SES) will be required to have a DeKalb County Building Permit before any work can be started. A written plan and a plat/ drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat / drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the DeKalb County Community Development Department as follows:

0-	10 kilowatts (kW)	$ 150.00
11-	50 kilowatts (kW)	$ 300.00
51-	100 kilowatts (kW)	$ 600.00
101-	500 kilowatts (kW)	$ 1,200.00
501-	1,000 kilowatts (kW)	$ 2,750.00
1,001-	2,000 kilowatts (kW)	$ 6,000.00
Over	2,000 kilowatts (kW)	$ 6,000.00 + 200.00 for each additional 0-100 kilowatts

Any SES that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee.

Permitted/Special Use

1) A single ground mount, roof mount or building integrated private solar energy system for residential/business use is permitted as an Accessory Use in ALL Zoning Districts where there is a principal structure, and shall be subject to the regulations for accessory uses.

2) Solar Gardens shall be allowed in ALL Zoning Districts, and shall require a Special Use Permit whether accessory or principal use of the property. However, the requirement for a Special Use Permit may be waived, provided the solar garden's

owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the need for a Special Use Permit be waived, from all property owners adjoining the zoning lot on which the solar garden is to be located (as determined by DeKalb County Community Development Department). Unless otherwise noted in this ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.

3) Solar Farms in the A-1 Zoning Districts require a Special Use Permit. Unless otherwise noted in this ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.

Set Back Requirements

1) Set back requirements for all Solar Energy Systems (SES) shall meet the structure minimum set back requirements when the SES is oriented at any & all positions.

2) The solar array and all components of the solar collector system in a Solar Farm shall be kept at least one hundred (100) feet from a property line or right-of-way. However, this requirement may be waived, provided the solar farm's owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the required minimum setback be waived, from all property owners and affected road authorities adjoining the zoning lot on which the solar farm is to be located (as determined by DeKalb County Community Development Department). However, in no instance shall any part of a solar farm, be located within fifty (50) feet of any of the aforementioned items

3) No solar energy system shall be allowed to be placed in the front yard of any residentially used or zoned property.

4) Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.

Height Requirements

1) Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any Zoning District, as stated in Article 5** of the DeKalb County Zoning Ordinance.

2) Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located.

Other Requirements

1) Upon request from the DeKalb County Community Development Department, an owner of a commercial Solar Energy System must provide documentation, within thirty (30) days, that the Solar Energy System is still in use. If it is not, the owner of the System will have 180 days, after notification from the Zoning Department, to remove

the Solar Energy System from the property.

2) Upon request from the DeKalb County Community Development Department, the owner or operator of a Solar Farm or a Solar Garden must submit, within 14 days, a current operation and maintenance report to the Department.

3) In all undeveloped areas, the Solar Energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the DeKalb County Zoning Dept. before a permit or Special Use Permit will be issued.

4) No fencing is required however if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

5) Any lighting for Solar Farms / Gardens shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

6) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

7) Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

8) Solar Energy Systems must be in compliance with ALL State of Illinois Building, Electric, Plumbing and Energy Codes.

Design Standards: Active solar energy systems shall be designed to conform to the county comprehensive plan and to blend into the architecture of the building or may be require to be screened from routine view from public right-of-ways other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1) *Building Integrated Photovoltaic Systems.* Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2) *Solar Energy Systems with Mounting Devices.* Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.

3) *Reflectors.* All solar energy systems using a reflector to enhance solar production shall

minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

4) *Aviation Protection*. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

Plan Approval Required: All solar energy systems shall require administrative plan approval by the DeKalb County Building official via the review of the application for a building permit.

1) *Plan Applications*. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

   a) *Pitched Roof Mounted Solar Energy Systems*. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

   b) *Flat Roof Mounted Solar Energy Systems*. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

2) *Plan Approvals*. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Director of Community Development and shall not require Planning and Zoning Committee review. Plan approval does not indicate compliance with Building Code or Electric Code.

Approved Solar Components: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

Compliance with Building Code: All active solar energy systems shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems

shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable.

Compliance with State Electric Code: All photovoltaic systems shall comply with the Illinois State Electric Code.

Compliance with State Plumbing Code: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

Compliance with State Energy Code: All photovoltaic systems and solar thermal systems shall comply with the Illinois State Energy Code.

Utility Notification: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

Principal Uses. DeKalb County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the zoning lot or lots are special uses in selected districts.

a) Solar gardens: DeKalb County permits the development of unincorporated county solar gardens, subject to the following standards and requirements:

   Rooftop Gardens Permitted. Rooftop community systems are permitted in all zoning districts where buildings are permitted.

   Ground-Mount Gardens. Ground-mount community solar energy gardens must be less than twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.

   Stormwater and NPDES. Solar gardens are subject to DeKalb County's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

   Interconnection. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

   Aviation Protection. For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

   Other Standards. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

b) *Solar farms*: Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

1) *Special Use Permit.* Solar farms are special uses in agricultural district.

2) *Stormwater and NPDES.* Solar farms are subject to DeKalb County's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

3) *Ground Cover and Buffer Areas.* Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Soil Water Conservation District and paid for by the developer. DeKalb County has a Noxious Weed Ordinance which is to be followed. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually, and paid for by the developer.

4) *Foundations.* 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.

5) *Other Standards and Codes.* All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

6) *Power and Communication Lines.* Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by DeKalb County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Director of Community Development. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.

7) *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, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by DeKalb County. The site plan should also show all zoning districts, and overlay districts.

8) *Aviation Protection.* For solar farms located within 500 feet of an airport or within

approach zones of an airport, the applicant must 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.

9) *Endangered Species and Wetlands.* Solar farm 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.

Liability insurance and Indemnification

1) 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 $3 million per occurrence and $5 million in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of $20 million or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.

2) For Private / Individual SES(s), commencing with the issuance of building permits, the Applicant or Owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Director of Community Development.
3) Any SES(s), Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County 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 SES(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 county's other indemnification rights available under the law.

Decommissioning

1) 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.

2) Decommissioning of solar panels must occur in the event they are not in use for 90 consecutive days.

3) *The owner or operator will have 6 months to complete the decommissioning plan after operation of a Solar Farm or Solar Garden stops being operational.*

4) 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.

5) The DeKalb County Board 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 a bond may be required prior to the issuance of a building permit for the facility.*

6) In the event that the State of Illinois enacts a law with regards to the decommissioning of a Solar Farm, the strictest requirements shall prevail.

RECEIVED
OCT 19 2018
BY: .....



RENO & ZAHM LLP

ATTORNEYS AND COUNSELORS

MICHAEL G. SCHULTZ
MGS@RENOZAHM.COM

October 17 2018

Poplar Grove Planning and Zoning Commission
200 N. Hill Street
Poplar Grove IL 61065

Re: Cases 2018-07 and 2018-08
Poplar Grove Solar, 4324 IL Rt. 173

Dear Commissioners:

This firm represents the Don and Karen Lindberg family. Enclosed is our prior objection relating to Case 2018-05. We reassert the concerns and objection as they relate to the above-referenced cases.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Michael G. Schultz

MGS:smc
Enclosure
cc: Ryan Straw, Esq. (rts@renozahm.com)
Don and Karen Lindberg
Gina DelRose, Zoning/Planning (gdelrose@ci.belvidere.il.us)
Aaron Szeto, Village Attorney (aaron@sosnowskiszeto.com)
Owen Costanza, Village President (president@villageofpoplargrove.com)
Trajectory Energy Partners, LLC, Applicant (legal@trajectoryenergy.com)

RENO & ZAHM LLP
ATTORNEYS AND COUNSELORS

MICHAEL G. SCHULTZ
MGS@RENOZAHM.COM

August 17 2018

Poplar Grove Planning and Zoning Commission
200 N. Hill Street
Poplar Grove IL 61065

Re: Case 2018-05
Poplar Grove Solar, 4324 IL Rt. 173

Dear Commissioners:

This firm represents Don and Karen Lindberg who own three parcels of property adjacent to the proposed solar project. One adjacent parcel (03-15-400-010) includes two residences, including Don and Karen's home on the Southeast corner of the parcel closest to the proposed solar power facility. The Lindbergs have lived and farmed this property for generations (over 100 years). The Lindbergs do not oppose the project, but they do have concerns relating to the implementation of the solar energy structures that they would like addressed and included in any special use permit. The Lindbergs' concerns are summarized herein and include: (1) drainage/flow of water, (2) the proposed setbacks, (3) any use of the Lindbergs' property, and (4) decommissioning.

As of submitting this position statement, the Lindbergs have not had an opportunity to review the soil and water report prepared by the Conservation District. The Lindbergs reserve the right to further comment after review of that or any additional reports.

1. Drainage and Waterflow Concerns.

Enclosed with this letter are two drawings and an aerial photograph that depict the current waterflow and drainage in the area. As you can see from the aerial photograph, water flows from the Lindberg property onto the property where the solar project is proposed. Drainage tiles are currently in place that carry the water from the Lindberg property, located to the north of the proposed solar project, southward to Highway 173 and under the roadway.

The proposed solar project includes drilling and/or digging posts to anchor the solar panel structures and installation of concrete pads. The project will also require heavy machinery driving and working on the property which has potential to damage the drainage tiles that are now almost 40 years old. The drainage tiles are presently functioning without issue. They keep the area properly drained and prevent water from flooding Highway 173 during heavy rains and creating a danger to the public.

The Lindbergs have valid concerns that the drainage tile may be damaged in the construction or maintenance of the solar project. Damage to the tile and the resulting disruption in waterflow has the potential to accelerate erosion of topsoil, damage crops (those currently in the ground as well as the viability of future plantings) and create a hazard to the public in the event that the water is not properly routed under Highway 173 and past the roadway. The Village can avoid these problems by placing certain reasonable conditions on any special use.

The Applicant should be required to replace and relocate the tile. It is likely, or even certain, that the heavy construction equipment will damage the 40-year-old clay tile designed for agricultural equipment not industrial equipment. One crushed or cracked clay tile will result in the entire system becoming unusable. As noted below, the Applicant, pursuant to Illinois statute, has an legal obligation to avoid damage to the tile. Replacement and relocation of the tile prior to the work beginning will avoid damage. Should the tile become damaged or in need of repair after the project is underway or complete, the costs of correction will multiply greatly (and may necessitate removing the installed solar panels). The most prudent and cost-effective solution is for the Applicant to address the tile prior to installation of the solar panels.

At minimum, the Village should require the drainage tile to be inspected both before and after construction. The inspection will allow for locating and marking the location of the tile to avoid damage to the system. If, based on his inspection, the inspector recommends rerouting tile or installing new tile due to implications of the project, the Applicant should be required to do so at its expense. Inspection risers should be installed both at the north border of the proposed solar project (at the property line of the Lindberg/solar project properties) and at Highway 173. Inspection risers will allow verification of waterflow and proper functioning of the tile. There are a number of qualified local contractors that work with drainage tile. The Lindbergs have worked with Chad Harbison (847-561-0849) in the past and believe him to be qualified for the job.

The Applicant should be required to remedy any damage to the drainage tile and any adverse impact on the drainage in the area that may result from the proposed project. This should apply to the Lindbergs' property as well as all other surrounding properties, including Highway 173. In order to ensure that this project does not become a nuisance, a surety/performance bond should be required of the Applicant as a condition of the special use. The security bond should be of a sufficient amount both to reimburse the Lindbergs for any damage to their crops (presently valued at approximately $40,000 - $50,000 per season) and to remedy any other property damage or harm resulting from any disruption of the waterflow in the area. We request a surety bond as a condition to any approval in an amount of at least $50,000 to ensure water rights and drainage tile are properly protected.

The Lindbergs' requests in this regard are consistent with what is already required under Illinois law to protect landowners who rely on drainage systems running through the land of others. See the Illinois Drainage Code (the "Code"), 70 ILCS 605/1-1 *et seq.* Section 12-7 of the Code provides criminal penalties for the willful obstruction, injury or destruction of any covered drain constructed through the land of others. 70 ILCS 605/12-7. The Code additionally provides for civil liability against any party that willfully or negligently obstructs, injures, cuts, breaches or destroys a drain. *Id.* By requiring certain preliminary measures to be taken as a condition of the special use, the

Village can protect against the much greater costs likely to be incurred by both parties and the judicial system in resolving any issues that may arise after the damage has been done.

2. Setbacks.

The setbacks proposed by the Applicant vary depending on what is bordering the property. The setbacks are reduced to as little as 30 feet in some areas. As a general comment, the Village should be cognizant of the fact that it is setting precedent for any future proposed projects. If it allows excessively narrow setbacks on this project, it will be difficult for the Village to later impose stricter standards on such projects if it finds them to be more prudent.

In this application, the Applicant proposes 100-foot setbacks for the areas which include residential homes. The 100-foot setback applies to all areas bordering homes *except* the Lindbergs' home northwest of the proposed solar project. In viewing the enclosed aerial photograph of the Lindbergs' property, it is clear that the Lindbergs' home is actually the closest structure to the proposed solar project. The setbacks at that corner of the solar project property, however, are only 30 feet to the north and 75 feet to the west, far less than the 100-foot setbacks proposed for the residential properties to the east. When visiting the Lindberg's home, the distance is alarmingly close. The Lindbergs request that the setbacks provide for 100 feet from all property lines. Additionally, any fence built on the solar project property should be set back from the Lindbergs' property a sufficient distance to allow the Lindebergs to continue to use their equipment at the edge of their properties.

The setbacks determined by the Village in this application will also impact the rights of property owners having lots abutting the solar project that may be buildable in the future. Setting 100-foot setbacks based on property lines alone, and notwithstanding whether the adjacent properties *currently* contain a structure, will ensure consistency over time.

The Lindbergs' requests are reasonable and consistent with local ordinances that have been implemented in nearby counties governing similar solar projects. The standard setback for solar farms from residential properties appears to be 100 feet. Copies of the relevant ordinances from Kankakee County, Whiteside County and DeKalb County are enclosed herewith for the Village's consideration.

Kankakee County, for instance, requires a front setback of 100 feet and a setback of 50 feet for all other property lines except those bordering residential properties, in which case the setback is 100 feet. Whiteside County requires solar farms to have a minimum setback of 50 feet from all property lines and 500 feet from any residence. DeKalb County requires setbacks of 100 feet from all property lines or right of ways. DeKalb County allows surrounding property owners to waive the setbacks affecting their property such that it may be reduced to as little as 50 feet. In no circumstances, however, does DeKalb County allow the setback to be less than 50 feet. It should also be noted that although Boone County has not yet enacted a solar farm ordinance, it is currently in the process of developing one. The setback under consideration by the Boone County Board was most recently 100 feet.

The Village should take a similar approach to that taken by these nearby, comparable areas. A 30-foot setback is simply an unreasonably short distance under any circumstances. The DeKalb County approach seems to be a particularly effective solution. Allowing the neighboring property

owners a waiver ensures a safe distance for all, but also allows the parties the flexibility to work out the best solution between them as they see fit.

3. Use of the Lindbergs' Property.

The Lindbergs also have concerns regarding the transmission of the energy produced on the solar farm. The application does not give clear details as to how the energy will be transmitted from the solar panels to a transformer or other energy receptacle.

The Lindbergs have provided Commonwealth Edison an easement along the eastern edge of their property for the delivery of electricity to the Lindbergs' home and farming operation. The Lindbergs are concerned that the solar project may attempt to make use of this easement rather than developing its own infrastructure for the transmission of its energy. The Lindbergs are concerned that their property will be burdened with additional structures and/or equipment to be used for the transmission of electricity from the Applicant by means of the easement. Any special use approval should include language that prohibits the Applicant's use of Lindbergs' easement to Commonwealth Edison for the transmission of energy. It should prohibit any additional structures or equipment on the Lindbergs' property and require the Applicant to install its own infrastructure (absent written consent from the Lindbergs or future property owners).

4. Decommissioning.

The application submitted addresses decommissioning only to the extent that the Applicant states it will occur. To avoid materials being left behind and the property becoming a hazard or an eyesore, we request that any approval be conditioned upon an appropriate surety bond sufficient to ensure full decommissioning and return of the land to the state it is in now.

Conclusion.

It is important that Poplar Grove take a conservative approach to this application. The treatment of this request will serve as precedent to any future requests. The Village must be sure that neighboring water rights are protected and that appropriate setbacks are required. The setbacks need to be of a sufficient distance to ensure that the structures, equipment and operations of the solar farm will not serve as a nuisance or barrier to neighboring landowners. Based on a review of nearby counties' ordinances, a standard setback from residential properties appears to be 100 feet. Some have had success with a waiver provision allowing the minimum setback to be reduced upon agreement with the property owners and/or road authorities of the adjoining the lot. The Lindbergs make no objection to the project, so long as the following conditions are imposed:

1. Relocation and replacement of drainage tile (from Parcel 03-14-300-001 to South of Hwy 173) by a qualified contractor at the expense of the Applicant. GPS marking of the location of the drainage tile and installation of inspection risers between Parcels 03-14-300-001 and 03-14-300-002 and at Hwy 173;

2. In the alternative to (1), inspection and any recommended rerouting of the drainage tile (from Parcel 03-14-300-001 to South of Hwy 173) by a qualified contractor. Applicant

shall, at its own sole expense, comply with any recommendations of the inspector. The inspection shall include the marking of the location of the drainage tile and installation of inspection risers between Parcels 03-14-300-001 and 03-14-300-002 and at Hwy 173;

3. Obligation of the Applicant to repair and/or replace any damaged tile with a surety bond posted by the Applicant in an amount of at least $50,000 to secure the same;

4. A 100-foot setback from the property lines of the proposed solar project. The Village, if it sees fit, should authorize adjacent property owners a waiver that may reduce the setback to as little as 50 feet;

5. Any fence on the solar project shall be set back at least 5 feet onto the Applicant's land to allow the Lindbergs to continue to use their equipment at the edge of their properties;

6. Absent written authorization from an adjacent landowner, Applicant shall be required to place all infrastructure, including structures or equipment necessary to transmit any collected energy, on property owned by the Applicant; and

7. An appropriate bond shall be posted by the Applicant to ensure decommissioning.

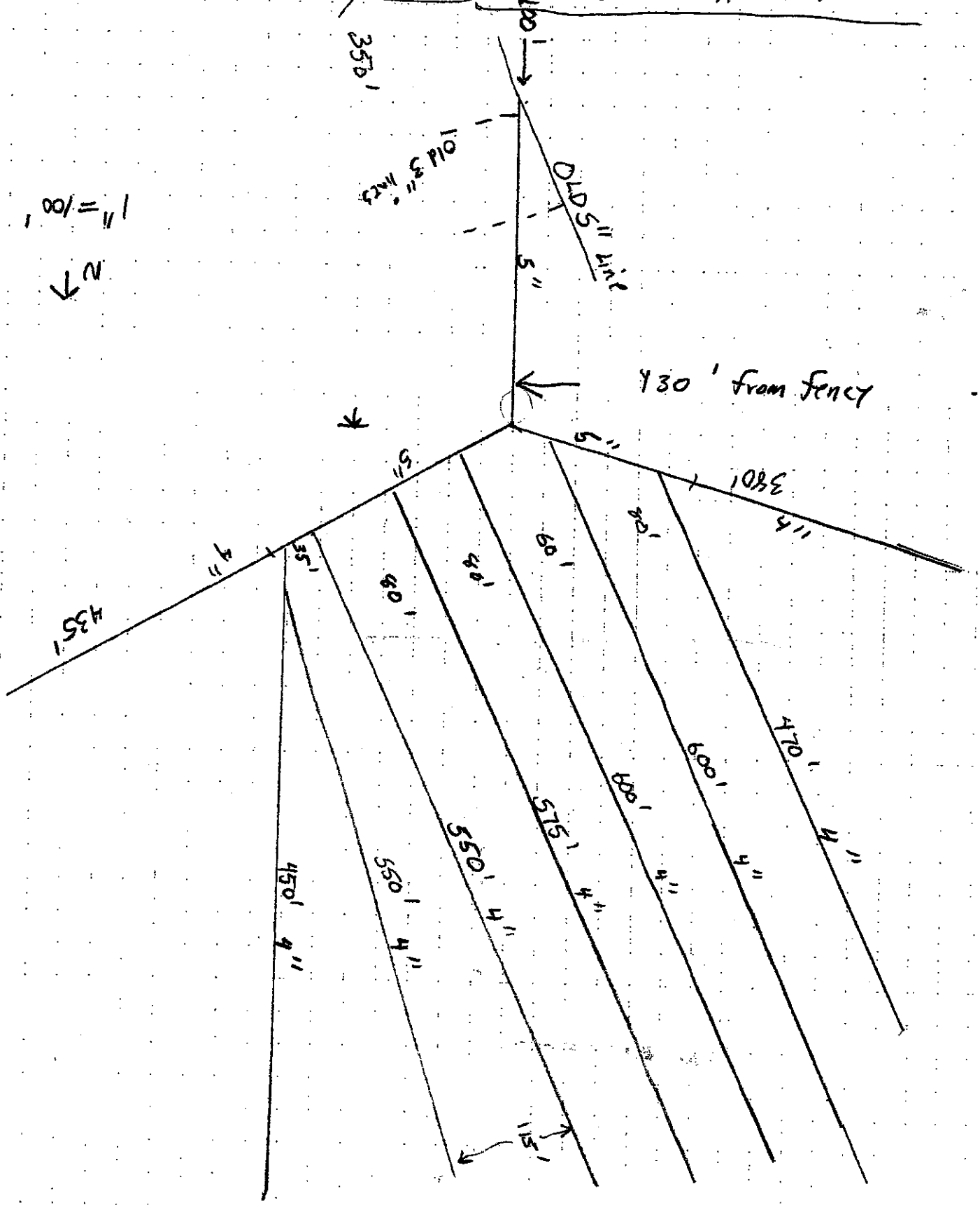
Should any of these conditions not be made part of the special use, the Lindbergs oppose this project and ask that the Village reject the same.

Sincerely,

Michael G Schultz (smc)

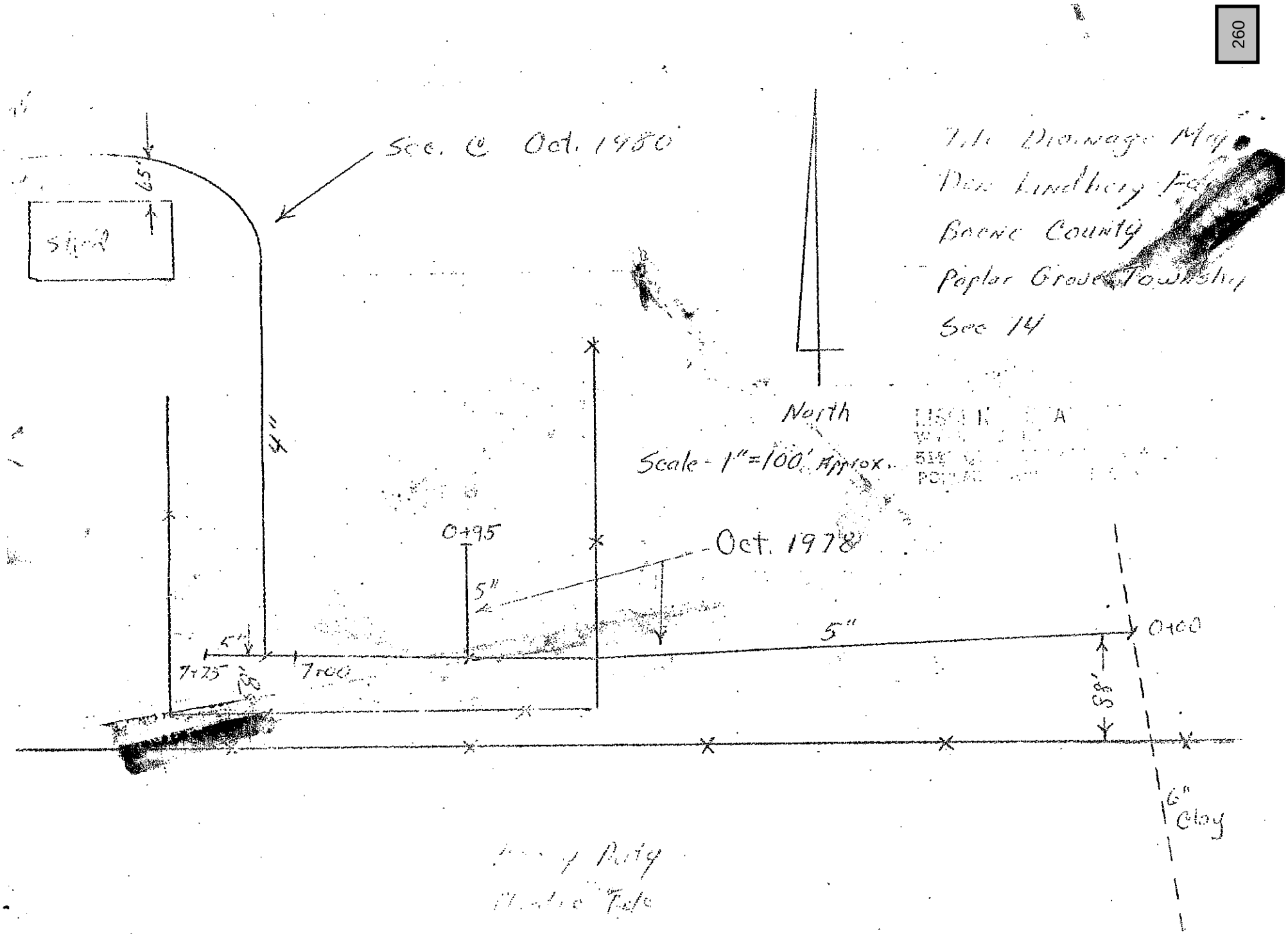
Michael G. Schultz

MGS:smc
Enclosures
cc: Ryan Straw, Esq. (rts@renozahm.com)
Don and Karen Lindberg
Gina DelRose, Zoning/Planning (gdelrose@ci.belvidere.il.us)
Aaron Szeto, Village Attorney (aaron@sosnowskiszeto.com)
Owen Costanza, Village President (president@villageofpoplargrove.com)
Trajectory Energy Partners, LLC, Applicant (legal@trajectoryenergy.com)



Home on East 80 West End
Nov 2000 plowed in

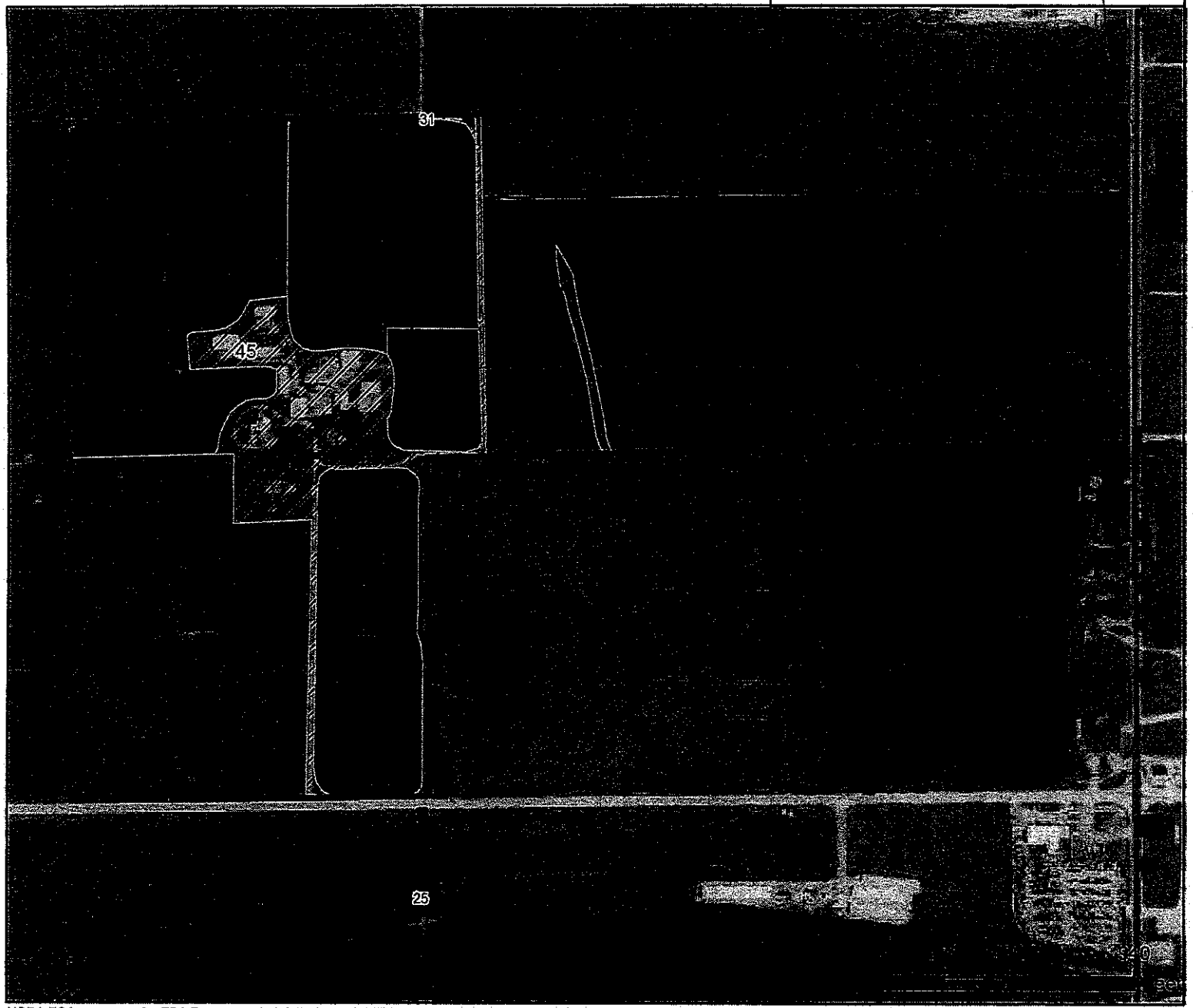
4-10N


Sec. C Oct. 1980
65'
Slope
Drainage Map
Lindsey Fa
Boone County
Poplar Grove Township
Sec 14
North
Scale - 1" = 100' Approx.
Oct. 1978
0+95
5"
5"
5"
7+25
7+00
0+00
58'
6" Clay

United States Department of Agriculture

Rock County, Wisconsin

Entire Tract: IR / NI CR / FG unless otherwise labeled
Shares: 100% Donald Lindberg



Farm 12953
Tract 13478

261

2017 Program Year

CLU	Acres	HEL	Crop
9	71.55	NHEL	
16	24.92	NHEL	
23	0.72	NHEL	
25	0.12	NHEL	NC
30	21.3	NHEL	
31	0.14	UHEL	NC
32	13.86	NHEL	
36	3.58	NHEL	
44	10.97	NHEL	
45	11.18	UHEL	NC

Page Cropland Total: 146.9 acres

Map Created April 19, 2017

Common Land Unit
- Cropland
- Non-Cropland
- Tract Boundary

NAIP Imagery 2015

Wetland Determination Identifiers
- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the NAIP imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact NRCS.

Sec. 121-99. - Agriculture district (A1).

(a) *Intent.* Agriculture district regulations are designed to regulate the use of land, buildings, and structures, and the uses thereof within the areas of the county where soil and topographic conditions are best adapted to the pursuit of agriculture and the utilization of other natural land resources. This section applies to the A1 district.

(b) *Permitted uses.*

(1) The minimum lot area shall be five acres. A single-family dwelling is permitted on a lot not less than 20 acres in area. However, after the effective date of the ordinance from which this chapter is derived, the following uses, either as a dominant or accessory use in the pursuit of agriculture, shall not be established or enlarged:

a. Livestock feed lots located nearer than 1,000 feet from a residence district boundary line.

b. Land used for the disposal of garbage, sewage, rubbish, or offal.

(2) Agriculturally related meeting halls and offices, by public conservation agencies; voluntary societies and associations, and governmental agencies.

(3) Public parks, playgrounds and recreation areas.

(4) The following public service uses when located 200 feet or more from a residence district boundary line or an existing dwelling, except as otherwise provided herein:

a. Electric and telephone substations and distribution centers.

b. Filtration plants, sewage treatment facilities, pumping stations and other reservoirs, public or community.

c. Gas regulator stations.

d. Police and fire stations.

e. Railroad rights-of-way and passenger stations.

f. Well head stations, well separators and other similar above-the-ground facilities customarily used for the distribution of natural gas, provided equipment and other installations shall be in completely enclosed buildings or may be in the open if they are completely enclosed behind a two inch or less mesh chainlink fence, or equal, not less than six feet in height.

(5) Nurseries, truck and flower gardening greenhouses and wholesale sales and incidental seasonal retail sales of plant materials, a substantial percentage of which are grown on the premises

(6) Ethanol plant, utilizing grain or other raw materials grown only on property owned or rented by producer and only for their own use. The producer shall include a cooperative consisting of ten or fewer members.

(7) Roadside stands, for the sale of produce and poultry grown and raised on or in the immediate area of the premises, and provided that such stand shall contain not more than 600 square feet of floor area or be higher than one story, and shall not exceed 17 feet in height. The stand or produce on sale shall not be located nearer than 50 feet from a street or highway right-of-way line, except a temporary roadside stand may be within ten feet of a street or highway right-of-way line provided the stand shall be at such location only during the harvest season of garden products grown in the open on the premises. There shall be provided with each roadside stand facilities approved by the planning director for vehicular ingress and egress to such stand from and to the street or highway and adequate parking facilities off of the street or highway right-of-way for motor vehicles of the customers being served or waiting to be served.

(8) Rural-based service provider only as an accessory use to an owner-occupied residential use. Any rural-based service provider operation shall fill out and submit an application with the planning office. The application forms are available in the planning office. Any rural-based service provider operation shall notify all owners of property within 500 feet of the subject site by certified mail within five days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten days after the date of the notice, file a written objection with the planning office thereto, by certified mail or in person, the question of whether such application shall be granted shall be referred to the zoning board of appeals which shall consider the matter at its

next regular or special meeting. A report summarizing the findings of fact and a recommendation of the zoning board of appeals shall be forwarded to the county board for a determination. Rural-based service provider businesses are subject to the following restrictions:

a. Shall not be permitted in a platted residential subdivision;
b. Shall only be established where an owner-occupied residence exists on the same lot as the provider business;
c. Shall be located within such owner's dwelling, storage area, or accessory building for the operation of such a building;
d. Shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six feet in height;
e. Shall not utilize more than 25 percent of the lot area or two acres, whichever is less;
f. Detached accessory storage buildings which are used in conjunction with the service operation shall conform to all applicable set back and location requirements set forth within this chapter;
g. On-site employees shall consist of immediate family members, and not more than three other persons;
h. Said business shall be owned by the owner of the residence;
i. Such businesses shall provide a parking area to accommodate at least two cars in addition to one parking space for each on-site employee. Such off-street parking area shall not be located in any required front yard and shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings;
j. Retail and/or wholesale sales shall be prohibited on the site of such use, except those sales incidental to the service provided and agricultural uses permitted in other parts of this chapter;
k. No more than one business shall be permitted on a site;
l. Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use;
m. The planning office shall notify the township assessor within the township in which such rural-based service provider is established within 90 days of the approved use and the structure used in association with such use;
n. Hours of operation shall be from 8:00 a.m. to 8:00 p.m.

(9) Composting of landscape waste for land application in pursuit of agriculture on a parcel not less than 20 acres.

(10) Home occupations as defined in this chapter.

(11) Single-family detached dwelling existing on the effective date of the ordinance from which this chapter is derived where a single-family detached dwelling may be divided from a parcel used in the pursuit of agriculture. A one-time exemption is permitted on a given tract of land in existence on the effective date of the ordinance from which this chapter is derived.

a. An applicant shall file the following information with the planning director:
    1. Administrative fee as stated in section 18-1.
    2. Application form.
    3. Plat of survey containing the following information:
        i. Stamped and signed by a licensed surveyor.
        ii. Legal description.
        iii. Stakes and monuments are clearly identified.
        iv. Lot size is not less than one acre and not more than five acres.
        v. Lot width is not less than 150 feet and not more than 499 feet. The lot width may be reduced to 50 feet when a farmstead is located more than 500 feet from a public road.
        vi. Proposed lot complies with the following provisions:
            (A) Lot coverage: does not exceed 30 percent of lot area.
            (B) Floor area ratio: does not exceed 0.2.

(C) Setback requirements.

aa. Front: Thirty feet in depth on platted rights-of-way. Sixty feet in depth on unplatted roads, measuring from the centerline of the road.

bb. Side: Six feet in width. Thirty feet in width when adjoining a street.

cc. Rear: 40 feet in depth.

b. A successful application must meet all of the standards listed below:

1. The detached single-family dwelling must have been erected prior to the effective date of the passage of the ordinance from which this chapter is derived and standing on the date of the application.
2. The property must be in compliance with all applicable property maintenance codes and have no outstanding code violations.
3. Rural based service providers and home occupations are in compliance.
4. A single-family detached dwelling is the principle structure on the parcel.
5. The property must have frontage along a public street or have proof of access from a private drive or an easement.
6. Said application must be in compliance with sections 121-146, 121-285, 121-286, and 121-396.
7. Not more than 50 percent of the subject site may contain tillable land.
8. Accessory buildings, structures, and uses must comply with section 121-281 of this chapter.
9. Does not include any new easements of access.

(12) Child care center within an occupied residence, not more than five children.

(13) Small wind energy systems provided the following are met:

a. A small wind energy system shall not be permitted on any parcel that is less than 2.00 acres.

b. There shall be no more than one small wind energy system located on a parcel.

c. Small wind energy systems are only permitted as an accessory use to a principal structure, and in no case will a small wind energy system be permitted on a vacant parcel.

d. Small wind energy systems shall only be permitted in a rear yard.

e. Small wind energy systems are not permitted in any platted subdivision.

f. Small wind energy systems may not be constructed within any recorded easements.

g. The maximum permitted system height of a small wind energy system from average grade to the top of the blade shall be no more than 125 feet.

h. Small wind energy systems shall be set back a distance equal to 110 percent of the system height from all adjacent property lines, third-party transmission lines, communication towers, and from occupied structures on the same parcel as the system. Additionally, a system must be a minimum distance equal to 150 percent of the system height from any dwelling inhabited by humans on neighboring property.

i. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be ten feet above the height of any structure within 50 feet of the base.

j. Guy wires and anchoring systems shall extend no closer than 30 feet from an adjacent property line.

k. The supporting tower shall also be enclosed with a six-foot-tall fence or the base of the tower shall not be climbable for a distance of 12 feet.

l. Small wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority. Any required lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

m. Small wind energy systems, except as may be required by the FAA, shall be finished in either off-white, light gray, other neutral color, or a color as approved by the Kankakee County Planning Department, including the blades. The finish shall be flat or matte. The required coloration and finish shall be maintained throughout

life of the system.

n. No small wind energy system shall have any advertising material, writing, picture, or signage other than warning, equipment identification or ownership information. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, but not including meteorological/weather devices.

o. Small wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during a short-term event such as utility outages and/or severe windstorms.

p. Small wind energy systems shall not operate so as to cause microwave, television, radio, or navigation interference contrary to Federal Communication Commission regulations or other laws.

q. Small wind energy systems shall comply with all applicable FAA and any other federal, state or local requirements. Nothing in these requirements is intended to preempt other applicable federal, state and local laws and regulations.

(c) *Special uses.* The following special uses shall be permitted only in accordance with procedures, regulations and standards set forth in this chapter, applicable federal, state, or county regulations and standards, and additional standards that may be required by the county board. Development plans and specifications showing, when applicable, utility installations; site and land improvements; location, architectural elevations and construction details of buildings and structures; traffic control facilities and other improvements shall be submitted to the county board, if requested by the county board, for approval:

(1) Airports, aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings, and other auxiliary facilities on a parcel not less than five acres.

(2) Animal farms engaged in the raising of exotic animals, fox, mink, chinchilla, hogs, chickens, turkeys, dairy cows, horses, and other farm animals when not accessory to the pursuit of agriculture and provided no building or structure is located nearer than 200 feet from a lot line, and is located on a lot no smaller than five acres.

(3) Automobile wrecking yards and junkyards, providing they are contained within completely enclosed buildings or screened by a solid wall or attractive solid fence at least 12 feet high.

(4) Carnivals, circuses, and other similar uses as recommended by the zoning board of appeals and approved by the county board, for a period not to exceed 90 days, provided, that no lot used for such a purpose shall be located nearer than 500 feet from an existing dwelling, and operations shall conform with the performance standards, measured at the lot line, as set forth in the I2 District.

(5) Cemeteries, including crematories and mausoleums, provided no building shall be located nearer than 200 feet from a lot line.

(6) Child care centers not to exceed 12 children, ages six months to seven years. Child care center within an occupied residence, not less than six children and not more than twelve children.

(7) Churches, chapels, temples, and synagogues.

(8) Commercial radio and television towers and accessory buildings, provided, that the plans for the tower and related accessory buildings shall be sealed by a state licensed structural engineer verifying that the construction standards are adequate. Lot size and setbacks of the use shall be determined by the structural engineer and approved by the county board based upon the given specification and location of the subject site as to not endanger the public safety. Although, in no case shall the set back from any public right-of-way be less than 50 feet, provided for in this chapter under "setback requirements."

(9) Community centers, county-wide (publicly or semipublicly owned or operated, but not for profit), on a lot not less than 25 acres in area and for such uses as: Agricultural and horticultural fairs, and shows and exhibits conducted by rural and agricultural organizations; and other public or semipublic voluntary organizations, but not including commercial race tracks. The operations of all uses shall conform with performance standards set forth herein in the I1 light industrial district. The setback areas bordering the property lines shall be landscaped and so maintained as permanent open areas but may contain driveways, walks, fences, and buildings or structures at entrances for admission controls.

(10) Community residential home.

(11) Convalescent, nursing, and rest homes and accessory uses, buildings, and structures.

(12) Convents, seminaries, monasteries, and nunneries.

(13) Educational and institutional uses:

a. Colleges, junior colleges, and universities including fraternity and sorority houses, dormitories, and other accessory structures and facilities necessary to its operation on a lot not less than 20 acres in area, and provided no buildings or structures, including off-street parking and loading facilities, are located nearer than 200 feet from a lot line.

b. Schools, parochial, private or not for profit and boarding schools, public or private on a lot not less than two acres for a nursery school, eight acres for an elementary school, and 30 acres for a high school.

c. Hospitals and sanitariums and accessory uses, buildings, and structures, on a lot not less than ten acres in area and provided no buildings or structures, including off-street parking and loading facilities, are located nearer than 200 feet from a lot line.

(14) Farm related sales and service:

a. Fertilizer sales, including bulk storage and blending, provided all products sold and stored on the premises are manufactured elsewhere, on a lot not less than one acre in area and provided the lot is not located nearer than 1,000 feet from an existing dwelling or a residence district boundary line. The operations shall conform with performance standards set forth in the I1 industrial district.

b. Dairy products processing including the production or other acquisition of whole milk, cream, skim or dried milk and processing the same for delivery to customers in bottles, cans, cartons or other appropriate container, excluding, however, the production from such products of cheese or ice creams, on a lot not less than one-half acre and provided the lot is located not nearer than 1,000 feet from an existing dwelling or place of public assembly, a residence district boundary line, or a residential lot of record. The operations shall conform with the performance standards, measured at the lot line, as set forth in the I1 district.

c. Slaughterhouse, general or custom, including the humane slaughtering, skinning, defeathering, eviscerating, cutting up, packaging, or wrapping of animals or poultry and the operation of locker plants, lockers, and freezer units including the storing, freezing, smoking or curing of meat and poultry products in conjunction therewith on a lot not less than ten acres in area and not less than 400 feet in width and any such activity shall be located at least 500 feet from the nearest dwelling unit or residence district boundary line. Said operations shall conform with the performance standards, measured at the lot line, as set forth in the I2 district.

d. Grain elevators.

e. Feed, grain and seed sales.

f. Livestock sales.

g. Farm implement, machinery and equipment sales and service.

h. Veterinary care of farm animals.

(15) Firewood sales.

(16) Flea markets.

(17) Golf courses, standard, providing no clubhouse, accessory building or open off-street parking spaces shall be nearer than 50 feet from a lot line adjoining a street or a residence district boundary line, and 20 feet from an interior lot line.

(18) Heliports.

(19) Commercial landscape waste composting facilities other than garden compost operations are subject to the issuance of a special use permit. In no event shall a commercial compost facility be located nearer than 500 feet from an existing dwelling or a residential or commercial district boundary line, unless a special finding in favor thereof is recommended by the zoning board of appeals, the county board may then upon good cause shown, waive said 500-foot requirement.

(20) Liquid propane sales and service, provided that the operation shall conform with performance standards set forth in t district.

(21) Mining and quarrying operations. Preparation and transportation of minerals and other natural resource operations including but not limited to the extraction of sand, gravel, other aggregate and top soil, and oil or nonexempt gas well drilling, provided that:

a. The following information shall be submitted with the application for a special use permit:

1. Documentation of approval from the appropriate federal, state, and local agencies;
2. A location map prepared by a registered professional engineer or registered land surveyor showing:
   i. The location of the proposed operation and the present uses of land to be included in the request;
   ii. The extent of area to be excavated and the anticipated depth of excavation. No open pit, shaft, operating equipment, or building related to the processing of product shall be less than 200 feet from any public road or 50 feet from any interior side or rear property line;
   iii. Boundaries of land to be affected by the operation, including the location of storage sites for overburden, access and internal service roads, storage sites for equipment, and offices and other structures to be used in conjunction with the operation;
   iv. All buildings or structures which use is other than for the processing of product shall be located no less than 50 feet from any property line;
   v. Boundaries of adjoining lands owned by persons other than the applicant and the existing uses and zoning of those adjoining lands;
   vi. The location of all watercourses, bodies of water, public rights-of-way, public buildings, public recreation areas, public facilities and other public property on or within 1,000 feet of the boundaries described as the land affected by the operation;
   vii. Existing topography of the property indicated by contour lines of no greater than five foot intervals;
3. A development plan of the area to be affected by the operation prepared by a registered professional engineer.
   i. The nature and content of the overburden to be removed in the course of the operation;
   ii. The nature and depth of the various strata of overburden above and between mineral seams to be excavated (not less than one core sample per ten gross acres of area);
   iii. The extent of area to be excavated and the anticipated depth of excavation;
   iv. The location and quality of underground water known to be present at the site;
   v. An estimate prepared by a qualified soils engineer or geologist of the probable impact of the operation upon community and/or individual water supplies;
4. A detailed operational plan including, but not limited to, hours of operation, monitoring program, production rates, the types, quantities and use of equipment, methods of extraction, traffic impact study, drainage study, stormwater management, soil study, floodplain information, off-street parking and loading information, septic and well information;
5. A detailed land reclamation plan of the area included within the permit, showing:
   i. Proposed use or uses of the land following the operation;
   ii. Actions to be taken during mining to conserve and replace topsoil removed during the proposed operation;
   iii. The sedimentation and erosion control plan for the reclamation including the type of vegetation to be planted for soil stabilization purposes;
   iv. Proposed location of future roads, private rights-of-way, drainage courses and other proposed improvements; and
   v. A performance guarantee in the form of a corporate surety bond, letter of credit or cash bond sh be furnished to the county board in an amount adequate to assure compliance with the approve

reclamation plan. The exact amount and termination date of the completion of operations and the rehabilitation of the tract shall be established in the special use permit review process and imposed at the time of approval based upon the estimated costs of reclaiming the site and the estimated length of time the operation will be conducted. Proof that the applicant has filed an Illinois State Land Reclamation Bond with the Department of Mines and Minerals may be accepted in lieu of the county's requirement for bonding or letter of credit;

6. Such other information as may be required by the zoning board of appeals, the county board, or the planning department.

b. Such operations shall not be located less than 200 feet from a residence, business, or commercial district, use, or a residential lot of record, except for those uses owned by the operating company.

c. The affected mining area shall have a six-foot high earthen berm and a six-foot high chainlink fence either in front or behind the berm; the necessity of the fence shall be determined by the zoning board of appeals based upon conditions at the time of the application. Subsequent requirements for fencing shall be reviewed by the committee of the county board having jurisdiction as development in the area occurs.

d. No blasting or other use of explosives is permitted unless specifically requested and authorized within the special use permit. If permitted by the county board, blasting must conform to the following county requirements and standards:

1. The board shall require the applicant to prepare pre-blasting and post-blasting studies of the area (as conducted by a qualified geotechnical engineering company approved by the board), to determine the probable affects of blasting and other excavation methods upon existing uses in the area surrounding the proposed site.
2. An environmental assessment shall be completed by an aquatic biologist or an individual with a similar background and education. A written report shall be drafted stating the impact blasting and other uses of explosives may have on waterways and aquifers in and under the area.
3. The use, handling and detonation of explosives in connection with said quarrying operations shall be under the direct supervision of persons having the requisite experience and knowledge to conduct such operations with safety. If such persons are hereafter required to be licensed by any federal agency or by the state or county, such persons shall meet the licensing requirements and obtain such license.
4. The storage of explosives shall be in accordance with all applicable federal and state laws and regulations and shall be stored in magazines, buildings, or structures which shall meet the safety requirements of such laws and regulations.
5. Blasting procedures shall be in accordance with modern techniques, generally accepted in the mining and quarrying industry, and shall comply with the recommendations provided by the preblasting and post-blasting studies.
6. Blasting procedures shall be subject to and comply with the applicable requirements of the state department of mines and minerals, Federal Bureau of Mines, Illinois Environmental Protection Agency, and any other governmental agency having jurisdiction thereof.
7. Blasting procedures shall be in conformity with approved safety regulations, customs, and practices generally accepted in the mining and quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.
8. The time and day of detonation of any blast may be restricted by conditions set forth in the special use permit.
9. Proof of liability insurance shall be provided to the county board at the time of the granting of the special use permit and subsequent proof shall be provided each year.

e. A letter signed by the applicant and property owner granting right of entry upon the property to appropriate public officials for semiannual inspections shall be presented to the county board at the time of the issuance of the special use permit.

f. The special use permit shall be reviewed by the committee of the county board having jurisdiction every second y the conditions of the permit and operational standards are being complied with.

(22) Recreational areas, campgrounds, camps, and day camps whether or not operated for profit.

(23) Recreational uses:

a. Outdoor recreation: On a lot having an area and width as approved by the county board and used for one or more of the following uses: Polo fields, equestrian sports, horse shows and hunter trails; hunt clubs and gun clubs; conservation clubs; archery ranges, fishing ponds, swimming clubs, and tennis clubs; golf driving ranges; licensed go-cart tracks but not used for races; private or semipublic picnic grounds and parks, marinas and other boat landing facilities for pleasure craft and accessory uses, buildings or structures such as off-street parking and loading spaces; administration, maintenance and club house buildings, including sale of food and beverages, provided such building and off-street parking and loading spaces shall be set back from any lot line in accordance with requirements set forth by the county board.

b. Resorts: On a tract of land having frontage or approved access to frontage on a river or lake; and there shall be contained in the resort, dwelling units and lodging rooms for guests and employees of the lodge, and two or more of the uses set forth in subsections (e)(23) b.1. and 2. of this section; and may contain accessory uses set forth in subsection (e)(23) b.3. of this section; and provided that all buildings shall be located no nearer than 100 feet from a lot line.

1. Indoor recreation facilities for use only by guests of the resort, located in the principle building or a detached recreation building clubhouse, as follows: swimming pools, ice skating rinks, tennis courts, gymnasiums, theaters, and other indoor recreation facilities, as approved by the county board.
2. Outdoor recreation facilities, for use only by guests of the resort as follows: boating, swimming, water skiing, and other water sports; ice skating, skiing, hockey and other winter sports; basketball, softball, volleyball, and similar sports; tennis courts; standard, par 3, pitch and putt and miniature golf courses; and other outdoor recreation facilities as approved by the county board.
3. Accessory buildings and uses thereof customarily incidental to the uses set forth in subsections (e)(23) b.1. and 2. of this section including signs, the location, area, design, and illumination of which are approved by the county board. Accessory uses for lodges, or clubhouses also include, when located in the principle building, restaurants and cocktail lounges; curio, gift, sporting goods, flower, and wearing apparel shops; and tobacco, newspaper, magazine, and bookstores or counters.

(24) Recycling: reverse vending machines (See also general provisions):

a. Small collection facility.

b. Large collection facility.

c. Light processing facility.

d. Heavy processing facility.

(25) Sewerage treatment plants, public or community; provided, however, that no building permit for the construction of such treatment plant shall be issued by the planning director under its "building code" until he has assured that the location of such treatment plant with reference to distance and direction from habitations, office buildings, church, schools, parks, and other recreational facilities has been approved by the county board, after receiving the report and recommendations of the director.

(26) Signs, advertising as regulated in article V, division 2.

(27) Substance abuse center.

(28) Kennels shall be a minimum of 500 feet from any zoned residential district or 500 feet from any existing dwelling other than the dwelling of the owner or lessee of the premises.

(29) Billboards.

(30) Research facility for domesticated animals and livestock.

(31) Wind energy conversion systems (WECS) as regulated herein.

(32) Storage, blending, and utilization of flammable liquids, gases, or materials which produce flammable or explosive vapc exceeding the total capacity as specified in Table 6: Permitted Quantities of Highly Toxic Materials (section 121-207 Per standards) when connected to an intrastate or interstate pipeline for the purpose of transporting the stored, blended, product through the pipeline. These facilities must comply with all performance standards as specified in section 127-; County Code.

Setbacks for these facilities shall comply with the setbacks specified in section 121-206 of the County Code.

(33) Adaptive reuse. The repurposing of existing structures in the A1 agriculture district for uses that are not agriculturally related.

- The property must contain existing structures that were devoted to a nonagricultural use, special use, or long term nonconforming use that are no longer used for that particular use.
- The applicant must demonstrate that a viable agricultural use for the property could not be found.
- The applicant must demonstrate the need for the new use and how the use will complement the site and surrounding area.
- The applicant must demonstrate that the new use will not impact the neighborhood or the public's health, safety, or welfare in a negative way.
- The property must comply with all other ordinances and codes.

(34) Solar farm. Solar farms, also known as solar power plants and solar energy generation facilities, shall be permitted in the A1 district as a special use, in accordance with the following minimal regulations and design standards.

a. *Design standards.* The design standards and bulk regulations listed in the Al-Agriculture district for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

1. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
2. Other standards and codes. All solar farms shall be in compliance with any applicant local, state and federal regulatory standards, and the National Electric Code as amended.
3. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions or variances may be granted in instances where shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury lines.
4. Minimum lot size. No solar farm shall be erected on any lot less than five acres in size.
5. Height. Systems, equipment and structures shall not exceed 30 feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.
6. Setbacks. Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment excluding fences a minimum of 100 feet on the front and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 100 feet for residentially zoned lots and existing residential properties, with the setback distance to be measured from the property line of the solar farm to the property line of residentially zoned lots or existing residential properties. The zoning board of appeals may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way, if the owners of the adjoining properties agree to waiver these setback requirements. The zoning board of appeals granting of such a variance will be part of their recommendation to the county board.
7. Screening and fencing. Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of eight feet. Knox Boxes and keys shall be provided at locked entrances for emergency personnel access. The zoning board of appeals shall have the discretion to recommend or

the discretion of the county board, a 30-foot wide buffer of which part 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 three feet tall and with the expectation that this hedge shall reach the height of at least eight 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.

8. Lighting. If lighting is provide at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
9. Noise. Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.
10. Performance standards. All solar power plants must conform to the performance standards as listed in section 121-207 of this chapter.
11. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number.
12. Outdoor storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The planning director or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.

b. *Application requirements (zoning).* Due to the unique nature and special requirements of solar power plants and their potential impacts to adjoining properties and government services, solar power plants shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the county Code or any special conditions required by the zoning board of appeals or the Kankakee County Board. The applicant shall provide 50 copies of all required submittals to the planning department. However, the applicant shall only be required to submit two copies of all documents proving ownership or interest in the property.

1. A site plan with existing conditions showing the following:
    i. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
    ii. Existing public and private roads, showing widths of the roads and any associated easements.
    iii. Location and size of any abandoned wells, sewage treatments systems.
    iv. Existing buildings and any impervious surfaces.
    v. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
    vi. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
    vii. Waterways, watercourses, lakes and public water wetlands.
    viii. Any delineated wetland boundaries.
    ix. A copy of the current FEMA FIRM map that shows the subject property. And, the 100-year flood elevation and any regulated flood protection elevation, if available.

x. Floodway, flood fringe and/or general floodplain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.

xi. Mapped soils according to the Kankakee County Soil Survey.

xii. Surface water drainage patterns.

xiii. The location of any subsurface drainage tiles.

2. Plan of proposed conditions:

   i. Location and spacing of solar panels.

   ii. Location of access roads and access points.

   iii. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

   iv. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.

   v. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.

   vi. Weed/grass control. Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating company during the operation of the solar farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of $500.00 per week if the fence is not secure or the weed/grass control plan is not followed, as per section 121-7 of these regulations.

3. All solar power plant applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-ways that will be utilized for both the construction and operation of the solar power plant. Prior to the issuance of a building permit, the applicant shall submit an executed agreement between the solar power plant owner/operator and all road district authorities with infrastructure affected by the solar power plant to the county. This agreement shall include at a minimum:

   i. A final map identifying the routes that will be used.

   ii. A plan for maintaining and/or repairing the affected roads.

   iii. Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.

4. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.

5. A detailed list of costs showing the itemized total construction costs of the facility separated by parcel.

6. A description of the method of connecting the array to a building or substation.

7. At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre-operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the county.

8. A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months, the operating company and or land owner have six months to complete the decommission plan or the county will take the necessary decommission steps. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning security financing shall be required by the county in order to assure the proper decommissioning of the site and in no instance shall the financial security be less than $1,000.00 per acre. This security financing should be in the form of an irrevocable letter of credit or cash placed in a county escrow account. The county board may, in its sole discretion, agree to accept security, or a por

thereof, in another form such as a bond or corporate guarantee. The decommissioning plan and financial security must be presented to and accepted by the Kankakee County Board prior to the issuance of a building permit for the facility.

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

The county reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

c. *Fees and costs.*

1. [Applicable fees.] The fees listed in section 121-38 are not pplicable to solar farm special use permit applications and the following fees shall apply. No solar farm special use permit application shall be accepted until the filing fee of $5,000.00 is paid and accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant that the applicant will pay to the county additional fees to reimburse the county for moneys expended in excess of $5,000.00 in preparing for, processing, reviewing and evaluating the application to its final resolution. The applicant shall also agree in said notarized statement to stop all proceedings if an invoice for reimbursement to the county is not paid to the county treasurer within ten days after the invoice has been presented to the appropriate corporate officer or official legal representative of the applicant.
2. Remedial costs. Applicants and/or owners of solar farms shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the planning director or the Kankakee County Board.

(d) *Lot area.* Not less than two acres, except as otherwise regulated herein for a specific permitted or special use.

(e) *Lot width.* Not less than 330 feet, except as otherwise regulated herein for a specific permitted or special use.

(f) *Floor area ratio.* Not to exceed 0.1.

(g) *Setback requirements* . Except as otherwise regulated herein, setbacks shall be provided as follows (See general provisions for measuring setbacks):

(1) *Front:* not less than 50 feet.

(2) *Side:* not less than 30 feet for an interior side and not less than 50 feet for a side adjoining a street.

(3) *Rear:* not less than 100 feet, except for a specific special use.

(h) *Off-street parking and loading* . In accordance with regulations set forth in the applicable section of this chapter.

(i) *Signs* . In accordance with the regulations set forth in the applicable section of this chapter.

(Zoning Ordinance 1996, §§ 6.00—6.09; Res. No. 99-5-11-075, § I, 5-11-1999; Ord. No. 02-06-11-550, §§ I, II, IV, 6-11-2002; Res. No. 02-07-09-566, 7-9-2002; Res. No. 2006-04-11-81, §§ 6.02, 6.03, 4-11-2006; Ord. No. 2007-01-09-14, 1-9-2007; Res. No. 2008-02-13-21, § 3(Exh. A), 2-13-2008; Res. No. 2008-08-12-110, § 3(Exh. A), 8-12-2008; Res. No. 2011-05-10-84, 5-10-2011; Res. No. 2015-11-10-138, Exh. A, 11-10-2015; Res. No. 2017-05-09-45, Exh. A, 5-9-2017)

Editor's note— Res. No. 2008-08-12-110, § 3(Exh. A), adopted Aug. 12, 2008, added subsection (c)(30) to § 121-99. Inasmuch as said subsection already existed, the new provisions have been redesignated as (c)(31) at the editor's discretion.

Sec. 39-268. Solar Power

(a) *Scope.*

(1) This article applies to all solar energy installations in unincorporated Whiteside County.

(b) *Purpose.*

(1) Whiteside County has adopted this regulation to meet the goals of the Comprehensive Plan and preserve the health, safety, and welfare of the County's citizens by promoting the safe, effective, and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy.

(c) *Definitions.*

(1) *Active Solar Energy System*: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

(2) *Building-integrated Solar Energy Systems*: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

(3) *Grid-intertie Solar Energy System*: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

(4) *Ground-Mount*: A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

(5) *Off-grid Solar Energy System*: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

(6) *Passive Solar Energy System*: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

(7) *Photovoltaic System*: An active solar energy system that converts solar energy directly into electricity.

(8) *Renewable Energy Easement, Solar Energy Easement*: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

(9) *Renewable Energy System*: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

(10) *Roof-Mount*: A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

(11) *Roof Pitch*: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

(12) *Solar Access*: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

(13) *Solar Farm*: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

(14) *Solar Garden*: A commercial solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site

from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

(15) *Solar Resource*: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

(16) *Solar Collector*: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

(17) *Solar Collector Surface*: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

(18) *Solar Daylighting*: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

(19) *Solar Energy*: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

(20) *Solar Energy System*: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

(21) *Solar Heat Exchanger*: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

(22) *Solar Hot Air System*: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

(23) *Solar Hot Water System*: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

(24) *Solar Mounting Devices*: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

(25) *Solar Storage Unit*: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

(d) *Permitted Accessory Use*: Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in (3) below will require a special use permit, except as provided in Section (f) Special Accessory Uses.

(1) *Height*: Active solar energy systems must meet the following height requirements:

a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building- integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.

b. Ground or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

(2) *Set-back*: Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

a. Roof or Building-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

b. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

(3) *Visibility*: Active solar energy systems shall be designed to conform to the county comprehensive plan and to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys provide that screening shall not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

a. *Building Integrated Photovoltaic Systems*. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

b. *Solar Energy Systems with Mounting Devices*. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley

c. *Reflectors*. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

d. *Aviation Protection*. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

(4) *Coverage*: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

(5) *Historic Buildings*: Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must be consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

(6) *Plan Approval Required*: All solar energy systems shall require administrative plan approval by the Whiteside County zoning official via the review of the application for a building permit.

a. *Plan Applications*. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

(i) *Pitched Roof Mounted Solar Energy Systems*. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

(ii) *Flat Roof Mounted Solar Energy Systems*. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

(iii) *Plan Schematics*. Plan schematics will accompany each application. That schematic will point out, in the wiring diagram, where a separate shut off has been included for fire safety. Said schematic will also be made available to the appropriate fire department or district.

b. *Plan Approvals*. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the planning and zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

(7) *Approved Solar Components*: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

(8) *Compliance with Building Code*: All active solar energy systems shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable.

(9) *Compliance with State Electric Code*: All photovoltaic systems shall comply with the Illinois State Electric Code.

(10) *Compliance with State Plumbing Code*: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

(11) *Compliance with State Energy Code*: All photovoltaic systems and Solar thermal systems shall comply with the Illinois State Energy Code.

(12) *Utility Notification*: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(e) *Principal Uses*. Whiteside County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the development lot or lots are special uses in selected districts.

(1) *Solar gardens*: Whiteside County permits the development of unincorporated county solar gardens, subject to the following standards and requirements:

a. *Rooftop Gardens Permitted*. Rooftop community systems are permitted in all zoning districts where buildings are permitted.

b. *Ground-Mount Gardens Special Use*. Ground-mount community solar energy systems must be less than five acres in total size, and are a special use in all districts. Ground-mount solar developments covering more than five acres shall be considered solar farms.

c. *Interconnection*. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

d. *Dimensional Standards*.

1. All solar garden related structures in newly platted subdivisions must comply with setback, height, and coverage limitations for the district in which the system is located, with the exception of rear and side yard requirements. The setback from rear property lines will be 2 feet and side property line setbacks in the garden may be ignored.

2. All solar garden related structures in existing platted subdivisions must comply with setback, height, and coverage limitations for the district in which the system is located, with the exception of rear and side yard requirements.

e. *Aviation Protection*. For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

f. *Other Standards*. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

(2) *Solar farms*: Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

a. *Special Use Permit*. Solar farms are special uses in agricultural districts, in airport safety zones subject to h. below, and at the landfill.

b. *Stormwater and NPDES*. Solar farms are subject to Whiteside County's Stormwater Management regulations, erosion and sediment control provisions if adopted and NPDES permit requirements.

c. *Ground Cover and Buffer Areas*. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees.

d. *Foundations*. 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.

e. *Other Standards and Codes*. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

f. *Power and Communication Lines*. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Whiteside County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

g. *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, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by Whiteside County. The site plan should also show all zoning districts, and overlay districts.

h. *Setbacks*. A minimum setback of 50 feet must be maintained on all property lines. Solar panels will be kept at least 500 feet from a residence that is not a part of the Special Use.

i. *Aviation Protection*. For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

j. *Agricultural Protection*. Solar farms must comply with site assessment or soil identification standards (LESA) that are intended to protect agricultural soils.

k. *Decommissioning.* A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The 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. Disposal of structures and/or foundations shall meet the provisions of the Whiteside County Solid Waste Ordinance. Whiteside County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning. In the event that the State of Illinois enacts a law with regard to the decommissioning of solar farms, the strictest requirements shall prevail.

l. *Endangered Species and Wetlands.* Solar farm 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.

(f) *Conditional Accessory Uses.* Whiteside County encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the applicant demonstrates that the standards in Section (d) (1), (2), or (3) cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, the applicant may request a special use permit. A special use permit shall be granted if the following standards are met.

(1) *Minimum Performance, Defined*: The following design thresholds are necessary for efficient operation of a solar energy system:

a. Fixed-Mount Active Solar Energy Systems. Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).

b. Solar Electric (photovoltaic) Systems. Solar collectors must have a pitch of between 20 and 65 degrees.

c. Solar Hot Water Systems. Solar collectors need to be mounted at a pitch between 40 and 60 degrees.

d. System Location. The system must be located where the lot or building has a solar resource, as defined in this ordinance.

(2) *Standards for a SUP*: A special use permit shall be granted if the applicant meets the following safety, performance and aesthetic conditions:

a. *Aesthetic Conditions.* The solar energy system shall be designed to conform to the county's comprehensive plan and to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.

b. *Safety Conditions.* All applicable health and safety standards are met.

c. *Non-Tracking Ground-Mounted Systems.* Pole-mounted or ground-mounted active solar energy systems must be set back from the property line by one foot.

(g) *Restrictions on Solar Energy Systems Limited.* Consistent with 765 ILCS 165/, no homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of unincorporated Whiteside County shall prohibit or restrict homeowners from installing solar energy systems. No energy policy statement enacted by a common interest community shall be more restrictive than Whiteside County's solar energy standards.

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2018-06

AN ORDINANCE ADOPTING
A SOLAR ENERGY SYSTEM ORDINANCE
FOR DEKALB COUNTY

WHEREAS, the DeKalb County Board has determined the need for regulations governing the construction, installation, and operation of solar energy systems; and

WHEREAS, the Planning and Zoning of the DeKalb County Board has drafted a Solar Energy System Ordinance to address this need; and

WHEREAS, the DeKalb County Community Development Department, under the direction of the Planning and Zoning Committee of the DeKalb County Board, has prepared and submitted an application for a Zoning Text Amendment for the adoption of a Solar Energy System Ordinance; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on January 31, 2018, at which ten (10) members of the public spoke for the application and two (2) members of the public spoke against the application, which was continued to February 15, 2018, at least thirteen (13) members of the public presented questions and comments regarding the application, regarding the Draft Solar Energy Systems Ordinance; and

WHEREAS, based on the testimony given at the public hearing, the Hearing Officer has forwarded to the Planning and Zoning Committee findings and a recommendation that the requested Draft Solar Energy Systems Ordinance be approved, with three (3) elements of the draft ordinance recommended for further consideration by the Planning and Zoning Committee, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated March 12, 2018; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed and considered the Draft Solar Energy Systems Ordinance proposed the Text Amendment, and the recommendation of the Hearing Officer, and having moved to amend the proposed language in response to the recommendation of the Hearing Officer and concerns raised at the public hearing, and has forwarded a recommendation to the DeKalb County Board that the proposed Solar Energy Ordinance, be adopted; and

WHEREAS, the DeKalb County Board has determined that it is in the best interests of the citizens of the County to amend the DeKalb County Zoning Ordinance to adopt the Solar Energy System Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Findings above and the recommendations of the Planning and Zoning Committee are hereby adopted as the findings and conclusions of the DeKalb County Board.

SECTION TWO: The DeKalb County Solar Energy Systems Ordinance, Exhibit "A" appended hereto, is hereby adopted, effective as of April 1, 2018.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 21TH DAY OF MARCH, 2018, A.D.

_____
Mark Pietrowski, Jr.
Chairman, DeKalb County Board

ATTEST:

_____
Douglas J. Johnson
DeKalb County Clerk

DEKALB COUNTY SOLAR ENERGY SYSTEM (SES) ORDINANCE

Scope

This article applies to all solar energy installations in unincorporated DeKalb County.

Purpose

The purpose of this ordinance is to promote and encourage economic development, while maintaining order in the construction, installation and operation of Solar Energy Systems (SES) in DeKalb County, while ensuring protection of the health, safety and welfare of the residents of DeKalb County by promoting the safe, effective, and efficient use of solar energy to reduce on-site consumption of fossil fuels or utility-supplied electric energy. Also, to avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands. This ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Definitions

Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground Mount: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of

a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Roof Mount: A solar energy system that is mounted on a rack that is fastened onto a building roof.

Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector: An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar Energy System Addition: A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

Solar Energy System, Private: A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Garden: A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

Solar Hot Water System: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

Building Permit Requirements and Fees

All Solar Energy Systems (SES) will be required to have a DeKalb County Building Permit before any work can be started. A written plan and a plat/ drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat / drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the DeKalb County Community Development Department as follows:

0-	10 kilowatts (kW)	$ 150.00	
11-	50 kilowatts (kW)	$ 300.00	
51-	100 kilowatts (kW)	$ 600.00	
101-	500 kilowatts (kW)	$ 1,200.00	
501-	1,000 kilowatts (kW)	$ 2,750.00	
1,001-	2,000 kilowatts (kW)	$ 6,000.00	
Over	2,000 kilowatts (kW)	$ 6,000.00	+ 200.00 for each additional 0-100 kilowatts

Any SES that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee.

Permitted/Special Use

1) A single ground mount, roof mount or building integrated private solar energy system for residential/business use is permitted as an Accessory Use in ALL Zoning Districts where there is a principal structure, and shall be subject to the regulations for accessory uses.

2) Solar Gardens shall be allowed in ALL Zoning Districts, and shall require a Special Use Permit whether accessory or principal use of the property. However, the requirement for a Special Use Permit may be waived, provided the solar garden's

owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the need for a Special Use Permit be waived, from all property owners adjoining the zoning lot on which the solar garden is to be located (as determined by DeKalb County Community Development Department). Unless otherwise noted in this ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.

3) Solar Farms in the A-1 Zoning Districts require a Special Use Permit. Unless otherwise noted in this ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.

Set Back Requirements

1) Set back requirements for all Solar Energy Systems (SES) shall meet the structure minimum set back requirements when the SES is oriented at any & all positions.

2) The solar array and all components of the solar collector system in a Solar Farm shall be kept at least one hundred (100) feet from a property line or right-of-way. However, this requirement may be waived, provided the solar farm's owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the required minimum setback be waived, from all property owners and affected road authorities adjoining the zoning lot on which the solar farm is to be located (as determined by DeKalb County Community Development Department). However, in no instance shall any part of a solar farm, be located within fifty (50) feet of any of the aforementioned items

3) No solar energy system shall be allowed to be placed in the front yard of any residentially used or zoned property.

4) Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.

Height Requirements

1) Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any Zoning District, as stated in Article 5** of the DeKalb County Zoning Ordinance.

2) Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located.

Other Requirements

1) Upon request from the DeKalb County Community Development Department, an owner of a commercial Solar Energy System must provide documentation, within thirty (30) days, that the Solar Energy System is still in use. If it is not, the owner of the System will have 180 days, after notification from the Zoning Department, to remove

the Solar Energy System from the property.

2) Upon request from the DeKalb County Community Development Department, the owner or operator of a Solar Farm or a Solar Garden must submit, within 14 days, a current operation and maintenance report to the Department.

3) In all undeveloped areas, the Solar Energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the DeKalb County Zoning Dept. before a permit or Special Use Permit will be issued.

4) No fencing is required however if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

5) Any lighting for Solar Farms / Gardens shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

6) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

7) Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

8) Solar Energy Systems must be in compliance with ALL State of Illinois Building, Electric, Plumbing and Energy Codes.

Design Standards: Active solar energy systems shall be designed to conform to the county comprehensive plan and to blend into the architecture of the building or may be require to be screened from routine view from public right-of-ways other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1) *Building Integrated Photovoltaic Systems.* Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2) *Solar Energy Systems with Mounting Devices.* Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.

3) *Reflectors.* All solar energy systems using a reflector to enhance solar production shall

minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

4) *Aviation Protection*. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

Plan Approval Required: All solar energy systems shall require administrative plan approval by the DeKalb County Building official via the review of the application for a building permit.

1) *Plan Applications*. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

    a) *Pitched Roof Mounted Solar Energy Systems*. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

    b) *Flat Roof Mounted Solar Energy Systems*. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

2) *Plan Approvals*. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Director of Community Development and shall not require Planning and Zoning Committee review. Plan approval does not indicate compliance with Building Code or Electric Code.

Approved Solar Components: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

Compliance with Building Code: All active solar energy systems shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems

shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable.

Compliance with State Electric Code: All photovoltaic systems shall comply with the Illinois State Electric Code.

Compliance with State Plumbing Code: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

Compliance with State Energy Code: All photovoltaic systems and solar thermal systems shall comply with the Illinois State Energy Code.

Utility Notification: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

Principal Uses. DeKalb County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the zoning lot or lots are special uses in selected districts.

a) Solar gardens: DeKalb County permits the development of unincorporated county solar gardens, subject to the following standards and requirements:

   Rooftop Gardens Permitted. Rooftop community systems are permitted in all zoning districts where buildings are permitted.

   Ground-Mount Gardens. Ground-mount community solar energy gardens must be less than twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.

   Stormwater and NPDES. Solar gardens are subject to DeKalb County's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

   Interconnection. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

   Aviation Protection. For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must 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.

   Other Standards. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

b) *Solar farms*: Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

1) *Special Use Permit.* Solar farms are special uses in agricultural district.

2) *Stormwater and NPDES.* Solar farms are subject to DeKalb County's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

3) *Ground Cover and Buffer Areas.* Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Soil Water Conservation District and paid for by the developer. DeKalb County has a Noxious Weed Ordinance which is to be followed. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually, and paid for by the developer.

4) *Foundations.* 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.

5) *Other Standards and Codes.* All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

6) *Power and Communication Lines.* Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by DeKalb County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Director of Community Development. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.

7) *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, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by DeKalb County. The site plan should also show all zoning districts, and overlay districts.

8) *Aviation Protection.* For solar farms located within 500 feet of an airport or within

approach zones of an airport, the applicant must 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.

9) *Endangered Species and Wetlands.* Solar farm 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.

Liability insurance and indemnification

1) 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 $3 million per occurrence and $5 million in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of $20 million or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.

2) For Private / Individual SES(s), commencing with the issuance of building permits, the Applicant or Owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Director of Community Development.
3) Any SES(s), Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County 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 SES(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 county's other indemnification rights available under the law.

Decommissioning

1) 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.

2) Decommissioning of solar panels must occur in the event they are not in use for 90 consecutive days.

3) *The owner or operator will have 6 months to complete the decommissioning plan after operation of a Solar Farm or Solar Garden stops being operational.*

4) 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.

5) The DeKalb County Board 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 a bond may be required prior to the issuance of a building permit for the facility.*

6) In the event that the State of Illinois enacts a law with regards to the decommissioning of a Solar Farm, the strictest requirements shall prevail.

ORDINANCE NO.___

AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS APPROVING AND AUTHORIZING THE VILLAGE TO ENTER INTO A SPECTRUM LEASE AGREEMENT

WHEREAS, pursuant to 65 ILCS 5/11-76.1-1 et seq., the Village of Poplar Grove, Illinois ("Village") is authorized to lease property; and

WHEREAS, the Village intends to purchase certain FlexNet radio water meters manufactured by Sensus; and

WHEREAS, Sensus has acquired a certain spectrum of radio frequencies which are utilized by theses radio water meters; and

WHEREAS, in order to have access to these radio frequencies, the Village must enter into a spectrum lease agreement with Sensus; and

WHEREAS, the Village and Sensus have reached an accord as to the terms and conditions upon which the spectrum of radio frequencies will be leased to the Village; and

WHEREAS, the Village and Sensus have memorialized such terms and conditions in a Spectrum Lease Agreement, a copy of which are attached hereto as Exhibit A and incorporated herein; and

WHEREAS, the Village has determined it is in the best interest of the Village and its citizens to enter into said Spectrum Lease Agreement; and

WHEREAS, the Village now desires to approve said Spectrum Lease Agreement and authorize the Village President to execute and the Village Clerk to attest the same.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF POPLAR GROVE, ILLINOIS AS FOLLOWS:

Section 1. The foregoing recitals shall be and are hereby incorporated in this Section 1 as if said recitals were fully set forth.

Section 2. The Village Board hereby approves the Spectrum Lease Agreement attached hereto as Exhibit A, and hereby authorizes the Village President and the Village Clerk, to execute on behalf of the Village the same and any other documents necessary or helpful to implement the intent of this Ordinance.

Section 3. Pursuant to 65 ILCS 5/11-76.1-3, upon passage of this Ordinance, the Village Clerk is hereby instructed to publish this Ordinance at least twice within 30 days

after its passage in a newspaper published in the Village, or, if no newspaper is published therein, then in a newspaper with a general circulation within the Village. The ordinance shall not become effective until 30 days after its second publication.

Section 4. This Ordinance shall be effective upon its passage by the Village Board, its approval by the Mayor, and its publication as provided by law as specified in Section 3 above.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 6. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this Village Board hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSES UPON MOTION BY: _____

SECONDED BY: _____

BY ROLL CALL VOTE THIS ____ DAY OF _____, 2018

AS FOLLOWS:

VOTING "AYE:"

_____

_____

VOTING "NAY:"

_____

ABSENT, ABSTAIN OR OTHER: _____

APPROVED THIS _____ DAY OF _____, 2018

_____
PRESIDENT

ATTEST:

_____
CLERK

EXHIBIT A- SPECTRUM LEASE AGREEMENT

FCC Notification for Spectrum Manager Lease
Ownership Disclosure Information
and
Spectrum Lease Agreement
("Agreement")

This Agreement contains two parts: Part (1) is The FCC Notification for Spectrum Manager Lease, to be filed with the FCC by Sensus on behalf of the Customer, coupled with Ownership Disclosure Information required for the FCC lease and Part (2) is a Spectrum Lease Agreement between Sensus as Lessor and Customer as Lessee. Together, these two parts create the Agreement.

The number of pages in this Agreement is indicated below, and Customer represents that it has received, reviewed, and completed the entire Agreement. By their signatures below, the parties agree to the terms and conditions set forth in this Agreement. The parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year written below.

Sensus USA Inc. & Sensus Spectrum, LLC (together, "Sensus")	**Customer: Village of Poplar Grove**
Sensus USA Inc. Signature: _____ Name: David M. Alban Title: Associate General Counsel Date: _____	Signature: _____ Name: Owen Costanza Title: Village President Date: _____
Sensus Spectrum, LLC Signature: _____ Name: David M. Alban Title: Associate General Counsel Date: _____	Customer contact person for FCC filings: Name: Mitch Hilden Phone: 815-765-3201 Email: mhilden@villageofpoplargrove.com Customer FRN: _____ Customer Tax ID: 36-6009364

Part 1: Notification for Spectrum Manager Lease

In order for Sensus to apply to the FCC on the Customer's behalf for a spectrum manager lease, Customer must complete the information below in boxes one (1) through ten (10) and certify via authorized signature. Customer's signature will indicate that Customer authorizes Sensus to file the spectrum manager lease notification on FCC Form 608 with the Customer as spectrum Lessee, and if Customer does not already have one, ownership disclosure information on FCC Form 602.

Customer / Lessee Information

1

Customer/Lessee Name: Village of Poplar Grove, Illinois		
Attention To: Village President	**Name of Real Party in Interest**:	
Street Address: 200 N. Hill Street		**City**: Poplar Grove
State: IL	**Zip**: 61065	**Phone**:815-765-3201
Fax: 815-765-3571	**Email**:owen@villagepresidentpg.com	

Is Customer contact information same as above? ☒Yes ☐No (If No, complete box 2 below)

Additional Customer/Lessee Contact Information

2

Company Name:		
Attention To:		
Street Address:		**City**:
State:	**Zip**:	**Phone**:
Fax:	**Email**:	

3

Customer/Lessee is a(n) (Select one): ☐Individual I ☐ Unincorporated Association I ☐Trust
☒Government Entity I ☐Corporation I ☐ Limited Liability Company I ☐General Partnership
☐Limited Partnership I ☐Limited Liability Partnership I ☐Consortium I ☐ Other _____

4

FCC Form 602: FCC File Number of Customer's Form 602 Ownership Information: _____. If Customer has not filed a Form 602, Sensus will file one for Customer. Please complete questions 5, 6, and 7 below if Customer does not have a Form 602 on file.
Customer must complete items 8, 9 and 10 irrespective of whether Customer has an ownership report on file.

5

Customer Tax ID:36-6009364

6

Individual Contact For FCC Matters

Please designate one individual (the Director of Public Works or similar person) who is responsible to the FCC for the operation of the FlexNet radio system.			
Name	Mitch Hilden		
Title:	Public Works Director		
Email:	mhilden@villageofpoplargrove.com	Phone:	815-765-3201

Ownership Disclosure Information

7

Customer/Lessee to list the names of the Mayor and all Council Members below, as well as verify citizenship and ownership interests in any entity regulated by the FCC. Such ownership must be disclosed where a mayor/council member owns 10% or more, directly or indirectly, or has operating control of any entity subject to FCC regulation. If any answer to Ownership question is Yes, or any answer to Citizenship question is No, provide an attachment with further explanation.

	US Citizen?	Ownership Disclosure?
Mayor: Owen Costanza	☒Yes ☐No	☐Yes ☒No
Council Member: Neeley Erickson	☒Yes ☐No	☐Yes ☒No
Council Member: Eric Miller	☒Yes ☐No	☐Yes ☒No
Council Member: Jeff Goings	☒Yes ☐No	☐Yes ☒No
Council Member: Ron Quimby	☒Yes ☐No	☐Yes ☒No
Council Member: Erin Walsh	☒Yes ☐No	☐Yes ☒No
Council Member: Sophia Ramdass	☒Yes ☐No	☐Yes ☒No
Council Member:	☐Yes ☐No	☐Yes ☐No
Council Member:	☐Yes ☐No	☐Yes ☐No
Council Member:	☐Yes ☐No	☐Yes ☐No

8

Alien Ownership Questions (if the answer is Yes, provide an attachment explaining the circumstances)

1) Is the Customer/Lessee a foreign government or the representative of any foreign government?	☐Yes ☒No

9

Basic Qualification Information

1) Has the Customer or any party to this application had any FCC station authorization, license, or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license or construction permit denied by the Commission?	☐Yes ☒No
2) Has the Customer or any party to this filing, or any party directly or indirectly controlling the Customer or any party to this filing ever been convicted of a felony by any state or federal court?	☐Yes ☒No
3) Has any court finally adjudged the Customer or any party directly or indirectly controlling the Customer guilty of unlawfully monopolizing or attempting to unlawfully monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	☐Yes ☒No

10

Customer/Lessee Certification Statements

1) The Customer/Lessee agrees that the Lease is not a sale or transfer of the license itself.	☒Yes
2) The Customer/Lessee acknowledges that it is required to comply with the Commission's Rules and Regulations and other applicable law at all times, and if the Customer/Lessee fails to so comply, the Lease may be revoked, cancelled, or terminated by either the Licensee or the Commission.	☒Yes
3) The Customer/Lessee certifies that neither it nor any other party to the Application/Notification is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C § 862, because of a conviction for possession or distribution of a controlled substance (*See* Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.)	☒Yes
4) The Customer/Lessee hereby accepts Commission oversight and enforcement consistent with the license and lease authorization. The Lessee acknowledges that it must cooperate fully with any investigation or inquiry conducted either by the Commission or the Licensee, allow the Commission or the Licensee to conduct on-site inspections of transmission facilities, and suspend operations at the direction of the Commission or the Licensee and to the extent that such suspension of operation would be consistent with applicable Commission policies.	☒Yes

5) The Customer/Lessee acknowledges that in the event an authorization held by a Licensee that it has association with it a spectrum leasing arrangement that is the subject of this filing is revoked, cancelled, terminated, or otherwise ceases to be in effect, the Customer/Lessee will have no continuing authority to use the leased spectrum and will be required to terminate its operations no later than the date on which the Licensee ceases to have any authority to operate under the license, unless otherwise authorized by the Commission.	☒Yes
6) The Customer/Lessee agrees the Lease shall not be assigned to any entity that is not eligible or qualified to enter into a spectrum leasing arrangement under the Commission's Rules and Regulations.	☒Yes
7) The Customer/Lessee waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by spectrum lease or otherwise.	☒Yes
8) The Customer/Lessee certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.	☒Yes

The Customer/Lessee certifies that all of its statements made in this Application/Notification and in the schedules, exhibits, attachments, or documents incorporated by reference are material, are part of this Application/Notification, and are true, complete, correct, and made in good faith. The Customer/Lessee shall notify Sensus in writing in the event any information supplied on this form changes.

Type or Printed Name of Party Authorized to Sign

First Name: Owen	MI:	Last Name: Costanza	Suffix: Mr.
Title: Village President		Customer Name: Village of Poplar Grove, Illinois	
Signature:			Date:
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)) AND/OR FORFEITURE (U.S. Code Title 47, Section 503).			

Part 2: SPECTRUM LEASE AGREEMENT

Background

A. Customer has bought or will buy or use FlexNet equipment manufactured by Sensus;
B. Sensus is leasing spectrum to Customer to operate the FlexNet equipment;
C. The spectrum that Sensus is leasing is authorized by Sensus' FCC License(s); and
D. Sensus is leasing spectrum to Customer in the area where FlexNet equipment will be operated (the "Service Area").

Agreement

A. **Spectrum Lease.** Sensus hereby grants to Customer and Customer accepts a spectrum manager lease ("Lease") over the frequencies of the FCC License and solely within Customer's Service Area. (The frequencies of the FCC License within Customer's geographic Service Area are called the "Leased Spectrum"). As consideration, Customer shall pay $1 to Sensus or Sensus' authorized distributor for the Leased Spectrum.

B. **FCC Forms.** At the Federal Communications Commission (FCC), Sensus will; (1) obtain an FCC Registration Number (FRN) for Customer; (2) submit on behalf of Customer the FCC Form 602 Ownership Disclosure Information if Customer has not already done so; and (3) file a FCC Form 608, notification/application for long-term spectrum manager lease. This Lease becomes effective when the FCC accepts the FCC Form 608.

C. **Lease Application.** In order to complete the FCC lease application, Customer will:
   i. Complete and sign the representations in Part 1 of this Agreement such that Customer demonstrates it qualifies for a spectrum lease under FCC rules. Customer's signature will indicate that Customer authorizes Sensus to; (1) obtain an FRN on behalf of Customer; (2) submit the FCC Form 602 Ownership Disclosure Information on behalf of Customer if Customer has not already done so; and (3) file the spectrum manager lease notification on FCC Form 608 with the Customer as spectrum lessee.
   ii. Give Sensus the coordinates of the boundaries of Customer's Service Area or, alternatively, approve Sensus' estimation of the same.
   iii. If Customer has not already done so; Customer hereby authorizes Sensus to apply on Customer's behalf and obtain for Customer a Federal Registration Number (FRN, the FCC's unique identifier for each licensee) and shall supply Sensus with Customer's Taxpayer Identification Number (TIN).
   iv. Provide any other information or other cooperation reasonably necessary for the Parties to perform as set forth herein.

D. **Permitted Use of Spectrum Lease.** Customer may transmit or receive over the Leased Spectrum only in the Service Area and only using FlexNet equipment manufactured by Sensus and used in accordance with Sensus' specifications. Customer may use the Leased Spectrum only to read and direct meters in support of Customer's primary utility business or any other operation approved by Sensus in writing. Without limiting the foregoing, Customer is prohibited from reselling, subleasing or sublicensing the Leased Spectrum or from transmitting voice communications over the Leased Spectrum.

E. **Term of Spectrum Lease.** Unless terminated earlier (because for example Customer stopped using the FlexNet equipment), this Lease will have the same term as the FCC license. If Customer is operating in compliance with this Agreement and Customer's underlying agreement with Sensus and is current on any payments owed to Sensus, when the FCC License renews, the Parties will apply to the FCC to renew this Lease.

F. **Termination of Spectrum Lease.** The Lease will terminate: (a) two months after Customer stops transmitting with FlexNet equipment manufactured by Sensus; (b) upon termination, revocation or expiration of the FCC License; or (c) upon Customer's breach of this Agreement.

G. **FCC Compliance.** The following FCC requirements apply
   i. Pursuant to 47 CFR 1.9040(a);
      (a) Customer must comply at all times with applicable FCC rules. This Agreement may be revoked by Sensus or the FCC if Customer fails to so comply;
      (b) If the FCC License is terminated, Customer has no continuing right to use the Leased Spectrum unless otherwise authorized by the FCC;
      (c) This Agreement is not an assignment, sale or other transfer of the FCC License;
      (d) This Agreement may not be assigned except upon written consent of Sensus, which consent may be withheld in its discretion; and
      (e) In any event, Sensus will not consent to an assignment that does not satisfy FCC rules.
   ii. Referencing 47 CFR 1.9010, Sensus retains *de jure* and *de facto* control over the applicable radio facilities, including that,

(a) Sensus will be responsible for Customer's compliance with FCC policies and rules. Sensus represents and warrants that it has engineered the FlexNet equipment and accompanying software and other programs to comply with FCC rules. Customer will operate the FlexNet equipment subject to Sensus' supervision and control and solely in accordance with Sensus' specifications. Sensus retains the right to inspect Customer's radio operations hereunder and to terminate this Agreement or take any other necessary steps to resolve a violation of FCC rules, including to order Customer to cease transmission. Sensus will act as spectrum manager in assigning spectrum under the FCC License so as to avoid any harmful interference or other violation of FCC rules. Sensus will be responsible for resolving any interference complaints or other FCC rule violations that may arise; and

(b) Sensus will file any necessary FCC forms or applications and Customer agrees reasonably to assist Sensus with such filing by providing any necessary information or other cooperation. Sensus will otherwise interact with the FCC with respect to this Agreement, the FCC License or FlexNet equipment.

H. **Interference.** Customer agrees to report to Sensus promptly, and in no event later than 72 hours afterward, any incident related to the Leased Spectrum, including where Customer experiences harmful interference, receives a complaint or other notice of having caused harmful interference, or receives any type of communication from the FCC or other government agency regarding radio transmission.

I. **Limitation of Liability.** Each parties' liability in any and all causes of action arising under, out of or in relation to this Agreement, its negotiation, performance, breach or termination (collectively, "Causes of Action") shall be limited to direct damages. Neither party shall be liable for any indirect, incidental, special or consequential damages. This is so whether the Causes of Action are in tort, including, without limitation, negligence or strict liability, in contract, under statute or otherwise. The limitations on liability set forth in this Agreement are fundamental inducements to both parties to enter into this Agreement. They apply unconditionally and in all respects. They are to be interpreted broadly so as to give the maximum protection permitted under law.

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VILLAGE OF POPLAR GROVE

POLICY PROHIBITING SEXUAL HARASSMENT[i]

I. PROHIBITION ON SEXUAL HARASSMENT

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the Village of Poplar Grove to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

II. DEFINITION OF SEXUAL HARASSMENT

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
(3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes:

- Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats,

repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

III. PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

- *Electronic/Direct Communication*. If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

- *Contact with Supervisory Personnel*. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the municipality.

  The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

- *Resolution Outside Municipality*. The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

IV. PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any

other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within 300 days of the alleged retaliation.

V. CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to $5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

VI. CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in

good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to $5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

[i] This policy was drafted using the Illinois Department of Human Rights Sexual Harassment Model Policy and has been modified to conform to Public Act 100-1066

ORDINANCE No: _____

AN ORDINANCE ADOPTING A POLICY PROHIBITING SEXUAL HARASSMENT FOR VILLAGE OF POPLAR GROVE

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-1066, an Act concerning government, which became effective immediately, dated August 24, 2018;

WHEREAS, pursuant to the Act, each governmental unit shall amend an ordinance or resolution establishing a policy to prohibit sexual harassment;

WHEREAS, all prior existing sexual harassment policies of the Village of Poplar Grove shall be superseded by the Policy Prohibiting Sexual Harassment adopted by this Ordinance; and

WHEREAS, this ordinance, once adopted, shall supersede and replace any prior sexual harassment policies of the Village and the Village of Poplar Grove Employee Handbook shall be amended to include the adopted Police Prohibiting Sexual Harassment; and

WHEREAS, should any section or provision of this Ordinance or the adopted Policy Prohibiting Sexual Harassment be declared to be invalid, that decision shall not affect the validity of this Ordinance or adopted Policy Prohibiting Sexual Harassment as a whole or any part thereof, other than the part so declared to be invalid;

NOW, THEREFORE, be it ordained by the Village President and the Village Board of Village of Poplar Grove the following:

Section 1. The Policy Prohibiting Sexual Harassment, included as Exhibit A to this Ordinance, is hereby amended and adopted.

Section 2. This ordinance shall be in full force and effect on _____.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2018

AS FOLLOWS:

VOTING "AYE": _____

_____

VOTING “NAY”: _____

_____

ABSENT, ABSTAIN, OTHER _____

_____

APPROVED

ATTEST:

_____ _____

CLERK PRESIDENT

Ordinance No. 2018-_____

AN ORDINANCE AMENDING TITLE 10 (MOBILE HOME PARK/SUBDIVISION REGULATIONS), CHAPTER 2 (ZONING APPLICATION PROCEDURE AND LICENSE REQUIREMENT), SECTION 10-2-2 (LICENSE REQUIREMENT) OF VILLAGE OF POPLAR GROVE, ILLINOIS CODE OF ORDINANCES

WHEREAS, the Village of Poplar Grove, Illinois ("Village") has adopted a Code of Ordinance ("Village Code"); and

WHEREAS, Title 10 of the Village Code regulates mobile home park/subdivisions and more specifically, Chapter 2 of Title 10 regulates the zoning application procedure and license requirement for mobile home park/subdivisions; and

WHEREAS, Section 10-2-2 of the Village Code provides that, "It shall be unlawful for any person to maintain or operate a mobile home park/subdivision within the village limits unless such person shall first obtain a license therefore from the Village of Poplar Grove…"; and

WHEREAS, Section 10-2-2(E) of the Village Code provides that, "Each application for the license required by this section shall be accompanied by a license fee as outlined in the Village of Poplar Grove Fee Ordinance as amended from time to time...."

WHEREAS, the Village has not designated the license fee amount for a mobile home park/subdivision license; and

WHEREAS, the Board of Trustees now wishes to amend Section 10-2-2(E) to provide the amount for a mobile home park/subdivision license; and

WHEREAS, the Village has determined that such amendment is in the best interest of the Village and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES FOR THE VILLAGE OF POPLAR GROVE, ILLINOIS AS FOLLOWS:

SECTION 1: That the above recitals are incorporated herein and made a part hereof.

SECTION 2: That Section 10-2-2(E) of the Village Code is hereby amended to read as follows (deletions shown as strikethroughs and additions as bold):

> "E. Each application for the license required by this section shall be accompanied by a license fee **of Fifty Dollars ($50.00),** ~~as outlined in the Village of Poplar Grove Fee Ordinance~~ as amended from time to time. Before any license shall be issued to any licensee, whether it is the initial license, renewal license or temporary license, a surety bond in the sum of $1,000.00 shall be filed with any application, conditioned to guarantee payment by the licensee of any fines or forfeiture including court costs, imposed upon the licensee for any violation of this chapter."

SECTION 3: Except as amended in this Ordinance, all other provisions and terms of Village Code shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall become in full force and effect from and after its approval, passage and publication as required by law.

PASSES UPON MOTION BY: _____

SECONDED BY: _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2018

AS FOLLOWS:

VOTING "AYE:" _____
_____

VOTING "NAY:" _____
_____

ABSENT, ABSTAIN OR OTHER: _____

APPROVED THIS _____ DAY OF _____, 2018

_____
PRESIDENT

ATTEST:

_____
CLERK

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, BOONE COUNTY, ILLINOIS, ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMEN AND MECHANICS EMPLOYED ON PUBLIC WORKS OF SAID VILLAGE.

WHEREAS, the State of Illinois has enacted "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works," (820 ILCS 130/1 et. seq.); and

WHEREAS, the aforesaid Act requires that the Village Board of Trustees of the Village of Poplar Grove, Boone County, Illinois, investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said Village employed in performing construction of public works, for said village.

NOW, WHEREFORE, be it ordained by the President and Board of Trustees for the Village of Poplar Grove, Illinois, as follows:

SECTION 1: To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, County, City or any public body or any political subdivision or by anyone under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of this Village is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Boone county area as determined by the Department of Labor of the State of Illinois as of October 26, 2018 and November 9, 2018 of the current year, a copy of that determination being attached hereto and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's October 26, 2018 and November 9, 2018 determination and apply to any and all public works construction undertaken by the Village of Poplar Grove, Illinois. The definition of any terms appearing in this Ordinance which are also used in aforesaid Act shall be the same as in said Act.

SECTION 2: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the Village of Poplar Grove, Illinois to the extent required by the aforesaid Act.

SECTION 3: The Village Clerk shall publicly post or keep available for inspection by an interested party in the main office of the Village of Poplar Grove, Illinois, this determination or any revisions of such prevailing rate of wage. A copy of

this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

SECTION 4: The Village Clerk shall mail a copy of this determination to any employer, to any association of employers and to any person or association of employees who have filed their names and addresses requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

SECTION 5: The Village Clerk shall promptly file a certified copy of this Ordinance with the Department of Labor of the State of Illinois.

SECTION 6: Pursuant to ILHB-3120, a public body may satisfy the Act's notice of publishing the Prevailing Wage Rate by posting same on the website maintained by the public body in lieu of a newspaper of general circulation. Said notice shall constitute notice that this is the determination of the Village of Poplar Grove and is effective.

PASSED UPON MOTION BY_____

SECONDED BY _____

BY ROLL CALL VOTE THIS ____ DAY OF _____, 2018 AS FOLLOWS:

VOTING "AYE": _____

_____

VOTING "NAY": _____

_____

ABSENT, ABSTAIN, OTHER _____

_____

ATTEST: APPROVED _____, 2018

_____

PRESIDENT, Owen Costanza

_____

CLERK, Karri Anderberg

Effective Date	County	Trade Title	Region	Type	Class	Base Wage	Foreman Wage	OT M-F	OT Sa	OT Su	OT Hol	H/W	Pension	Vacation	Training	Other Fringe Benefit
8/15/2018	Boone	ASBESTOS ABT-GEN	All	ALL		42.72	43.72	1.5	1.5	2	2	13.77	13.7	0	0.72	0
8/15/2018	Boone	ASBESTOS ABT-MEC	ALL	BLD		22.75	24.25	1.5	1.5	2	2	3.39	5.17	0	0	
8/15/2018	Boone	BOILERMAKER	All	BLD		49.46	53.91	2	2	2	2	6.97	20.41	0	0.4	0
8/15/2018	Boone	BRICK MASON	All	BLD		41.45	45.7	1.5	1.5	2	2	11.05	14	0	0.93	0
8/15/2018	Boone	CARPENTER	All	BLD		39.4		1.5	1.5	1.5	1.5	10.39	13.9	0	0.6	0
8/15/2018	Boone	CARPENTER	ALL	HWY		43.74	45.49	1.5	1.5	2	2	10.65	14	0	0.49	
8/15/2018	Boone	CEMENT MASON	All	ALL		37	39.75	1.5	1.5	2	2	11.55	16.83	0	0.5	0
8/15/2018	Boone	CERAMIC TILE FNSHER	All	BLD		35.05	35.05	1.5	1.5	2	2	10.35	7.11	0	0.78	0
8/15/2018	Boone	COMMUNICATION TECH	All	BLD		40.25	44.28	1.5	1.5	2	2	13.19	12.99	0	0.81	0
8/15/2018	Boone	ELECTRIC PWR EQMT OP	All	ALL		42.59	57.95	1.5	1.5	2	2	5.75	13.21	0	0.75	0
8/15/2018	Boone	ELECTRIC PWR EQMT OP	ALL	HWY		41.45	56.38	1.5	1.5	2	2	5.5	12.87	0	0.73	
8/15/2018	Boone	ELECTRIC PWR GRNDMAN	All	ALL		32.86	57.95	1.5	1.5	2	2	5.75	10.2	0	0.58	0
8/15/2018	Boone	ELECTRIC PWR GRNDMAN	ALL	HWY		32	56.38	1.5	1.5	2	2	5.5	9.92	0	0.66	
8/15/2018	Boone	ELECTRIC PWR LINEMAN	All	ALL		51.06	57.95	1.5	1.5	2	2	5.75	15.85	0	0.9	0
8/15/2018	Boone	ELECTRIC PWR LINEMAN	ALL	HWY		49.67	56.38	1.5	1.5	2	2	5.5	15.4	0	0.88	
8/15/2018	Boone	ELECTRIC PWR TRK DRV	All	ALL		34.03	57.95	1.5	1.5	2	2	5.75	10.55	0	0.6	0
8/15/2018	Boone	ELECTRIC PWR TRK DRV	ALL	HWY		33.14	56.38	1.5	1.5	2	2	5.5	10.29	0	0.59	
8/15/2018	Boone	ELECTRICIAN	All	BLD		47	54.05	1.5	1.5	2	2	13.19	17.97	0	0.94	1.88
8/15/2018	Boone	ELEVATOR CONSTRUCTOR	All	BLD		50.47	56.78	2	2	2	2	15.43	16.61	4.04	0.61	0
8/15/2018	Boone	GLAZIER	All	BLD		40.03	42.03	1.5	1.5	1.5	1.5	11.9	8.7	0	1.25	0
8/15/2018	Boone	HT/FROST INSULATOR	ALL	BLD		33.83	36.87	1.5	1.5	2	2	9.1	20.67	0	0.48	
8/15/2018	Boone	IRON WORKER	All	ALL		39.39	45.3	2	2	2	2	12.27	25.42	0	1.2	0
8/15/2018	Boone	LABORER	All	ALL		42.72		1.5	1.5	2	2	13.77	13.7	0	0.72	0
8/15/2018	Boone	LATHER	All	BLD		40	44.4	1.5	1.5	2	2	11.1	14.61	0	0.73	0
8/15/2018	Boone	MACHINIST	All	BLD		48.38	50.88	1.5	1.5	2	2	7.23	8.95	1.85	1.47	0
8/15/2018	Boone	MARBLE FINISHERS	All	BLD		35.05	35.05	1.5	1.5	2	2	10.35	7.11	0	0.78	0
8/15/2018	Boone	MARBLE MASON	All	BLD		38	40.5	1.5	1.5	2	2	10.35	9.14	0	0.84	0
11/9/2018	Boone	MATERIAL TESTER I	ALL	ALL		32.72	32.72	1.5	1.5	2	2	13.77	13.7	0	0.72	0
11/9/2018	Boone	MATERIALS TESTER II	ALL	ALL		37.72	37.72	1.5	1.5	2	2	13.77	13.7	0	0.72	0
8/15/2018	Boone	MILLWRIGHT	All	BLD		40.27	44.3	1.5	1.5	2	2	10.55	15.95	0	0.7	0
8/15/2018	Boone	OPERATING ENGINEER	All	BLD	1	46.8	50.8	2	2	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	BLD	2	46.1	50.8	2	2	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	BLD	3	43.65	50.8	2	2	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	BLD	4	41.65	50.8	2	2	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	BLD	5	50.55	50.8	2	2	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	BLD	6	49.8	50.8	2	2	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	BLD	7	46.8	50.8	2	2	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	FLT		38	38	1.5	1.5	2	2	18.8	14.35	2	1.3	0
10/26/2018	Boone	OPERATING ENGINEER	All	HWY	1	50.65		1.5	1.5	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	HWY	2	45.1		1.5	1.5	2	2	13.75	9.85	2.8	0.35	9.5
8/15/2018	Boone	OPERATING ENGINEER	All	HWY	3	44.8	50.65	1.5	1.5	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	HWY	4	43.35	50.65	1.5	1.5	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	HWY	5	41.9	50.65	1.5	1.5	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	HWY	6	49.65	50.65	1.5	1.5	2	2	19.65	14.15	2.35	1.3	0
8/15/2018	Boone	OPERATING ENGINEER	All	HWY	7	47.65	50.65	1.5	1.5	2	2	19.65	14.15	2.35	1.3	0

8/15/2018	Boone	PAINTER	All	ALL		39.45	41.45	1.5	1.5	1.5	1.5	11.55	8.46	0	1.35	0
8/15/2018	Boone	PAINTER SIGNS	ALL	BLD		33.92	38.09	1.5	1.5	1.5	1.5	2.6	2.71	0	0	
8/15/2018	Boone	PILEDRIVER	All	BLD		41	45.51	1.5	1.5	2	2	11.1	14.61	0	0.73	0
8/15/2018	Boone	PILEDRIVER	ALL	HWY		43.74	45.49	1.5	1.5	2	2	10.65	14	0	0.49	
10/26/2018	Boone	PIPEFITTER	All	BLD		48.67	52.08	1.5	1.5	2	2	8.95	12.19	0	1.7	0
8/15/2018	Boone	PLASTERER	All	BLD		34.78	38.26	1.5	1.5	2	2	11.55	17.19	0	0.5	0
10/26/2018	Boone	PLUMBER	All	BLD		48.67	52.08	1.5	1.5	2	2	8.95	12.19	0	1.7	0
8/15/2018	Boone	ROOFER	All	BLD		43.65	47.65	1.5	1.5	2	2	9.73	12.44	0	0.53	0
8/15/2018	Boone	SHEETMETAL WORKER	All	BLD		42.06	45.42	1.5	1.5	2	2	7.81	19.28	0	0.45	0
8/15/2018	Boone	SPRINKLER FITTER	All	BLD		42.87	45.62	1.5	1.5	2	2	9.67	9.8	0	0.77	0
8/15/2018	Boone	STONE MASON	All	BLD		41.45	45.7	1.5	1.5	2	2	11.05	14	0	0.93	0
8/15/2018	Boone	TERRAZZO FINISHER	All	BLD		35.05	35.05	1.5	1.5	2	2	10.35	7.11	0	0.78	0
8/15/2018	Boone	TERRAZZO MASON	All	BLD		38	40.5	1.5	1.5	2	2	10.35	9.14	0	0.84	0
8/15/2018	Boone	TILE LAYER	All	BLD		38	40.5	1.5	1.5	2	2	10.35	9.14	0	0.84	0
8/15/2018	Boone	TILE MASON	All	BLD		38	40.5	1.5	1.5	2	2	10.35	9.14	0	0.84	0
8/15/2018	Boone	TRUCK DRIVER	ALL	ALL	1	35.02	0	1.5	1.5	2	2	8.6	8.6	0	0.2	
8/15/2018	Boone	TRUCK DRIVER	ALL	ALL	2	35.17	0	1.5	1.5	2	2	8.6	8.6	0	0.2	
8/15/2018	Boone	TRUCK DRIVER	All	ALL	3	37.97		1.5	1.5	2	2	10.4	10.55	0	0.2	0
8/15/2018	Boone	TRUCK DRIVER	ALL	ALL	4	35.48	0	1.5	1.5	2	2	8.6	8.6	0	0.2	
8/15/2018	Boone	TUCKPOINTER	All	BLD		41.45	45.7	1.5	1.5	2	2	11.05	14	0	0.93	0

RESOLUTION NUMBER: ____

A RESOLUTION OF THE VILLAGE OF POPLAR GROVE, ILLINOIS TO APPROVE AND AUTHORIZE THE VILLAGE PRESIDENT TO EXECUTE A PROPANE CONTRACT WITH ARNESON OIL & PROPANE

WHEREAS, the Village of Poplar Grove (the "Village") utilizes propane gas for various Village operations; and

WHEREAS, the Village desires to purchase propane from Arneson Oil & Propane ("Arneson"); and

WHEREAS, the Village and Arneson have reached an accord as to the terms and conditions upon which the Village will purchase propane from Arneson and have memorialized the same in a Propane Contract Offer, a copy of which is attached hereto as Exhibit A and incorporated herein ("Contract"); and

WHEREAS, the Village has determined it is in the best interest of the Village and its citizens to enter into the Contract.

NOW THEREFORE, BE IT RESOLVED by the Village President and Board of Trustees of the Village of Poplar Grove, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.

2. The Village hereby accepts and approves the Contract attached hereto as Exhibit A, or one in substantially similar form.

3. The Village President and Village Clerk are hereby authorized to execute and attest the Contract.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS ____ DAY OF _____, 2018

AS FOLLOWS:

VOTING "AYE": _____

_____

VOTING "NAY": _____

_____

ABSENT, ABSTAIN, OTHER _____

_____

APPROVED_____, 2018

_____
VILLAGE PRESIDENT

ATTEST:

_____
VILLAGE CLERK

EXHIBIT A- CONTRACT

Arneson Oil & Propane Company
100 Gletty Rd., Sandwich, IL. 60548
Main: 815-496-2162 Billing: 815-786-7670
sales@arnesonoil.com Fax: 815-496-2667

Propane Contract Offer

Customer: Village of Poplar Grove Phone: (815)765-3201

Address: 200 Hill ST

Poplar Grove, IL

PLEASE INITIAL OPTION 1 OR 2 BELOW:

X Option 1 - Prepay LP Gas Contract

This constitutes a contract whereby both parties Arneson Oil and Propane Co. and customer have agreed to the following terms and conditions.

NUMBER OF GALLONS: Up to 3,000 PRICE PER GALLON: $1.39

TOTAL DUE (Includes Sales Tax): $ 45 day terms TOTAL DUE BY: 45 days

Due to the fact the customer's gas tank does not have the capacity to hold 3,000 gallons at one time, Arneson Oil acknowledges that said 3,000 gallons will be delivered in more than one installment and on an as needed basis by the customer. Upon notification by the customer that its gas tank needs to be refilled, Arneson Oil shall refill the tank within 3 days of such notification.

Note: Price may change if not paid by due date. After contract gallons have been delivered customer will be billed at our current market price. Notwithstanding the foregoing, this is a one-time purchase contract for the purchase of up to 3,000 gallons of gas at $1.39/gallon. Customer is not obligated to purchase any additional gallons of gas unless pursuant to a separate contract.

_____ Option 2 – LP Budget Plan

This plan allows the customer to budget bill their estimated heating cost by making equal payments for 11 months August 1st thru June 1st. In July the account is reviewed for any credit or balance due. This offers the benefit of deferred billing and a guaranteed rate until the contracted gallons have been delivered. Once contracted gallons have been delivered customer will be billed at our current market price.

NUMBER OF GALLONS: _____ BUDGET PRICE PER GALLON: _____

MONTHLY PAYMENT AMOUNT: _____ DUE DATE: 1ST OF EACH MONTH

If you wish to adjust the quantity of gallons estimated on this contract please contact our office.

Arneson Oil & Propane Company
100 Gletty Rd., Sandwich, IL. 60548
Main: 815-496-2162 Billing: 815-786-7670
sales@arnesonoil.com Fax: 815-496-2667

OUT OF GAS DELIVERY FEE: You will be charged $100.00 if you run out of propane and need service same day, after hours, weekend, or holidays. This fee is in addition to the gallons of propane delivered. To avoid this fee, we require a 3 day advance notice for all "Will Call" customers Monday thru Friday. Please monitor you tank closely to avoid additional fees.
THIS DOES NOT APPLY TO AGRICULTURAL DRYER TANKS OR KEEP FULL CUSTOMERS

Customer Signature *Date*

AGENDA ITEM REQUEST FORM

Please circle One
COMMITTEE Administration **BOARD OF TRUSTEES**

DATE OF MEETING: Nov. 12, 2018

AGENDA ITEM: (As you wish listed on the agenda) Discussion and possible recommendation to amend the adopted Trick or Treat hours in the Village of Poplar Grove.

FULL EXPLANATION: (attach additional sheets as required) Constituent request.

DO YOU EXPECT GUEST APPEARANCES OR PRESENTATION: **Yes** X **No** _____

SOURCE OF FUNDING: (If Applicable) I am hopeful the constituent will appear to share her concerns regarding the hours.

Trustee Signature

Please attach any necessary supporting documents.

Please return to the Village Clerk no later than 12:00 p.m.
Wednesday prior to the meeting.

VILLAGE OF POPLAR GROVE
200 N. HILL ST
POPLAR GROVE IL 61065
Phone : (815) 765-3201

Received From:
BRAVO PIZZA OF POPLAR GROVE, INC
ALEXANDER HEGBOM
Date: 11/05/2018 Time: 3:38:45 PM
Receipt: 29161 *** REPRINT ***
Cashier: KATIE

ITEM REFERENCE	AMOUNT
LIQUOR LIQUOR LICENSES BRAVO CLASS A LIQUOR TRANSFER	$600.00
LIQUOR LIQUOR LICENSES BRAVO CLASS A LIQUOR TRANSFER	$500.00
LIQUOR LIQUOR LICENSES 1ST ADMINISTRATIVE FEE BRAVO	$100.00
SUB-TOTAL	$1,200.00
CHECK 001	$600.00
Total Tendered:	$1,200.00
ORDER #: 50605794 Credit Card Type MasterCard CC Processing Fee	$18.00
CREDIT CARD XXXX5794 Grand Total:	$618.00
Change:	$0.00

Fee Received 1200

Date: 11/5/18

Village of Poplar Grove

APPLICATION FOR LICENSE TO SELL ALCOHOLIC LIQUOR AT RETAIL

The undersigned hereby makes application for a license for the sale at retail of alcoholic liquors under the provision of an Act entitled, "An Act relating to Alcoholic Liquors."
Class of License applied for:

o Class A (7 Day) $1,000	o Class A (6 Day) $850
o Class A/Beer Garden (6 Day) $950	o Class A/G $1,000
X Class A/Beer Garden (7 Day) $1,100	o Class C (7 Day) $600
o Class C (6 Day) $500	o Class A/C (7 Day) $1,600
o Class B (7 Day) $800	
o Catering Endorsement (for Class A,B, C license holder) $200/Year	o Catering Endorsement (Non-license holder) $250/Year

Initial Application will include a $100 administrative fee.

Applicant Name ALEXANDER HEGBOM **Date of Birth:** 05/30/1986

Address: 110 PRINCE CT **Phone:** (815) 558-0004

Business Name: HEGBOM INC **Phone:** (815) 558-0004

d/b/a Name: BRAVO PIZZA & ITALIAN RESTAURANT

Premise Address: 13555 IL-76

Partnership or Corporation: In the case of a co-partnership, the persons entitles to share in the profits thereof, and in the case of a corporation, for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and the name and addresses of all shareholders and the percentage of their ownership in the corporation or partnership.

ALEXANDER HEGBOM PRESIDENT - TREASURER - DIRECTOR

Date of incorporation (if applicant is corporation) 10/24/2018

Location and description of premises; or place of business which is to be operated under such license RESTAURANT BAR AND BEER GARDEN 17 YEAR

Has the applicant made a similar application for other licenses on the premise other than described in this application. YES (NO)

Disposition of such application _____

Applicant has never been convicted of a felony and is not qualified to receive a license by reason of any matter or thing contained in this Act. YES (NO)

Has the applicant ever had a license revoked or suspended by any other State, Subdivision, or by the Federal Government? YES (NO)

If YES, give a complete description of said event(s):

_____

_____

Applicant has received another local license from _____ to sell alcoholic liquor at retail.
(MUNICIPALITY)

Retail Occupational Tax Number: 4301 – 3708

(Initial below)

A.H. Applicant will not violate any of the laws of the State of Illinois, The United States, or the Code of Ordinances of the Village of Poplar Grove, IL in the conduct of his place of business.

A.H. Applicant has not received or borrowed money or anything else of value, and will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed ninety days, as expressly permitted under Section 4 of Article VI hereof), directly or indirectly from any manufacturer, importing distributor or distributor, representative of any such manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor of Section 5 of Article VI of this Act.

List the name(s) of the business (es) and address wherein the applicant or any shareholder of the applicant has held a license to sell alcoholic beverages. N/A

List all arrests of the applicant or of its partners if a partnership or of its shareholders if a corporation (Date; Charge; Disposition). N/A

(Applicant)

(Applicant)

A Map of the location where Alcoholic Beverages will be served or stored should accompany each application.

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/31/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Taft Insurance Agency 207 S State Street Belvidere IL 61008	CONTACT NAME: Brad Taft PHONE (A/C, No, Ext): (815)547-7400 FAX (A/C, No): (815)839-7291 E-MAIL ADDRESS:
INSURED Hegbom Inc d/b/a Bravo Pizza and Italian Restaurant of Poplar Grove 13555 IL Route 76 Poplar Grove, IL 61065	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Erie Insurance Exchange INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$
	☐ CLAIMS-MADE ☐ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$
	☐ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	$
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	☐ ANY AUTO						BODILY INJURY (Per person)	$
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	☐ UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE	$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	$
	☐ DED ☐ RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						☐ PER STATUTE ☐ OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability	N	N	Q983972214	11/01/2018	11/01/2019	per occurrence limit	$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

State of Illinois Liquor Control Commission
100 W Randolph St Suite 5
Chicago IL 60601

Fax: Email:

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Brad M Taft

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Congratulations!

You have successfully completed the ServSafe® Training and Certificate Program. This is your official ServSafe Alcohol® Certificate Card and provides confirmation that you have studied, and are knowledgeable about, how to serve alcohol responsibly.

Thank you for participating in the ServSafe Alcohol® program. Responsible alcohol service begins with the choices you make, and ServSafe Alcohol® training will help you make the right decision when it matters most.

By completing the ServSafe Alcohol® program, you show your dedication to safe and responsible alcohol service. The ServSafe Alcohol® program and the National Restaurant Association are dedicated to helping you continue to raise the bar on alcohol safety.

To learn more about our full suite of responsible alcohol service training products, contact your State Restaurant Association, your distributor or visit us at ServSafe.com.

We value your dedication to responsible alcohol service and applaud you for making the commitment to keep your operation, your customers and your community safe.

Sincerely,

Sherman Brown

Executive Vice President, National Restaurant Association Solutions

ID # 16344127

CARD # 17050895

ServSafe
National Restaurant Association

ServSafe Alcohol® CERTIFICATE

ALEXANDER HEGBOM

NAME

10/29/2018

DATE OF EXAMINATION

Card expires three years from the date of examination. Local laws apply.

This certificate confirms completion of the **ServSafe Alcohol®** responsible alcohol service program.

Sherman Brown

Executive Vice President, National Restaurant Association Solutions

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171080I v.1/17

NOTE: You can access your score and certification information anytime at **ServSafe.com**.

If you have any questions regarding your certification, please contact the National Restaurant Association Service Center at **ServiceCenter@restaurant.org** or **800.765.2122, ext. 6703**.

In Alaska you must laminate your card for it to be valid.

NATIONAL RESTAURANT ASSOCIATION
233 South Wacker Drive
Suite 3600
Chicago, IL 60606-6383
1.800.SERVSAFE
312.715.1010 in the Chicago area
ServSafe.com

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Printed on Recycled Paper

Certificate of Completion

AWARDED TO



Dale Hegbom

has successfully completed the course

BASSET Illinois

Date: October 27, 2018

BASSET Illinois

www.bassetillinois.com

ASSET PURCHASE AGREEMENT

AGREEMENT made this ~~30th~~ 5th day of November, 2018, by and between:

BRAVO PIZZA OF POPLAR GROVE, INC., an Illinois Corporation, c/o Joseph Ocello and Marven Riggins, 1111 S. Alpine Road, Ste. 702, Rockford, Illinois 61108, hereinafter referred to as ..... "Seller"

and

HEGBOM, INC.,
hereinafter collectively referred to as ..... "Buyer"

WHEREAS, Seller is in the pizza restaurant business known as "Bravo Pizza and Italian Restaurant"

located at 13555 IL - 76, Poplar Grove, Illinois 61065, and

WHEREAS, Seller desires to sell substantially all of its business assets used in the pizza restaurant business at said location, and the Buyer desires to purchase the same.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements herein contained, the parties agree as follows:

1. SALE AND PURCHASE OF ASSETS. Upon the terms and conditions herein set forth, Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, free and clear of all liens, pledges or encumbrances of any kind, nature or description, all of the business assets of Seller related to the operation of its business located at 13555 IL-76, Poplar Grove, Illinois 61065 ("the Business"), excluding only cash and accounts receivable,

and including all rights of Seller, of every type and nature, tangible or intangible, in and to the same including by way of specification but not limitation the following:

(a) All furniture, fixtures, leasehold improvements, equipment and tangible assets used in the operation of said business at the location of the Business;

(b) All inventory and supplies on hand pursuant to the normal course of business upon closing;

Attached hereto as Exhibit A is a list of physical assets subject to and a part of this Agreement.

2. PURCHASE PRICE. Buyer agrees to pay to Seller, and Seller agrees to accept the purchase price in the sum of Four Hundred Fifty Thousand ($450,000.00) Dollars.

3. PAYMENT OF PURCHASE PRICE. At time of closing Buyer shall pay to Seller cash in the amount of Four Hundred Thousand ($400,000.00) Dollars and Buyer shall execute a Note for the remaining purchase price in the amount of Fifty Thousand ($50,000.00) Dollars bearing interest at the rate of five percent (5%) per annum, which such Note shall be payable in the following manner: The amount due under the Note shall be amortized over ten years with a monthly payment in the amount of Five Hundred Thirty ($530.00) Dollars per month beginning January 1, 2019; provided, however, that the then entire remaining sum due shall be due and payable on December 31, 2023 ("the Note").

4. SECURITY INTEREST. Buyer hereby grants to Seller a security interest in all of the items being purchased, including equipment, inventory and supplies. Buyer authorizes

Seller to execute such documents as may be required to perfect said security interest, including the execution of any UCC Financing Statements and will cooperate with Seller in the perfection of such security interest. Seller agrees to subordinate such security interest to Byron Bank.

5. CLOSING. Closing shall be held at the office of McGreevy Williams, P.C., 6735 Vistagreen Way, Suite 300, Rockford, Illinois, on November 30, 2018, at 2:00 oclock p.m. or such other time and place as the parties may mutually agree.

6. LIABILITIES AND INDEMNITY.

Buyer assumes no liabilities of Seller. Seller agrees to defend and hold Buyer harmless from any claims arising out of operation of Seller's business at all times prior to the date of closing, and agrees to pay Buyer all liabilities, damages, costs or expenses resulting by the failure of the Seller to perform any covenants set forth in this Agreement or arising out of any claim against Buyer because of conduct of Seller. Buyer shall defend and hold Seller harmless from all claims and causes of action relating to the assets from and after the closing of this transaction.

7. REPRESENTATIONS AND WARRANTIES OF BUYER AND SELLER. Seller represents and warrants that the following are true and correct on the date of this Agreement and will continue to be true and correct on each day and including the closing as though made on and as of each day:

(a) Bravo Pizza of Poplar Grove, Inc. is an Illinois Corporation and is authorized to enter into this Agreement.

(b) Seller has full authority to execute this Agreement in accordance with its terms, and this Agreement constitutes a valid and binding obligation of Seller.

(c) Seller has good title to all the assets, properties, rights and interests to be sold hereunder, subject to no mortgage, pledge, lien, charge, encumbrance or security interest of any nature whatsoever, and Seller will have at the closing the power and authority to convey and assign good and marketable title to all such assets to Buyer pursuant to the terms of this Agreement.

(d) No lien, charge, claim or interest will be asserted by any person (including any governmental authority) against the properties and assets to be conveyed and assigned under this Agreement.

(e) At the time of closing, Seller will have paid or adequately have provided for any and all debts and obligations, Federal and State taxes, license fees, and all charges levied, assessed or imposed as of the date of closing upon the property of Seller transferred pursuant to this Agreement.

(f) There are no legal actions, governmental proceedings, or investigations, or litigation pending, or to the knowledge of Seller, threatened against Seller, which might materially affect the financial condition, business or property of Seller; no type of labor dispute is pending,

or to the knowledge of Seller, threatened against Seller, by its employees or by any labor union claiming to represent such employees.

(g) Seller possesses in good standing all permits and licenses required by any statute, ordinance, regulation or other law to be possessed in order for it to carry on its business at the Business location and Seller's business is operating in compliance with the terms of all of said licenses, or permits, or with any other governmental regulations, including all applicable zoning ordinances and codes.

(h) No representation or warranty by Seller in this Agreement, nor any statement or certificate furnished or to be furnished to Buyer pursuant hereto or in connection with this transaction, contains or will contain any untrue statement of a material fact or omits or will omit to state a material fact necessary to make the statements therein not misleading.

8. REPRESENTATIONS AND WARRANTIES OF BUYER. No representation or warranty by Buyer in this Agreement, not any statement or certificate furnished or to be furnished to Seller pursuant hereto or in connection with this transaction contains or will contain any untrue statement of a material fact or omits or will omit to state a material fact necessary to make the statements contained herein not misleading.

9. SURVIVAL OF REPRESENTATIONS AND WARRANTIES. All representations, warranties, agreements and statements of Seller and Buyer contained in this

Agreement shall survive the closing of this transaction.

10. OBLIGATIONS AT CLOSING.

(a) Buyer, at closing, shall deliver to Seller the following:

(1) Cash via certified funds or wire transfer in the amount of Four Hundred Thousand ($400,000.00) Dollars.

(2) The Note.

(3) Such documents as are necessary or appropriate to provide Seller with a perfected security interest in all equipment, inventory and supplies purchased pursuant to this Agreement.

(4) All documents necessary to perfect the security interest of Seller.

(b) Seller, at closing, shall deliver to Buyer, the following:

(1) A warranty bill of sale, assignment and such other instruments of transfer and documents as may be necessary or appropriate to the sale and delivery of all the personal assets and property, tangible and intangible, of the Seller to be conveyed to Buyer pursuant to this Agreement.

(2) Possession of all tangible personal property and assets and properties to be conveyed to Buyer pursuant to this Agreement free and clear from any claim, lien, right, or interference from any other party.

(3) If required by Buyer, an Assignment of Lease for the premises located at the Business location.

(4) For a period of 30 days following closing, Seller shall provide training to Buyer's staff through either/or Joseph Ocello or Richard Owens, at reasonable times as agreed between the Parties.

(5) At all times after closing, Seller shall not cater to or open a physical location under the name of "Bravo Pizza" in or to zip code 61065.

(c) In addition to the payment otherwise due to Seller from Buyer at the closing, Buyer shall also pay to the Seller the prorated portion of any prepaid utility charges and any prepaid expense or portion of any contract or lease for supplies, items or services which Buyer agrees to continue and utilize.

(d) Any accrued but unpaid utility charges shall be paid by Seller at time of closing.

11. CONDITIONS PRECEDENT TO CLOSING.

(a) Buyer shall obtain any necessary agreements from the Lessor of the premises located at the Business location, authorizing Seller to assign the Lease on said premises to Buyer, without right of reentry by Seller and with all of Seller's rights and obligations under the Lease fully extinguished or in the alternative Buyer may enter into a lease with Seller, provided that Seller's existing lease is terminated.

(b) The warranties and representations of Seller contained in this Agreement shall be true and correct as of the date of closing, and Seller shall have performed all of the things to have been done by Seller on or before such date.

(c) The business and property of Seller shall not have been materially and adversely affected as a result of any transaction or event occurring from the date hereof to the closing.

(d) Buyer may conduct its own UCC Search at its own cost. Any UCC Financing Statements which appear of record, shall be removed by Seller at time of closing.

12. OPERATION OF SELLER'S BUSINESS PRIOR TO CLOSING. Pending the closing of this transaction, the business of Seller will be conducted only in the ordinary course and no changes will be made in such operations, or results from such operations occur, which would affect the financial condition, assets, liabilities, or business of Seller in any adverse manner.

13. CASUALTY PRIOR TO CLOSING. In the event that prior to the closing, the property, which is the subject matter of this Agreement, shall be substantially lost or damaged by fire or other casualty, any party hereto shall have the right, at its election, to terminate this Agreement, and all obligations and duties hereunder shall cease and terminate.

14. FURTHER INSTRUMENTS AND ACTIONS. Each party hereto shall deliver such further instruments and take such further action as may be reasonably necessary

to carry out the provisions and purposes of this Agreement.

15. EXPENSES. Each party will bear their own costs and expenses incurred in connection with this Agreement and the transaction herein contemplated.

16. NOTICES. Any notice required or permitted hereunder shall be deemed delivered if delivered personally or mailed, certified mail, return receipt requested, postage prepaid, or telexed:

(a) If to Seller to:
Bravo Pizza of Poplar Grove, Inc.
Attn: Joe Ocello and Marven Riggins
1111 S. Alpine Road, Ste. 702
Rockford, Illinois 61108

(b) If to Buyer to:
alexanderhegbom@gmail.com

17. WAIVER AND MODIFICATION. Any waiver, amendment or modification of this Agreement must be in writing, signed by all of the parties. A waiver in one instance shall not be deemed to be a continuing waiver or a waiver in any other instance.

18. ENTIRE AGREEMENT. This Agreement, the exhibits attached hereto, and the other agreements identified herein with respect to the transactions contemplated hereby represent the complete agreement of the parties and shall supersede all previous oral and written and all contemporaneous oral negotiations, commitments, writings and understandings of the parties with respect to the transactions contemplated hereby.

19. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

20. HEADINGS. The headings to the paragraphs of this Agreement are for convenience only and are not a part of this Agreement and shall have no effect upon the construction or interpretation of any parts of this Agreement.

21. GOVERNING LAW. This Agreement is to be construed and enforced in accordance with the laws of the State of Illinois.

22. NOTICE TO GOVERNMENTAL UNITS. Seller shall comply with applicable Bulk Sales Laws of the State of Illinois. In addition, Seller shall file such notices and papers with the Illinois Department of Revenue and the Illinois Department of Employment Security as are required by applicable law.

23. LICENSE. Upon the closing of this transaction, Seller and its shareholders, officers, and directors, grant to Buyer a perpetual, royalty free, non-exclusive license to use the name "Bravo Pizza" and the art/display designs and logos related to the same.

24. INVENTORY. Inventory on hand at closing and maintained in the ordinary course of Seller's business is included in the asset purchase price.

25. OPERATION OF BUSINESS: Until such time as the Note provided for hereunder is paid in full, Buyer shall use the name "Bravo Pizza" as the name of the store referenced herein.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be duly executed at Rockford, Illinois, on the day, month and year first above written.

Bravo Pizza of Poplar Grove, Inc.

By: _____

Its: Pres.

Hegbom, Inc.

By: _____

Its: President/Director