

FILED

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De/By
Sangamon County Clerk

CASE#2026-021 3
RESOLUTION NUMBER _____

**RESOLUTION OF THE
COUNTY BOARD OF THE COUNTY OF SANGAMON, ILLINOIS**

**A RESOLUTION AMENDING THE TEXT OF THE SANGAMON COUNTY CODE
AND SANGAMON COUNTY ZONING ORDINANCE REGARDING COMMERCIAL
SOLAR ENERGY FACILITIES AND COMMERCIAL WIND ENERGY FACILITIES**

WHEREAS, for over half a century, Sangamon County has exercised its zoning authority in a manner which takes into consideration the desires of its citizens, the uniqueness of its land, and economic, technological, and societal changes; and

WHEREAS, this local zoning authority, so exercised, allowed Sangamon County, after years of study, public comment, debate, and compromise, to adopt both solar and wind energy production facility ordinances allowing the development of these energy sources while at the same time providing reasonable protections from the adverse impacts of such development to nearby landowners and citizens of and visitors to Sangamon County; and

WHEREAS, the Illinois Legislature and Governor enacted Public Act 102-1123, effective January 27, 2023, a law which strips counties of much of their local authority over solar and wind energy production facilities zoning and instead mandates state-wide standards for solar and wind energy production facilities; and

WHEREAS, the Illinois Legislature and Governor enacted Public Act 104-0548, effective June 1, 2026, a law which further modified the provisions of Public Act 102-1123; and

WHEREAS, on June 2, 2026 the Illinois Appellate Court, Fourth District, issued its opinion in *Tate Road Solar 1, LLC v. Winnebago County*, 2026 IL App (4th) 250873, in which the court stated that “[c]ounties may establish standards, and those standards may or may not include the requirements specified in the statute. Thus, counties have some discretion in establishing standards, and, significantly, the statute’s specified requirements are only part of those standards.” *Id.* ¶¶ 40-41; and

WHEREAS, the County Board desires to amend the Sangamon County Zoning Ordinance to ensure compliance with Public Act 104-0548 and exercise discretion in establishing standards over the establishment and operation of commercial solar energy facilities and commercial wind energy facilities in Sangamon County.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of the County of Sangamon, Illinois in session assembled this 1st day of **September**, 2026 that the Sangamon

County Code and Sangamon County Zoning Ordinance are hereby amended as set forth in Exhibits A, B, and C, attached hereto and incorporated herein, effective upon adoption of this Resolution.

The above and foregoing Resolution was adopted by the County Board of the County of Sangamon, Illinois this 1st day of **September**, 2026.

Andy Van Meter, Chairman of the
County Board of the County of
Sangamon, Illinois

ATTEST:

Don Gray, Sangamon County
Clerk

**PETITION FOR AMENDMENTS TO THE TEXT OF
THE SANGAMON COUNTY CODE AS FOLLOWS:**

**EXHIBIT A: AMENDING AND REPEALING VARIOUS CHAPTERS AND SECTIONS
OF TITLE 15 AND TITLE 17 OF THE SANGAMON COUNTY CODE**

**EXHIBIT B: AMENDING CHAPTER 17.37 – COMMERCIAL SOLAR ENERGY FACILITIES
CONDITIONAL PERMITTED USE STANDARDS**

**EXHIBIT C: AMENDING CHAPTER 17.49 – COMMERCIAL WIND ENERGY FACILITIES
CONDITIONAL PERMITTED USE STANDARDS**

TO: THE HONORABLE SANGAMON COUNTY BOARD OF SANGAMON COUNTY, ILLINOIS;

AND

THE HONORABLE SANGAMON COUNTY ZONING BOARD OF APPEALS OF
SANGAMON COUNTY, ILLINOIS

NOW COMES the Petitioner, the Zoning & Land Use Committee of the Sangamon County Board, and hereby respectfully requests that the proposed text amendment to the Sangamon County Code, described in Exhibits A, B, and C attached hereto and made a part hereof, be recommended for approval to the Sangamon County Board, and in support thereof state that:

1. The Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statutes 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969.
2. In order to comply with changes in State Law and make the Zoning Ordinance more effective, it is necessary to revise it from time-to-time to solve administrative problems and keep the zoning ordinance up-to-date with current needs.
3. The Office of the Sangamon County State's Attorney has reviewed the proposed text amendment.

WHEREFORE, the Petitioner requests that the Zoning Board of Appeals of the County of Sangamon, after proper publication and hearing, recommend approval of the text amendment to the Sangamon County Code set forth in Exhibits A, B, and C (attached hereto and made a part hereof) to the County Board of Sangamon County, Illinois, and that, thereafter, the County Board of Sangamon County, Illinois, after proper notice and hearing, adopt the text amendment herein requested.

David Mendenhall, Chair
Zoning & Land Use Committee

Date

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EXHIBIT A**AMENDING AND REPEALING VARIOUS CHAPTERS AND
TITLE 15 AND TITLE 17 OF THE SANGAMON COUNTY CODE**

Amend Section 15.05.200 to delete the stricken portions of the Commercial Permit Fee Chart as provided below:

Commercial Solar Energy Systems, Battery Energy Storage Systems, Backup Generators, & Battery Backup Systems	
0-10 kW	\$200
11-50 kW	\$375
51-100 kW	\$750
101-500 kW	\$1,500
501 kW- 1 MW	\$3,000
1 MW-2 MW	\$6,000
2 MW and over	\$6,000 plus \$2,000 per MW
Commercial Wind Energy Systems	\$25 a ft, to the Blade Tip

Amend Section 15.05.200 to add the following lines to the Commercial Permit Fee Chart:

Battery Energy Storage Systems	\$5,000 per MW of nameplate capacity of the energy storage system, up to a maximum of \$50,000
Commercial Solar Energy Systems & Commercial Wind Energy Facilities	\$5,000 per MW of nameplate capacity of the energy facility, up to a maximum of \$75,000

Amend Section 17.10.020 to Add the Following: "Commercial Solar Energy Facilities" and "Commercial Wind Energy Facilities";

Delete Section 17.10.030, Siting Approval Permits;

Amend Section 17.28.020 to Add the Following: “Commercial Solar Energy Facilities” and “Commercial Wind Energy Facilities”;

Delete Section 17.28.030, Siting Approval Permits;

Amend Section 17.30.020 to Add the Following: “Commercial Solar Energy Facilities” and “Commercial Wind Energy Facilities”;

Delete Section 17.30.030, Siting Approval Permits;

Amend Section 17.58.080 to Add Subsections D. 6 and D.7 as follows:

6. Commercial Solar Energy Facilities - must meet the requirements of Chapter 17.37, Commercial Solar Energy Facilities Conditional Permitted Use Standards, of this title.

7. Commercial Wind Energy Facilities - must meet the requirements of Chapter 17.49, Commercial Wind Energy Facilities Conditional Permitted Use Standards, of this title.;

Amend Chapter 17.37 – Commercial Solar Energy Conversion Facilities Siting Approval Permitting as Provided in Exhibit B; and,

Amend Chapter 17.49 – Commercial Wind Energy Conversion Systems Siting Approval Permitting as Provided in Exhibit C.

EXHIBIT B

Chapter 17.37 - COMMERCIAL SOLAR ENERGY CONVERSION FACILITIES SITING APPROVAL PERMITTING CONDITIONAL PERMITTED USE STANDARDS

Sections:

17.37.010 - DEFINITIONS.	1
17.37.020 - APPLICABILITY.	8
17.37.030 - SITING APPROVAL CSEF PERMIT APPLICATION.	9
17.37.040 - DESIGN AND INSTALLATION.	13
17.37.050 - OPERATION.	19
17.37.060 - LIABILITY INSURANCE AND INDEMNIFICATION.	<u>ERROR! BOOKMARK NOT DEFINED.</u>
17.37.070 - DECOMMISSIONING PLAN.	22
17.37.080 - REMEDIES.	23
17.37.090 - FEE SCHEDULE AND PERMITTING PROCESSES.	24
17.37.100 - HEARING.	25
17.37.110 - MISCELLANEOUS.	27

17.37.010 - Definitions.

“Abandonment.” Abandonment of the CSEF Project occurs when Decommissioning has not been completed within twelve (12) months after the CSEF Project reaches the end of its useful life, as defined in the AIMA. For the purposes of this definition, a CSEF shall be presumed to have reached the end of its useful life if the CSEF Owner fails, for a period of six (6) consecutive months, to pay the Landowner amounts owed in accordance with the applicable written agreement(s) between the Landowner and the Applicant, Owner, Operator, CSEF Permittee, and all successors and assigns thereof regarding or related to the CSEF.

“Agricultural Impact Mitigation Agreement.” The Agricultural Impact Mitigation Agreement by and between the Illinois Department of Agriculture and the Applicant applicable to the CSEF Project construction and decommissioning activities of the Applicant or CSEF Permittee, as applicable, also referred to herein as “AIMA.”

“Applicant.” The entity who submits to the County an application for ~~the siting a~~ CSEF Permit and operation of any CSEF or Substation. All references to Applicant in this Ordinance shall include Applicant's successors-in-interest and assigns, which includes a CSEF Permittee (as defined below).

“Battery Energy Storage System (BESS).” A component of a solar energy system that is used to store solar generated energy for future use.

"Commencement of Construction." Any site development work (e.g., demolition, grubbing, grading, tiling, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) in any way supportive of or in furtherance of the CSEF Project.

"Commercial Operation Date." The calendar date on which the CSEF Project produces power for commercial sale, not including test power. Within ten (10) calendar days of the Commercial Operation Date, the CSEF Permittee shall notify the County in writing.

"Commercial Solar Energy Facility." A solar energy ~~conversion~~ facility or combination of facilities, including but not limited to ground-installed CSEF panels, substations, batteries, electric transformers, energy storage facilities, telecommunications equipment, roads, roadway materials, supporting facilities, permanent Meteorological Towers, meteorological stations and solar energy measurement equipment, maintenance, operations, administrative and storage areas and buildings, and all related improvements and equipment located on one or more tracts of real property for the primary purpose of generating, producing, or delivering electricity from solar energy from the sun for wholesale or retail sale and not primarily for consumption on the property on which such facilities reside, also referred to herein as "Solar Energy ~~Conversion~~-System," "CSEF," "Project," or "CSEF Project." "Commercial solar energy facility" does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act.

"County" or "Sangamon County." Sangamon County, Illinois.

~~"CSEF Permittee." An Applicant who applies for and receives a Siting Approval Permit under this Ordinance for the siting and operation of a CSEF Project or Substation. All references to a CSEF Permittee in this Ordinance shall include a CSEF Permittee's successors in interest and assigns.~~

"CSEF Building Permit." A permit necessary for the Commencement of Construction performed in furtherance of or related to the construction, erection or installation of an approved CSEF, Substation, supporting facility, or operations and maintenance building in connection with a CSEF Project. A CSEF Building Permit may be issued by the County after a CSEF Project has obtained a ~~Siting Approval~~ CSEF Permit from the Sangamon County Board, and the Sangamon County Building and Zoning Department determines that all conditions, if any, have been satisfied that are imposed by the ~~Siting Approval~~ CSEF Permit. The CSEF Building Permit shall require the Applicant (CSEF Permittee) to deliver a written "Notice to Proceed" for the CSEF Project to the County prior to Commencement of Construction of the CSEF Project.

"CSEF Permit." A conditional permitted use zoning permit (also known as a special use permit) approved by the County Board in accordance with the provisions of Chapter 17.58 of this

Ordinance, after a public hearing, allowing the construction and operation of a CSEF at a specified location subject to compliance with certain specified special conditions as may be required by the County Board, including, but not limited to, ordinances, regulations, and laws administered and enforced by Sangamon County.

"CSEF Permittee." An Applicant who applies for and receives a CSEF Permit under this Ordinance for a CSEF Permit and operation of a CSEF Project or Substation. All references to a CSEF Permittee in this Ordinance shall include a CSEF Permittee's successors-in-interest and assigns.

"Decommissioning." The removal of all above and below ground CSEF Project improvements from a participating property and the restoration of that property as provided in the AIMA.

"Decommissioning Plan." A plan prepared by a Professional Engineer with experience in the field of ~~CSEF solar energy conversion~~ projects, prepared at the cost of the Applicant or CSEF Permittee, as applicable, that complies with the decommissioning provisions of the Illinois Department of Agriculture's standard solar AIMA, current as of the date of application~~version 8.19.19, as in effect on December 31, 2022~~, that includes, at a minimum:

- A. A comprehensive detailed description of the method of decommissioning and how the Applicant, or CSEF Permittee, as applicable, plans to pay for the decommissioning of the CSEF Project.
- B. A work schedule and a permit list necessary to accomplish the CSEF Project decommissioning of all of the following CSEF Project improvements:
 - 1. Solar panels, cells and modules;
 - 2. Solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems;
 - 3. Solar panel foundations, if used (to depth of 5 feet);
 - 4. Transformers, inverters, energy storage facilities, substations, BESS, telecommunications equipment, supporting facilities, permanent Meteorological Towers, meteorological stations, and solar energy measurement equipment including all components and foundations; however, Underground Cables at a depth of 5 feet or greater may be left in place;
 - 5. Overhead collection system components;
 - 6. Operations/maintenance/administration buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the Landowner;
 - 7. Access Road(s) unless Landowner requests in writing that the access road is to remain;

8. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and,
9. Debris and litter generated by Deconstruction and Deconstruction crews, including but not limited to any CSEF Permittee, Owner, Operator, or any agents of contractors of the same performing Decommissioning activities.

C. Proposed Financial Assurance for the decommissioning of the CSEF Project.

"Financial Assurance" or "Financial Security" or "Decommission Security." A form of commercially available financial assurance that is acceptable to the County, naming the County as primary beneficiary and participating property owners as secondary beneficiaries, examples of which include, but are not limited to, a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit. The Financial Assurance shall include the following terms and conditions:

- A. The amount of Financial Assurance included in the Decommissioning Plan shall be equal to the total cost of all Decommissioning and restoration work associated in any way with the CSEF Project, in accordance with the Financial Assurance required by the AIMA. The salvage value of the CSEF Project may only be used to reduce the estimated costs of Decommissioning in the Decommissioning Plan if the County certifies that all interests in the salvage value are subordinate or have been subordinated to that of the County if abandonment of the CSEF Project occurs.
- B. To determine the amount of the Financial Assurance, the Applicant shall: (a) obtain bid specifications provided by a professional structural engineer; (b) request estimates from construction/demolition companies capable of completing the decommissioning of the CSEF Project; and (c) certification of the selected estimate by a professional structural engineer. The County Engineer, an independent engineer of the County's choosing, and the County Zoning Administrator will review all estimates and make a recommendation to the County Board for an acceptable estimate. The County reserves the right to pursue other estimates. All costs to secure the estimates will be the responsibility of the Applicant or CSEF Permittee, as applicable.
- C. The Financial Assurance shall:
 1. Identify all procedures for the County to access the Financial Assurances;
 2. Include a provision granting the County with all legal rights to transfer applicable CSEF Project improvement materials to salvage firms as of the date that the Financial Assurance is accessed by the County; and,
 3. Include a provision granting the County access to the CSEF Project area and all participating property, as of the date that the Financial Assurance is

accessed by the County, subject to reasonable notice, to affect or complete decommissioning.

- D. If the County approves an irrevocable letter of credit or surety bond as the form of Financial Assurance for the CSEF Project, the original of the irrevocable letter of credit or surety bond shall be held by the County.
- E. If the County approves cash escrow as the form of Financial Assurance for the CSEF Project, the cash escrow shall be held and managed by an independent third party (e.g., escrow agent or title company) on behalf of the County, subject to escrow instructions that incorporate the applicable obligations of this Ordinance and the AIMA, executed by the County and the Applicant or CSEF Permittee, as applicable.
- F. If possible for the type of Financial Assurance provided, the Applicant shall grant perfected security in the Financial Assurance by use of a control agreement establishing the County as an owner of record pursuant to the Secured Transactions Article of the Uniform Commercial Code, 810 ILCS 5/9-101 et seq.
- G. Any interest accrued on the Financial Assurance that is over and above the cost of Decommissioning as provided in the Decommissioning Plan shall be the property of the CSEF Permittee.
- H. Provision of this Financial Assurance shall be reported to the County and phased in over the first 11 years of the CSEF Project's operation as follows:
 - 1. On or before the 1st anniversary of the Commercial Operation Date, the CSEF Permittee or Owner shall provide the County with Financial Assurance to cover ten percent (10%) of the estimated costs of Decommissioning of the CSEF Project as determined in the Decommissioning Plan.
 - 2. On or before the 6th anniversary of the Commercial Operation Date, the CSEF Permittee or Owner shall provide the County with Financial Assurance to cover fifty percent (50%) of the estimated costs of Decommissioning of the CSEF Project as determined in the Decommissioning Plan.
 - 3. On or before the 11th anniversary of the Commercial Operation Date, the CSEF Permittee or Owner shall provide the County with Financial Assurance to cover one hundred percent (100%) of the estimated costs of Decommissioning of the CSEF Project as determined in the Decommissioning Plan.
- I. The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced.
- J. After the 10th anniversary of the Commercial Operation Date, and every 5 years thereafter, the County may reevaluate the estimated costs of Decommissioning of

the CSEF Project. Such reevaluation shall be performed by an independent third party Professional Engineer licensed in the State of Illinois. The CSEF Permittee shall be responsible for the costs of any reevaluation by a third party Professional Engineer engaged by the County. The County shall provide the CSEF Permittee with a copy of such reevaluation reports. In accordance with the results of any reevaluation report, the County may require changes in the amounts of Financial Assurance required from the CSEF Permittee or Owner, as provided for above, and in such case, the adjusted amount of Financial Assurance shall be secured within 6 months of the date that the County provides the CSEF Permittee with a copy of such reevaluation reports. Failure to provide Financial Assurance, or adjusted Financial Assurance, as outlined herein shall be considered a cessation of operation.

- K. Upon abandonment of the CSEF Project or any other default or failure to comply with this Ordinance, the AIMA, or the Decommissioning Plan, as determined by the County, the County may take all appropriate actions for Decommissioning, including drawing upon the Financial Assurance. In the event the County declines to take any action for Decommissioning, the participating property owners may draw upon the Financial Assurance.

"Landowner." A participating owner of real property upon which a CSEF is or may be located by virtue of an easement, option, lease, or license to use the real property for the purpose of constructing a CSEF Project or supporting facilities.

"Meteorological Tower." Those towers or other structures which are erected prior to construction of a CSEF Project primarily to measure meteorological data relevant to siting and operation of a CSEF Project. For purposes of this ordinance, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.

"Nonparticipating property." Real property that is not a participating property.

"Nonparticipating residence." A residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the CSEF Project is filed with the County.

"Notice to Proceed." A written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a CSEF Project and identifying the date on which the construction activities are scheduled to commence.

"Occupied community building." Any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the CSEF Project is filed with the County: a school, place of worship, day care facility, public library, or community center.

"Operator." The person or entity responsible for the day-to-day operation and maintenance of a CSEF Project, including any third-party subcontractors. The Operator must be a qualified solar power professional. All references to Operator in the Ordinance shall include Operator's successors-in- interest and assigns.

"Owner."

- A. A person with a direct ownership interest in a CSEF Project, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the CSEF Project; and
- B. At the time the facility is being developed, a person who is acting as a developer of the CSEF Project by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the CSEF Project, regardless of whether the person will own or operate any portion of the CSEF Project.

"Owner" does not mean:

- C. The property owner from whom land is leased for locating a CSEF solar energy conversion system (unless the property owner has an equity interest in a CSEF solar energy conversion system); or,
- D. Any person holding a security interest in a CSEF solar energy conversion system solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell a CSEF solar energy conversion system at the earliest practicable date.

"Participating property." Real property that is the subject of a written agreement between an Applicant, Owner, Operator, or CSEF Permittee and the Landowner. "Participating property" also includes real property that is owned by an Applicant, Owner, Operator, or CSEF Permittee for the purpose of constructing CSEF Project or supporting facilities.

"Participating residence." A residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the CSEF Project is filed with the County.

"Professional Engineer." A qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under terms of this Ordinance, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.

"Protected lands" means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

"Public Conservation Lands." Land owned in fee title by units of local government, state or federal agencies and managed specifically for conservation purposes, including but not limited to units of local government, state and federal parks, state and federal wildlife management

areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.

"Setback." The distances measures from the nearest edge of any component of the CSEF Project to: the nearest point on the outside wall of the structures of occupied community buildings and buildings and dwellings on nonparticipating properties; the nearest edge of public road rights-of-ways; and the nearest point on the property line of nonparticipating property.

~~"Siting Approval Permit." A permit approved by the County Board, after a public hearing, allowing the construction and operation of a CSEF at a specified location subject to compliance with certain specified special conditions as may be required by the County Board, including, but not limited to, ordinances, regulations, and laws administered and enforced by Sangamon County.~~

"Substation." The apparatus that collects and/or connects the electrical collection system of a CSEF and adjusts the voltage for connection with the utility's transmission lines.

"Supporting Facilities." The transmission lines, substations, batteries, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the CSEF Project. "Supporting Facilities" includes energy storage systems capable of absorbing energy and storing it for use at a later time, including, but not limited to, batteries and other electrochemical and electromechanical technologies or systems.

17.37.020 - Applicability.

- A. This Chapter applies to any CSEF and operations thereof in unincorporated Sangamon County, Illinois, other than those areas surrounding municipal limits governed by municipal ordinance.
- B. The purpose of these regulations is to facilitate the construction, installation, use, operation and decommissioning of commercial solar energy facilities in the County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. These regulations will not impede personal or business solar collector development for the primary use of self-sustaining energy so long as all facilities associated therewith are located on property owned by the person or entity using such self-sustaining energy. These

regulations are not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances.

- C. No CSEF Project, CSEF or Substation governed by this Chapter shall be constructed, erected, installed, or located within the County, unless a ~~Siting Approval~~CSEF Permit and CSEF Building Permit has been obtained for each individual CSEF Project, Substation, or for a group of CSEF Projects and Substations under a joint ~~siting application~~ for a CSEF Permit pursuant to this Ordinance.
- D. CSEF Projects ~~may be developed and operated~~ are authorized as a conditional permitted use in any zoning district zoned to allow agricultural or industrial uses upon the grant of a CSEF Permit.

17.37.030 - ~~Siting Approval~~CSEF Permit Application.

- A. To obtain a ~~Siting Approval~~CSEF Permit, the Applicant shall submit a ~~Siting Approval~~CSEF Permit Application application to the Sangamon County Building and Zoning Department.
- B. To be considered a complete and accepted submittal, the application shall contain or be accompanied by the following information:
 - 1. A written summary of the project, including:
 - a) General description of the project, including the approximate total name plate generating capacity of the project;
 - b) Potential equipment manufacturer(s), and type(s) of the CSEF;
 - c) Number of solar panels and piers, and name plate generating capacity of each panel; and,
 - d) The size of panels and evidence that no component of the solar panels used in the proposed CSEF Project will have a height of more than 20 feet above ground when the solar facility's arrays are at full tilt.
 - 2. The name(s), address(es), and phone number(s) of the:
 - a) Applicant(s), Owner and Operator, including their respective business structures;
 - b) The name(s), address(es), and phone number(s) of all lenders and parties providing financing of any nature related to the CSEF Project;
 - c) All participating property owner(s); and,
 - d) Documentation demonstrating land ownership or legal control of the property.
 - 3. A site plan for the CSEF Project showing:
 - a) Boundaries of the CSEF Project area;

- b) Locations, legal descriptions, and property lines for each parcel within the boundaries of the project;
- c) CSEF Project site plan, phasing plan, and construction timeline plan;
- d) Location of all CSEF structures including, but not limited to: the project panels, substation(s), interconnect substation(s), operations and maintenance buildings, supporting facilities, batteries, permanent Meteorological Towers, approximate location of CSEF panels and piers, and location and voltage of any overhead or underground transmission lines;
- e) Location of participating and non-participating buildings (with their uses identified) and dwellings, and the parcel boundary lines for the tracts of real property upon which participating residences, nonparticipating residences, and occupied community buildings are located (including identification for adjoining properties);
- f) Location and identification of all other structures, with their uses identified, within the geographical boundaries of any applicable setback;
- g) Location and type of the fencing enclosing the CSEF Project's perimeter and verification that the fence shall be a minimum of six (6) feet and not more than twenty-five (25) feet in height;
- h) Location of all known communications towers within two (2) miles of the proposed CSEF;
- i) Electrical cabling from the solar panels to the Substation(s) and all other above and below ground cable locations;
- j) Ancillary equipment;
- k) Third party transmission lines;
- l) A topographic map of the CSEF Project area boundaries and the surrounding area;
- m) Location of any wetlands, floodplain, and drainage structures, including surface ditches and subsurface drainage lines;
- n) Underground mines;
- o) Scenic and natural areas within one thousand five hundred (1,500) feet of the proposed CSEF;
- p) Setback lines;
- q) Public access roads and turnout locations; and,
- r) Location of all existing structures with the uses identified.

4. A Decommissioning Plan for the CSEF Project including cost estimations to remediate the participating property in accordance with the AIMA.
5. An affidavit provided by an authorized Applicant officer attesting to the following matters that shall be conditions of the ~~Siting Approval~~CSEF Permit:
 - a) The ~~Siting Approval~~CSEF Permit application is complete and includes all information and documentation required by this Ordinance and the AIMA, that all such information and documentation is true and correct, that there has not been any material omission of any relevant information, and that upon the discovery of any missing or incorrect information contained, or intended to be contained in the ~~Siting Approval~~CSEF Permit application, Applicant shall immediately notify the County of the same and provide all relevant corrected information and documentation;
 - b) The obligations imposed by this Ordinance and the AIMA shall bind the Applicant, Owner, Operator, CSEF Permittee, and all successors and assigns thereof;
 - c) That the obligations and liabilities established by the grant of a ~~Siting Approval~~CSEF Permit shall be binding upon the Applicant, Owner, Operator, CSEF Permittee and their respective successors and assigns;
 - d) That the sale, assignment in fact or at law, or other transfer of the Applicant's financial interest in the CSEF Project shall in no way effect or modify the obligation of the Applicant, Owner, Operator, or CSEF Permittee to comply with the terms, covenants and obligations of a ~~Siting Approval~~CSEF Permit unless a successor or assign of the Applicant, Owner, Operator, or CSEF Permittee, as applicable, agrees to assume all such obligations, including but not limited to the Decommissioning obligations associated with the CSEF Project;
 - e) That the County and its authorized representatives have the right of entry onto the CSEF Project area at all times for the purpose of inspecting the methods of construction, operation, remediation, and decommissioning, or for performing actual reclamation if necessary; and,
 - f) Confirmation that the County shall be listed as a debtor in connection with any proceeding in insolvency or bankruptcy

involving the Applicant, Owner, Operator, CSEF Permittee or their respective successors and assigns, but shall not be responsible for any claims against the foregoing parties.

6. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
7. A comprehensive vegetation management plan consistent and compliant with the goals of the Pollinator-Friendly Solar Site Act, the AIMA, and written agreements with applicable Landowner(s), detailing the type of vegetative ground cover to be planted, established, and maintained for the life of the CSEF Project that provides and maintains native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators. Such plan shall comply with the underlying vegetative ground cover and vegetation management plan agreement with the Landowner(s) where the CSEF will be constructed.
8. Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.
- ~~9. Results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.~~
- ~~10-9.~~ 9. Results of an avian and wildlife impact study completed at the Applicant's expense by a third party, qualified professional (after submission of resume and relevant work experience). Each CSEF Project shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife.
- ~~11-10.~~ 10. Results of the consultation with the Illinois State Historic Preservation Office assessment of potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
- ~~12-11.~~ 11. Results of a communications analysis that indicates that the E9-1-1 communications, emergency communications, or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed CSEF Project. The analysis shall be conducted by a third party, qualified professional (after submission of resume and relevant work experience) at the expense of the Applicant.

- ~~13.~~12. Information demonstrating that the CSEF Project will avoid protected lands.
- ~~14.~~13. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures.
- ~~15.~~14. Any other information requested by the County or the County consultants that is necessary to evaluate the ~~siting permit~~CSEF Permit application and operation of the CSEF Project and to demonstrate that the CSEF Project meets each of the regulations in this Chapter, including the ~~Siting Approval~~CSEF Permit standards set forth below.
- ~~16.~~15. The applicant shall submit twelve (12) copies of the ~~Siting~~CSEF Permit Application to the Sangamon County Building and Zoning Department, and at least one (1) copy in electronic format.
- C. The Applicant, at its expense, shall enter into an AIMA with the Illinois Department of Agriculture prior to any public hearing required before a ~~siting~~ decision on the ~~CSEF Project~~CSEF Permit application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the AIMA.
- D. The applicant at its expense, shall file a farmland drainage plan with the County and any impacted drainage districts outlining how surface and subsurface drainage of farmland will be restored during and following construction or deconstruction of the CSEF. The plan is to be created independently by the Applicant and shall include the location of any potentially impacted drainage district facilities to the extent this information is publicly available from the County or the drainage district, plans to repair any subsurface drainage affected during construction or deconstruction using procedures outlined in the AIMA entered into by the Applicant, and procedures for the repair and restoration of surface drainage affected during construction or deconstruction. All surface and subsurface damage shall be repaired as soon as reasonably practicable.

17.37.040 - Design and Installation.

- A. Design Safety Certification
1. Each CSEF shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), or an equivalent third party. All solar panels, cells and modules; solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems shall be new equipment

commercially available; no used or experimental equipment shall be used without the approval of a variance by the County Board.

2. Following the ~~granting~~grant of ~~siting approval~~a CSEF Permit under this Ordinance, a structural engineer shall certify, as part of the CSEF Building Permit application process, that the design of the CSEF is within accepted professional standards, given local soil, subsurface and climate conditions. The engineer shall be retained by Sangamon County, the cost of which will be paid by the applicant.
- B. Electrical Components.
All electrical components of the CSEF Project shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).
- C. Height. No component of a solar panel, cell or modules may exceed twenty (20) feet in height above the ground at full tilt.
- D. Aesthetics and Lighting
1. Vegetative Screening: A vegetative screen shall be provided for any part of the CSEF Project that is visible to Non-participating Residence. The landscaping screen shall be located between the required fencing and the perimeter of the tax parcel(s) established by the County upon which the CSEF Project is located. The vegetative screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants.
 2. Lighting: If lighting is provided at the CSEF Project, lighting shall be shielded and downcast such that the light does not spill onto any adjacent parcel.
 3. Intra-project Power and Communication Lines: All power lines used to collect power and all communication lines, if buried, shall be buried underground at a depth in accordance with the AIMA until such lines reach the property line or a substation adjacent to the property line.
- E. Fencing. The CSEF perimeter shall be enclosed by fencing having a height of at least six (6) feet and no more than twenty-five (25) feet above natural grade level. Hazardous fencing such barbed wire, electrically charged fencing or fencing with metal spikes is allowed.
- F. Warnings
1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.

2. Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.
- G. Setback Requirements. The CSEF Project shall be sited as follows, with setback distances measured from the nearest edge of any above-ground component of the CSEF Project, excluding fencing, unless waived by the written consent of the owner(s) of each affected nonparticipating property. Any waivers of setbacks shall run with the land and be recorded with the Recorder of Deeds of the County, with copies submitted with the ~~Siting Approval~~ CSEF Permit application. Setback distances shall be no less than:
1. Occupied Community Buildings: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
 2. Nonparticipating Residences: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
 3. Boundary Lines of Participating Property: None.
 4. Boundary Lines of Nonparticipating Property: fifty (50) feet to the nearest point on the property line of the nonparticipating property.
 5. Public Road Rights-of-Way: fifty (50) feet from the nearest edge of the public road right-of-way.
 6. Fencing Setback from Public Road Rights-of-Way: Fencing shall be setback from public road right-of-way in accordance with the underlying requirements of the zoning district in which the CSEF Project is located.
- H. Use of Public Roads
1. An Applicant proposing to use any County, municipality, township or village road(s), for the purpose of transporting parts and/or equipment for construction, operation, or maintenance of the CSEF Project, shall:
 - a) Identify all such public roads; and,
 - b) Obtain applicable weight and size permits from relevant government agencies prior to construction.
 2. To the extent an Applicant must obtain a weight or size permit from the County, municipality, township or village, the Applicant shall:
 - a) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
 - b) Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the ~~Siting Approval~~ CSEF Permit. Traffic

for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the facility's equipment, the installation, maintenance, or removal, must be completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the CSEF Project or are authorized to collect fees for overweight and/or oversized load permits. Further, Financial Assurance in an amount to be fixed by the Road District Commissioner to ensure the Road District or the County that future repairs are completed to their reasonable satisfaction shall be provided. Applicant shall submit a draft form of said Financial Assurance with application for the ~~Siting Approval~~ CSEF Permit.

- c) Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
 - i) Project layout map;
 - ii) Transportation impact analysis;
 - iii) Pre-construction plans;
 - iv) Project traffic map;
 - v) Project scope of repairs;
 - vi) Post-construction repairs;
 - vii) Insurance; and,
 - viii) Financial Security in forms and amounts acceptable to the County;
- d) The road use agreement shall require the Applicant to be responsible for the reasonable cost of improving roads used to construct the CSEF Project and the reasonable cost of repairing roads used by the CSEF Project Owner during construction of the CSEF Project so that those roads are in a condition that is safe for the driving public after the completion of the CSEF Project construction. Roadways improved in preparation for and during the construction of the CSEF Project shall be repaired and restored to the improved condition at the reasonable cost of the developer

if the roadways have degraded or were damaged as a result of construction-related activities.

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

I. Noise Levels

1. Noise levels from each portion of the CSEF Project shall be in compliance with applicable sound limitation regulations established by the Illinois Pollution Control Board (IPCB) under 35 Ill. Adm. Code Parts 900, 901, and 910, or such successor regulations hereafter issued by the IPCB as to CSEF Project sound limitations. The Applicant shall submit manufacturer's solar facility sound power level characteristics and other relevant data regarding noise characteristics necessary for a competent noise analysis. The Applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its ~~Siting Approval~~ CSEF Permit application.

J. As-Built Map and Plans

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

K. Engineer's Certificate

1. The CSEF Project engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the specific soils and subsurface conditions at the site can support the solar apparatus, given local soil, subsurface, and climate conditions.
2. The CSEF Project engineer's certificate shall be a public record and shall be submitted as part of the ~~Siting Approval~~ CSEF Permit application.

L. Conformance with Approved Application and Plans

1. The Applicant shall construct and operate the CSEF Project in substantial conformance with the construction plans contained in the County approved submitted ~~Siting Approval~~ CSEF Permit application(s), conditions placed upon the operation of the CSEF Project, this ordinance and all applicable state, federal, and local laws and regulations.

M. Additional Terms and Conditions

1. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the ~~Siting Approval~~ CSEF Permit Application ~~Application~~ shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.
2. The County may retain a qualified, independent code inspector, professional engineer, or both to make appropriate inspections of the CSEF Project during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering, and/or decommissioning of the CSEF Project is performed in compliance with applicable electrical and building codes. The cost and fees so incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the CSEF Permittee.
3. The Applicant shall provide a locked metal gate or a locked chain installed at the access road entrances of all the CSEF Project locations. An exception may be made when the Landowner has filed a written statement with the County which states that the Landowner does not want a locked metal gate or a locked chain installed and has provided a signed liability waiver to the County.

17.37.050 - Operation.**A. Maintenance**

1. Annual Report. The CSEF Permittee shall submit, on an annual basis on the anniversary of the Commercial Operation Date, an operation and maintenance report to the County. The report shall contain the following information:
 - a) a general description of any physical repairs, replacements, or modification(s) to the CSEF Project and/or its infrastructure;
 - b) name(s), address(es), and phone number(s) of the current owner and operator, including their respective business structures, and lenders for the CSEF Project;
 - c) calls for emergency services;
 - d) status of liability insurance; and,
 - e) a general summary of CSEF Project service calls.
2. Failure to provide the annual report shall be considered a material violation of this Ordinance and subject to a fine in the amount of \$250 per acre of the total project area for each 30 day period occurring between the date that the annual report is due and the date that it is filed by the CSEF Permittee.

B. Coordination with Emergency Responders:

1. The CSEF Permittee shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the CSEF Project so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over any portion of the CSEF Project may evaluate and coordinate their emergency response plans with the CSEF Permittee.
2. The CSEF Permittee, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the CSEF Project. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment.
3. The CSEF Permittee and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24 hour contact information (names, titles, email addresses, cell phone numbers) for the CSEF Permittee and the

Operator and at least three (3) designated CSEF Permittee representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated CSEF Permittee representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annual basis.

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

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

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

D. Signage

1. Signage regulations shall be consistent with ANSI standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations, and at all entrances to the CSEF Project.

E. Drainage Systems

1. The Applicant, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the CSEF Project in accordance with the AIMA.
2. The Project Owner shall compensate landowners for crop losses or other agricultural damages resulting from damage to the drainage system caused by the construction of the CSEF. The CSEF Owner shall repair or pay for the repair of all damage to the subsurface drainage system caused by the construction of the CSEF in accordance with the AIMA requirements for repair of drainage and any agreements with the Landowner. The CSEF Owner shall repair or pay for the repair and restoration of surface drainage

caused by the construction, operation, or Decommissioning of the CSEF as soon as reasonably practicable.

F. Complaint Resolution

1. The CSEF Permittee shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the CSEF Project. The CSEF Permittee shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the County. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the CSEF Permittee. The CSEF Permittee shall also designate and maintain for the duration of the CSEF Project either a local telephone number or a toll-free telephone number and an email address as its public information / inquiry / and complaint "hotline" which shall be answered by a customer service representative on a 24/7 basis. The Applicant shall post the telephone number(s) and email address(es) for the customer service representative(s) in an prominent, easy to find location on their websites and at the CSEF Project site on signage.

17.37.060 - Liability Insurance and Indemnification.

Commencing with the issuance of a CSEF Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the "Notice to Proceed by the Applicant under the turbine supply and/or balance of plant construction contract(s) for the CSEF Project, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the CSEF Project. The County may increase the coverage amounts from time to time so long as such increases are commercially reasonable.

The Applicant shall file the original certificate of insurance upon Commencement of Construction prior to the issuance of a CSEF Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter. Any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operation.

The Applicant (CSEF Permittee) shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including

reasonable attorney's fees relating to or arising out of the issuance of the ~~Siting Approval~~CSEF Permit or the construction, operation, maintenance and removal of the CSEF Project and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Applicant (CSEF Permittee), the Owner or the Operator under this Ordinance or the ~~Siting Approval~~CSEF Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

17.37.070 - Decommissioning Plan.

Applicant must formulate a Decommissioning Plan to ensure that the CSEF Project is properly decommissioned in accordance with the provisions of the AIMA and this ordinance prior to the issuance of any ~~Siting Approval~~CSEF Permit. The Decommissioning Plan shall be binding upon the Applicant and its successors-in-interest and assigns, and shall apply to all participating parcels in the CSEF Project, irrespective of the owner of title to such parcels. As part of Decommissioning, the CSEF Permittee shall remove all physical material and CSEF Project improvements, and restore all soil and vegetation, in accordance with the Decommissioning Plan and the AIMA. Decommission shall occur in accordance with the following conditions:

- A. Decommissioning by the CSEF Permittee shall commence upon any one of the following occurrences:
 - 1. Abandonment.
 - 2. Inactive construction, after the Commencement of Construction, for twelve (12) consecutive months.
 - 3. If no electricity is generated by the CSEF Project for twelve (12) consecutive months after electricity is initially generated or the CSEF Permittee has not paid Landowners those amounts owed in accordance with their applicable agreements for a period of six (6) consecutive months after such payments were due and payable.
 - 4. The CSEF Permittee or Owner dissolves or abandons the CSEF Project without first transferring the CSEF Project to a successor-in-interest or assign.
 - 5. If any part of the CSEF Project falls into disrepair or creates any other health and safety hazard as determined by applicable County, state, or federal officials.
- B. The CSEF Permittee shall ensure that the CSEF Project is properly decommissioned within twelve (12) months of the end of the CSEF Project life.

C. Financial Assurance:

1. The County shall have immediate access to and may use the Financial Assurance for Decommissioning upon written notice to the Applicant after any one of the following occurrences:
 - a) Abandonment of the CSEF Project;
 - b) A reasonable determination by the County that the CSEF Project or any portion thereof constitutes a health and safety hazard that has not been addressed by the CSEF Permittee in a timely manner; or,
 - c) The CSEF Permittee fails to Decommission the CSEF Project or any portion thereof in accordance with the Decommissioning Plan.
2. The County or its escrow agent shall release the Financial Assurance to the CSEF Permittee upon written notice by the CSEF Permittee, as confirmed by the County, that Decommissioning has been satisfactorily completed. Ten percent (10%) of the Financial Assurance shall be retained for a period of one (1) year beyond the date of the County's confirmation that Decommissioning has been satisfactorily completed to settle any outstanding Decommissioning obligations or concerns.

17.37.080 - Remedies.

- A. The failure of Applicant, Owner, Operator, or CSEF Permittee, or any agent, contractor, or representative thereof to materially comply with any of the provisions under the ~~Siting Approval~~ CSEF Permit or Building Permit, any conditions imposed on the CSEF Project, and/or failure to comply with any law or regulation shall be grounds for revocation of the ~~Siting Approval~~ CSEF Permit by the County.
- B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County must first provide written notice to the CSEF Permittee, setting forth the alleged default(s) and provide an opportunity for the CSEF Permittee to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the CSEF Permittee commence the cure within that 30-day cure period, and diligently pursues a cure, then the CSEF Permittee shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If the default relates to a life safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the CSEF Permittee shall take all necessary and available

commercial measures to immediately cure the default. If the CSEF Permittee cannot cure the default(s) or resolve the alleged default(s) within the cure period, then the applicable County shall have the right to address the default(s) by any means available pursuant to applicable law.

17.37.090 - Fee Schedule and Permitting Processes.

A. Application Fees

1. Prior to processing any application for a ~~Siting Approval~~CSEF Permit application for a CSEF Project, the Applicant must submit a certified check to Sangamon County for the ~~Application~~application fee of ~~two hundred fifty-five thousand~~ five thousand dollars (~~\$250.00~~5,000) per megawatt of nameplate capacity of the energy facility, up to the first five (5) acres of real property included in the CSEF Project area, and a maximum of one hundred twenty-five thousand dollars (~~\$5.00~~) ~~for each additional acre or portion thereof comprising the CSEF Project area.~~125,000). This filing fee is non-refundable after publication except in cases where the Zoning Board of Appeals or planning commission determines that the hearing is not necessary. Appeals shall be accompanied by a fee of two hundred fifty dollars (\$250.00). Each Applicant will be responsible for the payment of all legal publications required by the County or applicable law for the issuance of a ~~Siting Approval~~CSEF Permit or other applicable permits or approvals.

B. Building Permit Fees

1. Prior to the issuance of building permits, the Building Permit Applicant must remit a Building Permit Fee to the Sangamon County Building & Zoning Department in the amount provided in Section 15.05.200. accordance with the following schedule:

Nameplate Generating Capacity	Fees
0 – 10 kW	\$200
11 – 50 kW	\$375
51 – 100 kW	\$750
101 – 500 kW	\$1,500
501 kW – 1 MW	\$3,000
1 MW – 2 MW	\$6,000
Over 2 MW	\$6,000 + \$200 per each additional 100kW or \$2,000 per each addition MW

C. All Costs to be Paid by Applicant or CSEF Permittee

1. In addition to all fees noted above, the Applicant or CSEF Permittee shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, legal review, engineering costs, professional services, operations, inspections, decommissioning, litigation, disputes, and/or negotiations.

17.37.100 - Hearing.

A. Hearing Process

1. The County Board may issue a ~~Siting Approval~~ CSEF Permit after holding at least one public hearing in accordance with the Open Meetings Act.
2. The Building & Zoning Department will schedule the public hearing(s) and the public hearing(s) shall conclude within sixty (60) days of receiving a complete ~~Site Approval~~ CSEF Permit Application application. Notice of the hearing shall be published in a newspaper of general circulation in the County, at the Applicant's expense.
3. The public hearing shall be conducted by the Sangamon County Zoning Board of Appeals in accordance with the procedures set forth Chapter 17.58 of this Ordinance. Interested parties shall be given an opportunity to present evidence and to cross-examine witnesses at the hearing, but reasonable restrictions may be imposed on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses. Applicants may appear in person, by agent, or by attorney at such public hearings. The Sangamon County Zoning Board of Appeals shall transmit its report of findings and recommendations to the County Board in accordance with Section 17.58.040 of this Ordinance.
4. The County Board shall make its ~~siting and permitting~~ CSEF Permit decisions not more than thirty (30) days after the conclusion of the public hearing.

B. Hearing Factors. The County Board may approve a ~~Siting Approval~~ CSEF Permit application only if it finds the evidence complies with state, federal and local law and regulations, and with the standards of this ordinance-, and further finds, as a conditional permitted use, that:

1. ~~Siting Approval~~ The proposed location, design, and method of operation of the use will minimize adverse effects on the character of the surrounding area;

2. The use is proposed to be designed, located, and operated in a manner that protects the public health, safety, and welfare; and
 3. The use will not cause substantial injury to the value of other property in the vicinity in which it is located.
- C. CSEF Permit Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the CSEF Project as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance.
- D. Revocation.
1. In any case where a ~~Siting Approval~~ CSEF Permit has been approved for a CSEF Project, the Applicant shall apply for a CSEF Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction, and commence and actively pursue construction of the CSEF Project within ~~thirty-six (36) months~~ five (5) years from the date of the granting of the ~~Siting Approval~~ CSEF Permit. If the Applicant fails to apply for a CSEF Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the ~~thirty-six (36) month~~ five (5) year period, then without further action by the County, the ~~Siting Approval~~ CSEF Permit authorizing the construction and operation of the CSEF Project shall be automatically revoked and void. Upon written request ~~supported by~~ based upon reasonable cause, with evidence ~~that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in Commencement of Construction of the CSEF Project is due to conditions out of the CSEF Permittee's control~~ such reasonable cause provided, the County Board, in its sole discretion, may extend the above ~~thirty-six (36) month~~ five (5) year period by passage of a resolution amending the ~~Siting Approval~~ CSEF Permit. Such requests for extension must be submitted prior to the expiration of said five (5) year period. Requests for extension will not be unreasonably withheld, conditioned, or denied upon showing of reasonable cause.
 2. The ~~Siting Approval~~ CSEF Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the CSEF Project or the CSEF Project ceases to operate for more than eighteen (18) consecutive months for any reason.

3. Subject to the provisions of Section 17.4937.080 of this Ordinance, a ~~Siting Approval~~CSEF Permit may be revoked by the County Board if the CSEF Project is not constructed, installed and/or operated in substantial conformance with the County-approved CSEF Project plans, the regulations of this Ordinance and the stipulated ~~Siting Approval~~CSEF Permit conditions and restrictions.
- E. Transferability; Owner or CSEF Permittee. The CSEF Permittee and its respective successors and assigns shall provide written notification to the County at least thirty (30) days prior to any change in ownership of a CSEF Project of any such change in ownership. The phrase "change in ownership of a CSEF Project" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of Applicant, Owner, Operator, CSEF Permittee or their respective successors and assigns, the CSEF Project or any portion thereof. The CSEF Permittee and its respective successors and assign shall remain liable for compliance with all conditions, restrictions, and obligations contained in the ~~Siting Approval~~CSEF Permit, the provisions of this Ordinance and applicable County, state and federal laws for all periods of time within which it owned, operated, or had any interest in the CSEF Project.
- F. Modification and Recertification. Any modification of a CSEF Project that alters or changes the essential character or operation of the CSEF Project in a way not intended at the time the ~~Siting Approval~~CSEF Permit was granted, or as subsequently amended, shall require a new ~~Siting Approval~~CSEF Permit. The CSEF Permittee or its authorized representative(s), shall apply for an amended ~~Siting Approval~~CSEF Permit prior to any modification of the CSEF Project. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require recertification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with the Sangamon County Building & Zoning Department to determine if the physical modification requires a recertification.
- G. Permit Effective Date. The ~~Siting Approval~~CSEF Permit shall become effective upon approval of the applicable ordinance by the County Board.

17.37.110 - Miscellaneous.

- A. The provisions of this Ordinance shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the County and its residents. These regulations are not intended to

repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the County nor conflict with any statutes of the State of Illinois.

- B. The ~~Siting Approval~~ CSEF Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest and assigns.
- C. If any provision in this Ordinance, or conditions placed upon the operation of the CSEF Project is held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.
- D. Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.
- E. This Ordinance shall be in full force and effect from and after its passage, publication and approval as required by law.
- F. Any and all solar farms and solar gardens granted authorization to conduct operations pursuant to any County regulations or ordinances prior to the effective date of these regulations shall be authorized to continue operations as a nonconforming use in accordance with the nonconforming use provisions of the Sangamon County Zoning Ordinance.

EXHIBIT C

Chapter 17.49 - COMMERCIAL WIND ENERGY FACILITIES CONVERSION SYSTEMS SITING APPROVAL PERMITTING CONDITIONAL PERMITTED USE STANDARDS

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17.49.010 - Definitions.

As used in this chapter:

"Abandonment." Abandonment of the ~~WECS~~CWEF Project occurs when Decommissioning has not been completed within eighteen (18) months after the ~~WECS~~CWEF Project reaches the end of its useful life, as defined in the AIMA. For the purposes of this definition, a ~~WECS~~CWEF shall be presumed to have reached the end of its useful life if the ~~WECS~~CWEF Owner fails, for a period of six (6) consecutive months, to pay the Landowner amounts owed in accordance with the applicable written agreement(s) between the Landowner and the Applicant, Owner, Operator, ~~WECS~~CWEF Permittee, and all successors and assigns thereof regarding or related to the ~~WECS~~CWEF.

"Agricultural Impact Mitigation Agreement." The Agricultural Impact Mitigation Agreement by and between the Illinois Department of Agriculture and the Applicant applicable to the ~~WECS~~CWEF Project construction and decommissioning activities of the Applicant or ~~WECS~~CWEF Permittee, as applicable, also referred to herein as "AIMA."

"Applicant." The entity who submits to the County an application for ~~the siting a~~ CWEF Permit and operation of any ~~WECS~~CWEF Project or Substation. All references to Applicant in this Ordinance shall include Applicant's successors-in-interest and assigns, which includes a ~~WECS~~CWEF Permittee (as defined below).

"Commercial Operation Date." The calendar date on which the WECS C W E F Project produces power for commercial sale, not including test power. Within ten (10) calendar days of the Commercial Operation Date, the WECS C W E F Permittee shall notify the County in writing.

"Commercial Wind Energy Facility." A wind energy ~~conversion~~ facility or combination of facilities, including but not limited to WECS C W E F Towers, WECS C W E F Turbines, substations, electric transformers, energy storage facilities, telecommunications equipment, roads, roadway materials, supporting facilities, permanent Meteorological Towers, meteorological stations and wind energy measurement equipment, maintenance, operations, administrative and storage areas and buildings, and all related improvements and equipment containing total nameplate generating capacity in an amount equal to or greater than 500 kilowatts located on one or more tracts of real property for the purpose of production and/or delivery of wholesale/retail commercial wind energy generation, also referred to herein as "~~Wind Energy Conversion System,~~" "WECS C W E F," "Project," or "WECS C W E F Project."

"Commencement of Construction." Any site development work (e.g., demolition, grubbing, grading, tiling, exaction, road work construction of Project-related structures and infrastructure improvements, etc.) in any way supportive of or in furtherance of the WECS C W E F Project.

"County" or "Sangamon County." Sangamon County, Illinois.

"Decommissioning." The removal of all above and below ground WECS C W E F Project improvements from a participating property and the restoration of that property as provided in the AIMA.

"Decommissioning Plan." A plan prepared by a Professional Engineer with experience in the field of wind energy conversion projects, prepared at the cost of the Applicant or WECS C W E F Permittee, as applicable, that complies with the decommissioning provisions of the Illinois Department of Agriculture's standard wind farm AIMA, ~~template 81818, as in effect on December 31, 2022~~ current as of the date of application, that includes, at a minimum:

- A. The estimated Deconstruction cost per turbine, in current dollars at the time of ~~Siting Approval~~ C W E F Permit application filing, for the WECS C W E F Project, taking into account, among other things:
 1. The number of WECS C W E F Towers, Substations, and Supporting Facilities and related improvements involved;
 2. The original construction costs of the WECS C W E F Project;
 3. The size and capacity of the WECS C W E F Towers;
 4. The salvage value of the WECS C W E F Project improvements; and,
 5. The construction method and techniques for the WECS C W E F Towers and other WECS C W E F Project improvements.

- B. A comprehensive detailed description of the method of decommissioning and how the Applicant, or WECS CWEF Permittee, as applicable, plans to pay for the decommissioning of the WECS CWEF Project.
- C. A work schedule and a permit list necessary to accomplish the WECS CWEF Project decommissioning of all of the following WECS CWEF Project improvements:
1. WECS CWEF Towers;
 2. WECS CWEF generators;
 3. WECS CWEF Tower foundations (to depth of 60 inches);
 4. Transformers, inverters, energy storage facilities, substations, components used to store energy generated by the WECS CWEF Project, telecommunications equipment, supporting facilities, permanent Meteorological Towers, meteorological stations, and solar energy measurement equipment including all collection/interconnection substation (components, cable, and steel foundations), provided, however, that electrical collection cables at a depth of 60 inches or greater may be left in place;
 5. Overhead collection systems;
 6. Operations/maintenance/administration buildings, spare parts buildings and substation/ switching gear buildings unless otherwise agreed to by the Landowner;
 7. Access roads (unless Landowner requests in writing that the access road is to remain);
 8. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and,
 9. Debris and litter generated by Construction and Deconstruction crew including but not limited to any WECS CWEF Permittee, Owner, Operator, or any agents of contractors of the same performing Decommissioning activities.
- D. Proposed Financial Assurance for the Decommissioning of the WECS CWEF Project. "Financial Assurance" or "Financial Security" or "Decommission Security." A form of commercially available financial assurance that is acceptable to the County, naming the County as primary beneficiary and Landowners as secondary beneficiaries, examples of which include, but are not limited to, a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit. The Financial Assurance shall include the following terms and conditions:
- A. The amount of Financial Assurance included in the Decommissioning Plan shall be equal to the total cost of all Decommissioning and restoration work associated in any way with the WECS CWEF Project in accordance with the

Financial Assurance required by the AIMA. The salvage value of the WECS C W E F Project may only be used to reduce the estimated costs of Decommissioning in the Decommissioning Plan if the County certifies that all interests in the salvage value are subordinate or have been subordinated to that of the County if abandonment of the WECS C W E F Project occurs.

- B. To determine the amount of the Financial Assurance, the Applicant shall: (a) obtain bid specifications provided by a professional structural engineer; (b) request estimates from construction/demolition companies capable of completing the decommissioning of the WECS C W E F Project; and, (c) certification of the selected estimate by a professional structural engineer. The County Engineer, an independent engineer of the County's choosing, and the County Zoning Administrator will review all estimates and make a recommendation to the County Board for an acceptable estimate. The County reserves the right to pursue other estimates. All costs to secure the estimates will be the responsibility of the Applicant or WECS C W E F Permittee, as applicable.
- C. The Financial Assurance shall:
 - 1. Identify all procedures for the County to access the Financial Assurances;
 - 2. Include a provision granting the County with all legal rights to transfer applicable WECS C W E F Project improvement materials to salvage firms as of the date that the Financial Assurance is accessed by the County; and,
 - 3. Include a provision granting the County access to the WECS C W E F Project area and all participating property, as of the date that the Financial Assurance is accessed by the County, subject to reasonable notice, to affect or complete decommissioning.
- D. If the County approves an irrevocable letter of credit or surety bond as the form of Financial Assurance for the WECS C W E F Project, the original of the irrevocable letter of credit or surety bond shall be held by the County.
- E. If the County approves cash escrow as the form of Financial Assurance for the WECS C W E F Project, the cash escrow shall be held and managed by an independent third party (e.g., escrow agent or title company) on behalf of the County, subject to escrow instructions that incorporate the applicable obligations of this Ordinance and the AIMA, executed by the County and the Applicant or WECS C W E F Permittee, as applicable.
- F. If possible for the type of Financial Assurance provided, the Applicant shall grant perfected security in the financial assurance by use of a control

agreement establishing the County as an owner of record pursuant to the Secured Transactions Article of the Uniform Commercial Code, 810 ILCS 5/9-101 et seq.

- G. Any interest accrued on the Financial Assurance that is over and above the cost of Decommissioning as provided in the Decommissioning Plan shall be the property of the ~~WECS~~CWEF Permittee.
- H. Provision of this Financial Assurance shall be reported to the County and phased in over the first 11 years of the ~~WECS~~CWEF Project's operation as follows:
 - 1. On or before the 1st anniversary of the Commercial Operation Date, the ~~WECS~~CWEF Permittee or Owner shall provide the County with Financial Assurance to cover ten percent (10%) of the estimated costs of Decommissioning of the ~~WECS~~CWEF Project as determined in the Decommissioning Plan.
 - 2. On or before the 6th anniversary of the Commercial Operation Date, the ~~WECS~~CWEF Permittee or Owner shall provide the County with Financial Assurance to cover fifty percent (50%) of the estimated costs of Decommissioning of the ~~WECS~~CWEF Project as determined in the Decommissioning Plan.
 - 3. On or before the 11th anniversary of the Commercial Operation Date, the ~~WECS~~CWEF Permittee or Owner shall provide the County with Financial Assurance to cover one hundred percent (100%) of the estimated costs of Decommissioning of the ~~WECS~~CWEF Project as determined in the Decommissioning Plan.
- I. The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced.
- J. After the 10th anniversary of the Commercial Operation Date, and every 5 years thereafter, the County may reevaluate the estimated costs of Decommissioning of the ~~WECS~~CWEF Project. Such reevaluation shall be performed by an independent third party Professional Engineer licensed in the State of Illinois. The ~~WECS~~CWEF Permittee shall be responsible for the costs of any reevaluation by a third party Professional Engineer engaged by the County. The County shall provide the ~~WECS~~CWEF Permittee with a copy of such reevaluation reports. In accordance with the results of any reevaluation report, the County may require changes in the amounts of Financial Assurance required from the ~~WECS~~CWEF Permittee or Owner, as provided for above, and in such case, the adjusted amount of Financial Assurance shall be secured within 6 months of the date that the County provides the ~~WECS~~CWEF Permittee with a copy of such reevaluation reports.

Failure to provide Financial Assurance, or adjusted Financial Assurance, as outlined herein shall be considered a cessation of operation.

- K. Upon abandonment of the WECS CWEF Project or any other default or failure to comply with this Ordinance, the AIMA, or the Decommissioning Plan, as determined by the County, the County may take all appropriate actions for Decommissioning, including drawing upon the Financial Assurance. In the event the County declines to take any action for Decommissioning, the Landowners may draw upon the Financial Assurance.

"Landowner." A participating owner of real property upon which a WECS CWEF is or may be located by virtue of an easement, option, lease, or license to use the real property for the purpose of constructing a WECS CWEF Project or supporting facilities.

"Meteorological Tower." Those towers or other structures which are erected prior to construction of a WECS CWEF Project primarily to measure wind speed, direction, and other meteorological data relevant to siting and operation of a WECS CWEF Project. For purposes of this ordinance, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.

"Nonparticipating property." Real property that is not a participating property.

"Nonparticipating residence." A residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the WECS CWEF Project is filed with the County.

"Notice to Proceed." A written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a WECS CWEF Project and identifying the date on which the construction activities are scheduled to commence.

"Occupied community building." Any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the WECS CWEF Project is filed with the County: a school, place of worship, day care facility, public library, or community center.

"Operator." The person or entity responsible for the day-to-day operation and maintenance of a WECS CWEF, including any third-party subcontractors. The Operator must be a qualified wind power professional. All references to Operator in the Ordinance shall include Operator's successors-in-interest and assigns.

"Owner."

- A. A person with a direct ownership interest in a WECS CWEF Project, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the WECS CWEF Project; and,

- B. At the time the facility is being developed, a person who is acting as a developer of the ~~WECS~~CWEF Project by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

"Owner" does not mean:

- C. The Landowner from whom land is leased for locating a ~~wind energy conversion system~~CWEF (unless the Landowner has an equity interest in a ~~wind energy conversion system~~CWEF); or,
- D. Any person holding a security interest in a ~~CWEF~~wind energy conversion system solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell a ~~CWEF~~wind energy conversion system at the earliest practicable date.

"Participating property." Real property that is the subject of a written agreement between an Applicant, Owner, Operator, or ~~WECS~~CWEF Permittee and the Landowner. "Participating property" also includes real property that is owned by an Applicant, Owner, Operator, or ~~WECS~~CWEF Permittee for the purpose of constructing ~~WECS~~CWEF Project or supporting facilities.

"Participating residence." A residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the ~~WECS~~CWEF Project is filed with the County.

"Professional Engineer." A qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under terms of this Ordinance, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.

"Protected lands" means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

"Public Conservation Lands." Land owned in fee title by units of local government, state or federal agencies and managed specifically for conservation purposes, including but not limited to units of local government, state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.

"Setback." The distances measures from the center of the base of the WECS CWEF Tower to: the nearest point on the outside wall of the structures of occupied community buildings, participating and nonparticipating residences; nearest point on the property lines of nonparticipating property, Fish and Wildlife Areas, and Illinois Nature Preserve Commission Protected Lands; center point of public road right-of-ways; nearest edge of the property line, easement, or right-of-way of overhead community and electric transmission and distribution facilities (excluding utility service lines to individual houses or outbuildings).

~~"Siting Approval Permit." A permit approved by the County Board, after a public hearing, allowing the construction and operation of a WECS CWEF Project at a specified location subject to compliance with certain specified special conditions as may be required by the County Board, including, but not limited to, ordinances, regulations, and laws administered and enforced by Sangamon County.~~

"Substation." The apparatus that collects and/or connects the electrical collection system of a WECS CWEF and/or adjusts the voltage for connection with a utility's transmission lines.

"Supporting Facilities." The transmission lines, substations, batteries, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the WECS CWEF Project. "Supporting Facilities" includes energy storage systems capable of absorbing energy and storing it for use at a later time, including, but not limited to, batteries and other electrochemical and electromechanical technologies or systems.

~~"WECS Permittee." An Applicant who applies for and receives a Siting Approval Permit under this Ordinance for the siting and operation of a WECS Project or Substation. All references to a WECS Permittee in this Ordinance shall include a WECS Permittee's successors in interest and assigns.~~

~~"WECS Tower" or "Wind Tower." The WECS Turbine tower, nacelle, and blades.~~

~~"WECS Tower Height." The distance from the rotor blade at its highest point to the top surface of the WECS Tower foundation.~~

"WECS CWEF Building Permit." A permit necessary for the Commencement of Construction performed in furtherance of or related to the construction, erection or installation of an approved WECS CWEF Tower, Substation, supporting facility, or operations and maintenance building in connection with a WECS CWEF Project. A WECS CWEF Building Permit may be issued by the County after a WECS CWEF Project has obtained a Siting Approval CWEF Permit from the Sangamon County Board, and the Sangamon County Building and Zoning Department determines that all conditions, if any, have been satisfied that are imposed by the Siting Approval CWEF Permit. The WECS CWEF Building Permit shall require the Applicant (WECS CWEF Permittee) to deliver a written "Notice to Proceed" for the WECS CWEF Project to the County prior to

Commencement of Construction of the ~~WECS~~CWEF Project. The term "Commencement of Construction", as used in this Chapter, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) in any way supportive of or in furtherance of the ~~WECS~~CWEF Project.

"CWEF Permit." A conditional permitted use zoning permit (also known as a special use permit) approved by the County Board in accordance with the provisions of Chapter 17.58 of this Ordinance, after a public hearing, allowing the construction and operation of a CWEF Project at a specified location subject to compliance with certain specified special conditions as may be required by the County Board, including, but not limited to, ordinances, regulations, and laws administered and enforced by Sangamon County.

"CWEF Permittee." An Applicant who applies for and receives a CWEF Permit under this Ordinance for a CWEF Permit and operation of a CWEF Project or Substation. All references to a ~~WECS~~CWEF Permittee in this Ordinance shall include a ~~WECS~~CWEF Permittee's successors-in-interest and assigns.

"~~WECS~~CWEF Tower" or "Wind Tower." The ~~WECS~~Turbine tower, nacelle, and blades.

"~~WECS~~CWEF Tower Height." The distance from the rotor blade at its highest point to the top surface of the ~~WECS~~CWEF Tower foundation.

"~~WECS~~CWEF Turbine." Any piece of electrical generating equipment that converts the kinetic energy of moving wind into electrical energy through the use of airfoils or similar devices to capture the wind.

17.49.020 - Applicability.

- A. The purpose of these regulations is to facilitate the construction, installation, use, operation and decommissioning of commercial wind energy facilities of equal or greater than 500 kilowatts in total nameplate generating capacity in the County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. These regulations are not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances.
- B. This Chapter applies to any ~~WECS~~CWEF and operations thereof in unincorporated Sangamon County, Illinois, other than those areas surrounding municipal limits governed by municipal ordinance.
- C. Owners of a ~~WECS~~CWEF Project with an aggregate generating capacity of less than 500 kilowatts who locate the ~~WECS~~CWEF Project on their own property are not subject to this Chapter.

- D. No portion of a ~~WECS~~CWEF Project governed by this Chapter shall be constructed, erected, installed, or located within the County, unless a ~~Siting Approval~~CWEF Permit and ~~WECS~~CWEF Building Permit has been obtained for each portion of the ~~WECS~~CWEF Project, or for a group of ~~WECS~~CWEF Projects under a joint ~~siting~~ application for a CWEF Permit pursuant to this Ordinance.
- E. ~~WECS~~CWEF Projects ~~may be developed and operated~~are authorized as a conditional permitted use in any zoning district zoned to allow agricultural or industrial uses upon the grant of a CWEF Permit.

17.49.030 - Siting Approval CWEF Permit Application.

- A. To obtain a ~~Siting Approval~~ CWEF Permit, the Applicant shall submit a ~~Siting Approval CWEF Permit Application~~ application to the Sangamon County Building and Zoning Department.
- B. To be considered a complete and accepted submittal, the application shall contain or be accompanied by the following information:
 - 1. A written summary of the ~~WECS~~ CWEF Project, including:
 - a) General description of the ~~WECS~~ CWEF Project, including the approximate overall name plate generating capacity;
 - b) Potential equipment manufacturer(s), and type(s) of ~~WECS~~ CWEF Towers(s);
 - c) Number of ~~WECS~~ CWEF Towers, and name plate generating capacity of each ~~WECS~~ CWEF Tower; and,
 - d) Maximum height of the ~~WECS~~ CWEF Tower(s) and maximum diameter of the ~~WECS~~ CWEF(s) rotor(s).
 - 2. The name(s), address(es), and phone number(s) of the:
 - a) Applicant(s), Owner and Operator, including their respective business structures;
 - b) The name(s), address(es), and phone number(s) of all lenders and parties providing financing of any nature related to the ~~WECS~~ CWEF Project;
 - c) All participating Landowner(s); and,
 - d) Documentation demonstrating land ownership or legal control of the property.
 - 3. A site plan for the ~~WECS~~ CWEF Project showing:
 - a) Boundaries of the ~~WECS~~ CWEF Project area;
 - b) ~~WECS~~ CWEF Project site plan, project phasing plan, and project construction timeline plan;
 - c) Location and legal descriptions of each ~~WECS~~ CWEF Tower, guy lines and anchor bases (if any);
 - d) Location of all ~~WECS~~ CWEF Project structures including, but not limited to substation(s), interconnect substation(s), operations and maintenance buildings, supporting facilities, batteries, permanent Meteorological Towers, and location and voltage of any overhead or underground transmission lines;
 - e) Property lines;

- f) Location of participating and non-participating residences and occupied community buildings, and the parcel boundary lines for the tracts of real property upon which participating residences, non-participating residences, and occupied community buildings are located (including identification for adjoining properties);
 - g) Location and identification of all other structures within the geographical boundaries of any applicable setback;
 - h) Location of all known communications towers within two (2) miles of the proposed ~~WECS~~CWEF Project area boundaries;
 - i) Electrical cabling from ~~WECS~~CWEF Tower(s) to the Substation(s) and all other above and below ground cable locations;
 - j) Ancillary equipment;
 - k) Third party transmission lines;
 - l) A topographic map of the ~~WECS~~CWEF Project area boundaries and the surrounding area;
 - m) Location of any wetlands, floodplain, and drainage structures, including surface ditches and subsurface drainage lines;
 - n) Underground mines;
 - o) Scenic and natural areas within one thousand five hundred (1,500) feet of the proposed ~~WECS~~CWEF Project area boundaries;
 - p) Setback lines;
 - q) Public access roads and turnout locations; and,
 - r) Location of all existing structures with their uses identified.
4. All determinations of No Hazard to Air Navigation issued by the Federal Aviation Administration applicable to the ~~WECS~~CWEF Project.
 5. A Decommissioning Plan for the ~~WECS~~CWEF Project including cost estimations to remediate the participating property in accordance with the AIMA.
 6. An affidavit provided by an authorized Applicant officer attesting to the following matters that shall be conditions of the ~~Siting Approval~~CWEF Permit:
 - a) The ~~Siting Approval~~CWEF Permit application is complete and includes all information and documentation required by this Ordinance and the AIMA, that all such information and documentation is true and correct, that there has not been any material omission of any relevant information, and that upon the

- discovery of any missing or incorrect information contained, or intended to be contained in the ~~Siting Approval~~ CWEF Permit application, Applicant shall immediately notify the County of the same and provide all relevant corrected information and documentation;
- b) The obligations imposed by this Ordinance and the AIMA shall bind the Applicant, Owner, Operator, ~~WECS~~ CWEF Permittee, and all successors and assigns thereof;
 - c) That the obligations and liabilities established by the grant of a ~~Siting Approval~~ CWEF Permit shall be binding upon the Applicant, Owner, Operator, ~~WECS~~ CWEF Permittee and their respective successors and assigns;
 - d) That the sale, assignment in fact or at law, or other transfer of the Applicant's financial interest in the ~~WECS~~ CWEF Project shall in no way effect or modify the obligation of the Applicant, Owner, Operator, or ~~WECS~~ CWEF Permittee to comply with the terms, covenants and obligations of a ~~Siting Approval~~ CWEF Permit unless a successor or assign of the Applicant, Owner, Operator, or ~~WECS~~ CWEF Permittee, as applicable, agrees to assume all such obligations, including but not limited to the Decommissioning obligations associated with the ~~WECS~~ CWEF Project;
 - e) That the County and its authorized representatives have the right of entry onto the ~~WECS~~ CWEF Project area at all times for the purpose of inspecting the methods of construction, operation, remediation, and decommissioning, or for performing actual reclamation if necessary; and,
 - f) Confirmation that the County shall be listed as a debtor in connection with any proceeding in insolvency or bankruptcy involving the Applicant, Owner, Operator, ~~WECS~~ CWEF Permittee or their respective successors and assigns, but shall not be responsible for any claims against the foregoing parties.
7. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
 8. A model study on shadow flicker. The applicant shall appropriately demonstrate to the County Board, through industry standard computer modeling that any that any occupied community building or

- nonparticipating residence within or adjacent to the WECSCWEEF Project area boundaries will not experience more than 30 hours per year of shadow flicker under planned operating conditions.
9. Waivers from the shadow flicker mitigation requirements executed by the occupied community building owners and the non-participating property owners within or adjacent to the WECSCWEEF Project area boundaries bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against the title to the affected real property.
 10. Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.
 - ~~11.~~ ~~Results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the United States Fish and Wildlife Service's Land-Based Wind Energy Guidelines.~~
 - ~~12.~~11. Results of an avian and wildlife impact study completed at the Applicant's expense by a third party, qualified professional (after submission of resume and relevant work experience). Each portion of a WECSCWEEF Project shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife.
 - ~~13.~~12. Results of the consultation with the Illinois State Historic Preservation Office assessment of potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
 - ~~14.~~13. Results of an analysis of the television reception documenting the television stations that are received within one and one-half (1 ½) miles of the footprint of the WECSCWEEF Project. The analysis shall be conducted by a third party, qualified professional (after submission of resume and relevant work experience) at the expense of the Applicant.
 - ~~15.~~14. Results of a communications analysis that indicates that the E9-1-1 communications, emergency communications, or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed WECSCWEEF Project. The analysis shall be conducted by a third party, qualified professional (after submission of resume and relevant work experience) at the expense of the Applicant.
 - ~~16.~~15. Information demonstrating that the WECSCWEEF Project will avoid protected lands.

~~17.16.~~ Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures.

~~18.17.~~ Any other information requested by the County or the County consultants that is necessary to evaluate the ~~siting permit~~ CWEF Permit application and operation of the ~~WECS~~ CWEF Project and to demonstrate that the ~~WECS~~ CWEF Project meets each of the regulations in this Chapter, including the ~~Siting Approval~~ CWEF Permit standards set forth below.

~~19.18.~~ The applicant shall submit twelve (12) copies of the ~~Siting~~ CWEF Permit Application ~~Application~~ application to the Sangamon County Building and Zoning Department, and at least one (1) copy in electronic format.

- C. The Applicant, at its expense, shall enter into an AIMA with the Illinois Department of Agriculture prior to any public hearing required before a ~~siting~~ decision on the ~~WECS~~ CWEF Project ~~Permit~~ application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the AIMA.
- D. The Applicant, at its expense, shall file a farmland drainage plan with the County and any impacted drainage districts outlining how surface and subsurface drainage of farmland will be restored during and following construction or deconstruction of the ~~WECS~~ CWEF. The plan is to be created independently by the Applicant and shall include the location of any potentially impacted drainage district facilities to the extent this information is publicly available from the County or the drainage district, plans to repair any subsurface drainage affected during construction or deconstruction using procedures outlined in the AIMA entered into by the Applicant, and procedures for the repair and restoration of surface drainage affected during construction or deconstruction. All surface and subsurface damage shall be repaired as soon as reasonably practicable.

17.49.040 - Design and Installation.

- A. Design Safety Certification
 - 1. ~~WECS~~ CWEF Turbines shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("CGL"), or an equivalent third party. All ~~WECS~~ CWEF Towers and Turbines shall be new equipment commercially available; no used or experimental equipment shall be used in the ~~WECS~~ CWEF Project without the approval of a variance by the County Board.

2. Following the ~~granting~~grant of ~~siting approval~~a CWEF Permit under this Ordinance, a structural engineer shall certify, as part of the ~~WECS~~CWEF Building Permit application process, that the foundation and tower design of the ~~WECS~~CWEF Tower and Turbines are within accepted professional standards, given local soil, subsurface and climate conditions. The engineer shall be retained by Sangamon County, the cost of which will be paid by the applicant.
- B. Controls and Brakes
1. All ~~WECS~~CWEF Turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, tilt, and other similar systems) and mechanical brakes.
 2. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- C. Electrical Components. All electrical components of the ~~WECS~~CWEF Project shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).
- D. Aesthetics and Lighting. The following items are recommended standards to mitigate visual impact:
1. Coatings and Coloring: Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.
 2. Turbine Consistency: To the extent feasible, the ~~WECS~~CWEF Project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in color and direction with nearby facilities.
 3. Lighting: ~~WECS~~CWEF Projects shall utilize minimal lighting that is compliant with the applicable FAA regulations, as amended by the FAA. To the extent that such tower lighting is available, and is approved by the FAA for a ~~WECS~~CWEF Project, the Applicant shall install Aircraft Detection Lighting Systems ("ADLS") or other similar technology to reduce light pollution and visual impacts caused by the ~~WECS~~CWEF Towers.
 4. Intra-project Power and Communication Lines: All power lines used to collect power from individual ~~WECS~~CWEF Towers and Turbines and all communication lines, if buried, shall be buried underground at a depth

in accordance with the AIMA until such lines reach the property line or a substation adjacent to the property line.

E. Warnings

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

F. Height. Blade tip height may not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.

G. Setbacks. ~~WECS~~CWEE Towers shall be sited as follows, with setback distances measured from the center of the base of the ~~WECS~~CWEE Tower unless waived by the written consent of the owner(s) of each affected nonparticipating property. Any waivers of setbacks shall run with the land and be recorded with the Recorder of Deeds of the County, with copies submitted with the ~~Siting Approval~~CWEE Permit application. Setback distances shall be no less than:

1. Occupied Community Buildings: 2.1 times the maximum blade tip height of the ~~WECS~~CWEE Tower to the nearest point on the outside wall of the structure.
2. Participating Residences: 1.1 times the maximum blade tip height of the ~~WECS~~CWEE Tower to the nearest point on the outside wall of the structure.
3. Nonparticipating Residences: 2.1 times the maximum blade tip height of the ~~WECS~~CWEE Tower to the nearest point on the outside wall of the structure.
4. Boundary Lines of Participating Property: None.
5. Boundary Lines of Nonparticipating Property: 1.1 times the maximum blade tip height of the ~~WECS~~CWEE Tower to the nearest point on the property line of the nonparticipating property.
6. Public Road Rights-of-Way: 1.1 times the maximum blade tip height of the ~~WECS~~CWEE Tower to the center point of the public road right-of-way.
7. Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings): 1.1 times the maximum blade tip height of the

~~WECS~~CWEF Tower to the nearest edge of the property line, easement, or right of way containing the overhead line.

8. Overhead Utility Service Lines to Individual Houses or Outbuildings: None.
9. Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands: 2.1 times the maximum blade tip height of the ~~WECS~~CWEF Tower to the nearest point on the property line of the fish and wildlife area or protected land.
10. Fencing Setback from Public Road Rights-of-Way: Fencing shall be setback from public road right-of-way in accordance with the underlying requirements of the zoning district in which the CWEF Project is located.

H. Use of Public Roads

1. An Applicant proposing to use any County, municipality, township or village road(s), for the purpose of transporting parts and/or equipment for construction, operation, or maintenance of the ~~WECS~~CWEF Project, shall:
 - a) Identify all such public roads; and,
 - b) Obtain applicable weight and size permits from relevant government agencies prior to construction.
2. To the extent an Applicant must obtain a weight or size permit from the County, municipality, township or village, the Applicant shall:
 - a) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
 - b) Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the ~~Siting Approval~~CWEF Permit. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the facility's equipment, the installation, maintenance, or removal, must be completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the ~~WECS~~CWEF Project or are authorized to collect fees for

overweight and/or oversized load permits. Further, Financial Assurance in an amount to be fixed by the Road District Commissioner to ensure the Road District or the County that future repairs are completed to their reasonable satisfaction shall be provided. Applicant shall submit a draft form of said Financial Assurance with application for the ~~Siting Approval~~ CWEF Permit.

- c) Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
 - i) Project layout map;
 - ii) Transportation impact analysis;
 - iii) Pre-construction plans;
 - iv) Project traffic map;
 - v) Project scope of repairs;
 - vi) Post-construction repairs;
 - vii) Insurance; and,
 - viii) Financial Security in forms and amounts acceptable to the County;
 - d) The road use agreement shall require the Applicant to be responsible for the reasonable cost of improving roads used to construct the ~~WECS~~ CWEF Project and the reasonable cost of repairing roads used by the ~~WECS~~ CWEF Project Owner during construction of the ~~WECS~~ CWEF Project so that those roads are in a condition that is safe for the driving public after the completion of the ~~WECS~~ CWEF Project construction. Roadways improved in preparation for and during the construction of the ~~WECS~~ CWEF Project shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.
3. All repairs and improvements to County public roads and roadway appurtenances shall be subject to the prior approval of the County before being made and shall also be subject to inspection and acceptance by the County after such repairs and improvements are completed. The County's road use agreement, and any further agreements contemplated therein, regarding the maintenance and repair of County public roads and highways, must be approved by the

County Board prior to the Board's approval of any ~~WECS~~CWEF Building Permit applications related to the construction of the proposed ~~WECS~~CWEF Project.

I. Noise Levels

1. Noise levels from each portion of the ~~WECS~~CWEF Project shall be in compliance with applicable sound limitation regulations established by the Illinois Pollution Control Board (IPCB) under 35 Ill. Adm. Code Parts 900, 901, and 910, or such successor regulations hereafter issued by the IPCB as to ~~WECS~~CWEF Project sound limitations. The Applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise characteristics necessary for a competent noise analysis. The Applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its ~~Siting Approval~~CWEF Permit application.

J. As-Built Map and Plans

1. Within sixty (60) calendar days of completion of construction of the ~~WECS~~CWEF Project, the Applicant or Operator shall deliver "as-built" maps, site plans and engineering plans for the ~~WECS~~CWEF Project that have been signed and stamped by a Professional Engineer and a licensed surveyor.

K. Engineer's Certificate

1. The ~~WECS~~CWEF Project engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that each ~~WECS~~CWEF Tower and foundation design is compatible with and appropriate for each turbine design proposed to be installed and that the specific soils and subsurface conditions at the site can support the apparatus, given local soil, subsurface, and climate conditions. All commercially installed wind turbines must utilize self-supporting, tubular towers. The ~~WECS~~CWEF Project engineer's certificate shall be a public record and shall be submitted as part of the ~~Siting Approval~~CWEF Permit application.

L. Conformance with Approved Application and Plans

1. The Applicant shall construct and operate the ~~WECS~~CWEF Project in substantial conformance with the construction plans contained in the County approved submitted ~~Siting Approval~~CWEF Permit application(s), conditions placed upon the operation of the ~~WECS~~CWEF

Project, this ordinance and all applicable state, federal, and local laws and regulations.

M. Additional Terms and Conditions

1. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the ~~Siting Approval~~ CWEF Permit Application ~~application~~ shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.
2. The County may retain a qualified, independent code inspector, professional engineer, or both to make appropriate inspections of the ~~WECS~~ CWEF Project during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering, and/or decommissioning of the ~~WECS~~ CWEF Project is performed in compliance with applicable electrical and building codes. The cost and fees so incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the ~~WECS~~ CWEF Permittee.
3. The Applicant shall provide a locked metal gate or a locked chain installed at the access road entrances of all the ~~WECS~~ CWEF Turbine locations. An exception may be made when the Landowner has filed a written statement with the County which states that the Landowner does not want a locked metal gate or a locked chain installed and has provided a signed liability waiver to the County.

17.49.050 - Operation.

A. Maintenance

1. Annual Report. The ~~WECS~~ CWEF Permittee shall submit, on an annual basis on the anniversary of the Commercial Operation Date, an operation and maintenance report to the County. The report shall contain the following information:
 - a) a general description of any physical repairs, replacements, or modification(s) to the ~~WECS~~ CWEF Project and/or its infrastructure;
 - b) name(s), address(es), and phone number(s) of the current Owner and operator, including their respective business structures, and lenders for the ~~WECS~~ CWEF Project;
 - c) calls for emergency services;
 - d) status of liability insurance; and,
 - e) a general summary of ~~WECS~~ CWEF Project service calls.

2. Failure to provide the annual report shall be considered a material violation of this Ordinance and subject to a fine in the amount of \$500 per WECS C W E F Tower for each 30 day period occurring between the date that the annual report is due and the date that it is filed by the WECS C W E F Permittee.

B. Coordination with Emergency Responders:

1. The WECS C W E F Permittee shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the WECS C W E F Project so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over any portion of the WECS C W E F Project may evaluate and coordinate their emergency response plans with the WECS C W E F Permittee.
2. The WECS C W E F Permittee, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the WECS C W E F Project. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment such as winches, pulleys, and harnesses.
3. The WECS C W E F Permittee and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24 hour contact information (names, titles, email addresses, cell phone numbers) for the WECS C W E F Permittee and the Operator and at least three (3) designated WECS C W E F Permittee representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated WECS C W E F Permittee representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annual basis.
4. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire, or emergency response laws and regulations.

C. Electromagnetic Interference.

1. The WECS C W E F Permittee and the Operator, at the WECS C W E F Permittee's expense, shall take immediate actions to minimize or

mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals and to eliminate any such interference that impacts local government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, caused by the operation of the WECS CWEF Project.

- a) The WECS CWEF Permittee shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) a summary of the WECS CWEF Project, which shall include a site plan, as submitted with the ~~Siting Approval~~ CWEF Permit application.
- b) To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS CWEF Project, the WECS CWEF Permittee and the Operator, at WECS CWEF Permittee's expense, shall take reasonable measures to minimize and mitigate such anticipated interference.
- c) With regard to interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the WECS CWEF Permittee and the Operator, at WECS CWEF Permittee's expense, shall take all necessary and available commercial measures to eliminate any such interference.
- d) If, after construction of the WECS CWEF Project, the WECS CWEF Permittee or Operator receives a written complaint related to the above-mentioned interference, the WECS CWEF Permittee shall take commercially reasonable steps to respond to the complaint, except in the case of a complaint of interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications. In the case of local, government public safety communications, the WECS CWEF Permittee and the Operator, at the WECS CWEF Permittee's expense, shall immediately take all necessary and available commercial measures to eliminate any such interference.

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

- 1. All solid wastes related to the construction, operation and maintenance of the WECS CWEF Project shall be promptly disposed of in accordance with all federal, state and local laws.

2. All hazardous materials related to the construction, operation and maintenance of the WECS C W E F Project shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
3. The WECS C W E F Project shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.

E. Signage

1. Signage regulations shall be consistent with ANSI and AWEA standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations, and at all entrances to WECS C W E F Towers.

F. Drainage Systems

1. The Applicant, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the WECS C W E F Project in accordance with the AIMA.
2. The Project Owner shall compensate Landowners from crop losses or other agricultural damages resulting from damage to the drainage system caused by the construction of the WECS C W E F. The WECS C W E F Owner shall repair or pay for the repair of all damage to the subsurface drainage system caused by the construction of the WECS C W E F in accordance with the AIMA requirements for repair of drainage and any agreements with the Landowner. The WECS C W E F Owner shall repair or pay for the repair and restoration of surface drainage caused by the construction, operation, or Decommissioning of the WECS C W E F as soon as reasonably practicable.

G. Complaint Resolution

1. The WECS C W E F Permittee shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the WECS C W E F Project. The WECS C W E F Permittee shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the County. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the WECS C W E F Permittee. The WECS C W E F Permittee shall also designate and maintain for the duration of the WECS C W E F Project either a local telephone number or a toll-free telephone number and an email address as its public information / inquiry / and complaint "hotline" which shall be

answered by a customer service representative on a 24/7 basis. The Applicant shall post the telephone number(s) and email address(es) for the customer service representative(s) in an prominent, easy to find location on their websites and at the WECS C W E F Project site on signage.

2. If, after construction of the WECS C W E F Project, the WECS C W E F Permittee or Operator receives a written complaint related to interference with local broadcast residential television, the WECS C W E F Permittee shall take commercially reasonable steps to respond to the complaint. A summary of complaint and subsequent response from WECS C W E F Permittee shall be forwarded to the Sangamon County Building and Zoning Department for review. The Department will have thirty (30) days to verify the complaint and forward to the Sangamon County Board Zoning and Land Use Committee. If the Committee finds the complaint to be valid, the WECS C W E F Permittee shall be notified to respond, in writing, within fifteen (15) calendar days. Said response shall be addressed and forwarded to both the Building and Zoning Department and the complainant. Such response shall include but not be limited to the following: an acknowledgment that a complaint was made and evaluated by the WECS C W E F Permittee. If considered valid by the WECS C W E F Permittee: an explanation, including a timeline, as to what the WECS C W E F Permittee intends to do about the complaint. The WECS C W E F Permittee will be provided an additional fifteen (15) calendar days from the validation date to resolve said TV reception issue. If considered invalid by the WECS C W E F Permittee, an explanation, including supporting documentation and expert opinions, as to why the WECS C W E F Permittee believes the complaint is not valid. Television reception complaints must be filed within eighteen (18) months from the date each WECS C W E F Turbine is operational.

17.49.060 - Liability Insurance and Indemnification.

Commencing with the issuance of a WECS C W E F Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the "Notice to Proceed by the Applicant under the turbine supply and/or balance of plant construction contract(s) for the WECS C W E F Project, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the WECS C W E F Project. The

County may increase the coverage amounts from time to time so long as such increases are commercially reasonable.

The Applicant shall file the original certificate of insurance upon Commencement of Construction prior to the issuance of a ~~WECS~~CWEEF Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter. Any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operation.

The Applicant (~~WECS~~CWEEF Permittee) shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the ~~Siting Approval~~CWEEF Permit or the construction, operation, maintenance and removal of the ~~WECS~~CWEEF Project and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Applicant (~~WECS~~CWEEF Permittee), the Owner or the Operator under this Ordinance or the ~~Siting Approval~~CWEEF Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

17.49.070 - Decommissioning Plan.

Applicant must formulate a Decommissioning Plan to ensure that the ~~WECS~~CWEEF Project is properly decommissioned in accordance with the provisions of the AIMA and this ordinance prior to the issuance of any ~~Siting Approval~~CWEEF Permit. The Decommissioning Plan shall be binding upon the Applicant and its successors-in-interest and assigns, and shall apply to all participating parcels in the ~~WECS~~CWEEF Project, irrespective of the owner of title to such parcels. As part of Decommissioning, the ~~WECS~~CWEEF Permittee shall remove all physical material and ~~WECS~~CWEEF Project improvements, and restore all soil and vegetation, in accordance with the Decommissioning Plan and the AIMA. Decommission shall occur in accordance with the following conditions:

- A. Decommissioning by the ~~WECS~~CWEEF Permittee shall commence upon any one of the following occurrences:
 - 1. Abandonment.
 - 2. Inactive construction for twelve (12) consecutive months.

3. If no electricity is generated by the ~~WECS~~CWEEF Project for twelve (12) consecutive months after electricity is initially generated or the ~~WECS~~CWEEF Permittee has not paid Landowners those amounts owed in accordance with their applicable agreements for a period of six (6) consecutive months after such payments were due and payable.
 4. The ~~WECS~~CWEEF Permittee or Owner dissolves or abandons the ~~WECS~~CWEEF Project without first transferring the ~~WECS~~CWEEF Project to a successor-in-interest or assign.
 5. If any part of an individual ~~WECS~~CWEEF Tower or the ~~WECS~~CWEEF Project falls into disrepair, is in threat of collapsing or creates any other health and safety hazard as determined by applicable County, state, or federal officials.
- B. The ~~WECS~~CWEEF Permittee shall ensure that the ~~WECS~~CWEEF Project is properly decommissioned within eighteen (18) months of the end of the ~~WECS~~CWEEF Project life.
- C. Financial Assurance:
1. The County shall have immediate access to and may use the Financial Assurance for Decommissioning upon written notice to the Applicant after any one of the following occurrences:
 - a) Abandonment of the ~~WECS~~CWEEF Project;
 - b) A reasonable determination by the County that the ~~WECS~~CWEEF Project or any portion thereof constitutes a health and safety hazard that has not been addressed by the ~~WECS~~CWEEF Permittee in a timely manner; or,
 - c) The ~~WECS~~CWEEF Permittee fails to Decommission the ~~WECS~~CWEEF Project or any portion thereof in accordance with the Decommissioning Plan.
 2. The County or its escrow agent shall release the Financial Assurance to the ~~WECS~~CWEEF Permittee upon written notice by the ~~WECS~~CWEEF Permittee, as confirmed by the County, that Decommissioning has been satisfactorily completed. Ten percent (10%) of the Financial Assurance shall be retained for a period of one (1) year beyond the date of the County's confirmation that Decommissioning has been satisfactorily completed to settle any outstanding Decommissioning obligations or concerns.

17.49.080 - Remedies.

- A. The failure of Applicant, Owner, Operator, or ~~WECS~~CWEF Permittee, or any agent, contractor, or representative thereof to materially comply with any of the provisions under the ~~Siting Approval~~CWEF Permit or Building Permit, any conditions imposed on the ~~WECS~~CWEF Project, and/ or failure to comply with any law or regulation shall be grounds for revocation of the ~~Siting Approval~~CWEF Permit by the County.
- B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County must first provide written notice to the ~~WECS~~CWEF Permittee, setting forth the alleged default(s) and provide an opportunity for the ~~WECS~~CWEF Permittee to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the ~~WECS~~CWEF Permittee commence the cure within that 30-day cure period, and diligently pursues a cure, then the ~~WECS~~CWEF Permittee shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If the default relates to a life safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the ~~WECS~~CWEF Permittee shall take all necessary and available commercial measures to immediately cure the default. If the ~~WECS~~CWEF Permittee cannot cure the default(s) or resolve the alleged default(s) within the cure period, then the applicable County shall have the right to address the default(s) by any means available pursuant to applicable law.

17.49.090 - Fee Schedule and Permitting Processes.

- A. Application Fees
 - 1. Prior to processing any application for a ~~Siting Approval~~CWEF Permit application for a ~~WECS~~CWEF Project, the Applicant must submit a certified check to Sangamon County for the ~~Application~~application fee of ~~two hundred fiftyfive thousand~~ 5,000 dollars ~~(\$250.00)~~ per megawatt of nameplate capacity of the energy facility, up to the first five (5) acres of real property included in the WECSCWEF Project area, ~~and a maximum of one hundred twenty-five thousand dollars (\$5.00) for each additional acre or portion thereof comprising the WECS~~CWEF Project area. 125,000). This filing fee is non-refundable after publication except in cases where the Zoning Board of Appeals or planning commission determines that the hearing is not necessary. Appeals shall be accompanied by a fee of two hundred fifty dollars (\$250.00). Each Applicant will be responsible for the

payment of all legal publications required by the County or applicable law for the issuance of a ~~Siting Approval~~ CWEF Permit or other applicable permits or approvals.

B. Building Permit Fees

1. Prior to the issuance of building permits, the Building Permit Applicant must remit a Building Permit Fee to the Sangamon County Building & Zoning Department in accordance with the following schedule: the amount provided in Section 15.05.200.

Nameplate Generating Capacity	Per Turbine
0 - 10 kW	\$100
11 - 50 kW	\$250
51 - 100 kW	\$500
101 - 500 kW	\$1,000
501 kW - 1 MW	\$2,500
1 MW - 2 MW	\$5,000
Over 2 MW	\$6,000 + \$200 per each additional 100kW or \$2,000 per each addition MW

C. All Costs to be Paid by Applicant or ~~WECS~~ CWEF Permittee

1. In addition to all fees noted above, the Applicant or ~~WECS~~ CWEF Permittee shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, legal review, engineering costs, professional services, operations, inspections, decommissioning, litigation, disputes, and/or negotiations.

17.49.100 - Hearing.

A. Hearing Process

1. The County Board may issue a ~~Siting Approval~~ CWEF Permit after holding at least one public hearing in accordance with the Open Meetings Act.
2. The Building & Zoning Department will schedule the public hearing(s) and the public hearing(s) shall conclude within sixty (60) days of receiving a complete site approval permit Application CWEF Permit application. Notice of the hearing shall be published in a newspaper of general circulation in the County, at the Applicant's expense.

3. The public hearing shall be conducted by the Sangamon County Zoning Board of Appeals in accordance with the procedures set forth Chapter 17.58 of this Ordinance. Interested parties shall be given an opportunity to present evidence and to cross-examine witnesses at the hearing, but reasonable restrictions may be imposed on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses. Applicants may appear in person, by agent, or by attorney at such public hearings. The Sangamon County Zoning Board of Appeals shall transmit its report of findings and recommendations to the County Board in accordance with Section 17.58.040 of this Ordinance.
 4. The County Board shall make its ~~siting and permitting~~ CWEF Permit decisions not more than thirty (30) days after the conclusion of the public hearing.
- B. Hearing Factors. The County Board may approve a ~~Siting Approval~~ CWEF Permit application only if it finds the evidence complies with state, federal and local law and regulations, and with the standards of this ordinance, and further finds, as a conditional permitted use, that:
1. ~~Siting Approval~~ The proposed location, design, and method of operation of the use will minimize adverse effects on the character of the surrounding area;
 2. The use is proposed to be designed, located, and operated in a manner that protects the public health, safety, and welfare; and
 3. The use will not cause substantial injury to the value of other property in the vicinity in which it is located.
- C. CWEF Permit Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the ~~WECS~~ CWEF Project as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance.
- D. Revocation.
1. In any case where a ~~Siting Approval~~ CWEF Permit has been approved for a ~~WECS~~ CWEF Project, the Applicant shall apply for a ~~WECS~~ CWEF Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction, and commence and actively pursue construction of the ~~WECS~~ CWEF Project ~~within thirty-six (36) months~~ five (5) years from the date of the granting of the ~~Siting Approval~~ CWEF Permit. If the Applicant fails to apply for a ~~WECS~~ CWEF Building Permit from the County and all other permits

required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the ~~thirty-six (36) month~~five (5) year period, then without further action by the County, the ~~Siting Approval~~CWEF Permit authorizing the construction and operation of the ~~WECS~~CWEF Project shall be automatically revoked and void. Upon written request ~~supported by~~based upon reasonable cause, with evidence ~~that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in Commencement of Construction of the WECS~~that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in Commencement of Construction of the WECSCWEF Project is due to conditions out of the ~~WECS~~CWEF Permittee's control~~such reasonable cause provided,~~ the County Board, ~~in its sole discretion,~~ may extend the above ~~thirty-six (36) month~~five (5) year period by passage of a resolution amending the ~~Siting Approval~~CWEF Permit. Such requests for extension must be submitted prior to the expiration of said five (5) year period. Requests for extension will not be unreasonably withheld, conditioned, or denied upon showing of reasonable cause.

2. The ~~Siting Approval~~CWEF Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the ~~WECS~~CWEF Project or the ~~WECS~~CWEF Project ceases to operate for more than eighteen (18) consecutive months for any reason.
3. Subject to the provisions of Section 17.49.080 of this Ordinance, a ~~Siting Approval~~CWEF Permit may be revoked by the County Board if the ~~WECS~~CWEF Project is not constructed, installed and/or operated in substantial conformance with the County-approved ~~WECS~~CWEF Project plans, the regulations of this Ordinance and the stipulated ~~Siting Approval~~CWEF Permit conditions and restrictions.

- E. Transferability; Owner or ~~WECS~~CWEF Permittee. The ~~WECS~~CWEF Permittee and its respective successors and assigns shall provide written notification to the County at least thirty (30) days prior to any change in ownership of a ~~WECS~~CWEF Project of any such change in ownership. The phrase "change in ownership of a ~~WECS~~CWEF Project" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of Applicant, Owner, Operator, ~~WECS~~CWEF Permittee or their respective successors and assigns, the ~~WECS~~CWEF Project or any portion thereof. The ~~WECS~~CWEF Permittee and its respective successors and assign shall remain liable for compliance with all conditions, restrictions, and obligations contained in the ~~Siting Approval~~CWEF Permit, the provisions of this Ordinance and applicable County, state and federal laws for all

periods of time within which it owned, operated, or had any interest in the ~~WECS~~CWEEF Project.

- F. Modification and Recertification. Any modification of a ~~WECS~~CWEEF Project that alters or changes the essential character or operation of the ~~WECS~~CWEEF Project in a way not intended at the time the ~~Siting Approval~~CWEEF Permit was granted, or as subsequently amended, shall require a new ~~Siting Approval~~CWEEF Permit. The ~~WECS~~CWEEF Permittee or its authorized representative(s), shall apply for an amended ~~Siting Approval~~CWEEF Permit prior to any modification of the ~~WECS~~CWEEF Project. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require recertification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with the Sangamon County Building & Zoning Department to determine if the physical modification requires a recertification.
- G. Permit Effective Date. The ~~Siting Approval~~CWEEF Permit shall become effective upon approval of the applicable ordinance by the County Board.

17.49.110 - Miscellaneous.

- A. The provisions of this Ordinance shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the County and its residents. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the County nor conflict with any statutes of the State of Illinois.
- B. The ~~Siting Approval~~CWEEF Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest and assigns.
- C. If any provision in this Ordinance, or conditions placed upon the operation of the ~~WECS~~CWEEF Project is held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.
- D. Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.
- E. This Ordinance shall be in full force and effect from and after its passage, publication, and approval as required by law.
- F. Any and all ~~WECS~~CWEEF granted authorization to conduct operations pursuant to any County regulations or ordinances prior to the effective date of these regulations shall be authorized to continue operations as a nonconforming use in

accordance with the nonconforming use provisions of the Sangamon County Zoning Ordinance.

RECAP
(For County Board Use)

DOCKET NUMBER: **2026-021**

ADDRESS: N/A

PETITIONER: **The Zoning & Land Use Committee of the Sangamon County Board**

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

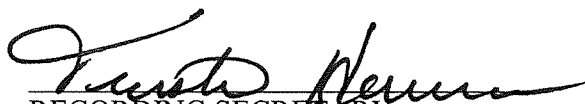
AREA: N/A

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Staff finds the ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

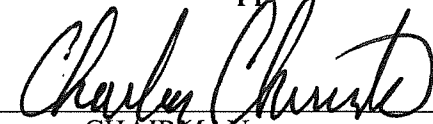
IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2026-021
The Zoning & Land Use)	
Committee of the Sangamon)	PROPERTY LOCATED AT:
County Board)	N/A
)	
)	

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **text amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **August 20, 2026** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the proposed changes are more particularly described in EXHIBITs A, B, and C attached hereto and make a part hereof.
3. That required findings of the Sangamon County Zoning Board of Appeals are accurately stated on the attached exhibit (s).
4. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **text amendment** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **text amendment** be **approved**.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **George Petrilli**, to concur with the findings and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Anthony Mares, Charlie Chimento, Don Wulf, Richard Thompson,
George Petrilli**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

FILED

CASE#2026-022
RESOLUTION NUMBER 4

AUG 27 2026

D. J. King
Sangamon County Clerk

**GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
7425 MECHANICSBURG ROAD, SPRINGFIELD
SANGAMON COUNTY, ILLINOIS**

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Bobby Howe & Dawna Hull**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure to be within the front yard with a front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet; and, a variance of Section 17.36.010(A) and Section 17.38.010 to allow the side yard setback to be approximately five (5) feet instead of the required ten (10) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 20, 2026** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant the variances**; and,

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **1st Day of September, 2026** that the following requests on the above described property are hereby approved:

- Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure to be within the front yard with a front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet; and,
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow the side yard setback to be approximately five (5) feet instead of the required ten (10) feet.

Signed and passed by the Sangamon County Board in session on this **1st day of September, 2026.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

Exhibit A

Ten acres off the East side of the East Half of the South Half of the Southwest fractional Quarter of Section 26, Township 16 North, Range 4 West of the Third Principal Meridian, EXCEPTING that part dedicated to Sangamon County, Illinois, for public highway purposes.

The West line of the real estate above described and hereby conveyed is 547 feet West of and parallel to the East line of said fractional Quarter Section.

ALSO EXCEPTING from the above described real estate the following described three tracts of land:

Tract 1:

Part of the Southwest Quarter of Section 26, Township 16 North, Range 4 West of the Third Principal Meridian, more particularly described as follows: Beginning at the Southeast corner of the Southwest Quarter of said Section 26; thence West along the South side of said Section 26, 247 feet; thence North parallel to the East side of the Southwest Quarter of said Section 26, 240 feet; thence East parallel to the South side of said Section 26, 247 feet to the East side of the Southwest Quarter of said Section 26; thence South to the point of beginning, excepting that part dedicated to Sangamon County, Illinois as public highway.

Tract 2:

Part of the Southwest Quarter of Section 26, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at a point on the Quarter Section line 240 feet North of the Southeast corner of said Quarter Section; thence West parallel to the South line of said Section 247.00 feet; thence South parallel to the aforesaid Quarter Section line, 240 feet; thence West on the Section line 150 feet; thence North parallel to the Quarter Section line 259.04 feet; thence East parallel to the Section line 397.00 feet to the Quarter Section line; thence South 19.04 feet to the point of beginning.

Tract 3: Part of the Southwest Quarter of Section 26, Township 16 North Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at a point on the South line of said Quarter Section, 397.00 feet West of the Southeast corner of said Southwest Quarter, thence West on the Section line 150.00 feet; thence North parallel to the East line of said Southwest Quarter 290.40 feet; thence East parallel to the Section line 150.00 feet; thence South 290.40 feet to the point of beginning.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois.

Permanent Index No.: 15-26.0-300-011

Commonly known as: 7425 Mechanicsburg Rd, Springfield, IL 62712

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 8 NAME: Tom Rader

DOCKET NUMBER: 2026-022

ADDRESS: 7425 Mechanicsburg Road, Springfield, IL 62712

PETITIONER: Bobby Howe & Dawna Hull

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure to be within the front yard with a front yard setback to be approximately five (5) feet instead of the required thirty (30) feet; and, a variance of Section 17.36.010(A) and Section 17.38.010 to allow the side yard setback to be approximately three (3) feet instead of the required ten (10) feet;

AMENDED BY THE PETITIONER:

Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure to be within the front yard with a front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet; and, a variance of Section 17.36.010(A) and Section 17.38.010 to allow the side yard setback to be approximately five (5) feet instead of the required ten (10) feet.

AREA: 6.87 acres

COMMENTS: Yes

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the petition as submitted. Staff recommends approval of a front yard setback variance of ten (10) feet instead of the required thirty (30) feet. The petitioner is proposing to construct an accessory structure, and the subject property is unique in that it is a landlocked parcel, has varying topography, and has floodplain on the property limiting the area where an accessory structure could be constructed. However, staff noted, on the site visit and looking at the FEMA mapped floodplain on the subject property, that there is still an area on the southwest corner of the subject property where a shed could be constructed and be located ten (10) feet off the front and side property lines while still not being located in the floodplain. Since the subject property has no road frontage, the proposed setback of ten (10) feet would be equal to a side yard setback requirement from neighboring properties.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Amended Petition.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2026-022**
Bobby Howe & Dawna Hull)
)
) PROPERTY LOCATED AT:
) **7425 Mechanicsburg Road**
) **Springfield, IL 62712**

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for **variances** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner(s); that legal publication has been made pursuant to law; and that a public hearing was held on **August 20, 2026** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **7425 Mechanicsburg Road, Springfield, IL 62712** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is **a single-family residence.**
5. That the proposed land use of said property is **a single-family residence and accessory structure.**
6. That the requests for the subject property **are pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure to be within the front yard with a front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet; and, a variance of Section 17.36.010(A) and Section 17.38.010 to allow the side yard setback to be approximately five (5) feet instead of the required ten (10) feet.**
7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).
8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **variances** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the following requests **are hereby approved:**

- **Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure to be within the front yard with a front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow the side yard setback to be approximately five (5) feet instead of the required ten (10) feet.**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Richard Thompson**, which was duly seconded by **Don Wulf**, with the findings of fact and recommendation of Zoning Board Member Richard Thompson, and recommend to the County Board that the following requests **are hereby approved**:

- Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure to be within the front yard with a front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet; and,
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow the side yard setback to be approximately five (5) feet instead of the required ten (10) feet.

The vote of the Board was as follows:

YES: **Richard Thompson, Don Wulf, Charlie Chimento, George Petrilli, Anthony Mares**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**ZONING BOARD OF APPEALS
SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2026-022**

Address: **7425 Mechanicsburg Road, Springfield**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

The subject property can yield a reasonable return and construct an accessory structure on the southwest corner of the subject property while being located seven (7) feet off the front and five (5) feet off the side property lines and not located in the floodplain.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

The subject property is unique in that it is a landlocked parcel, has varying topography, and has floodplain on the property limiting the area where an accessory structure could be constructed.

- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

Allowing the requested variances should not have a negative impact on the adjacent neighbor.

**GRANTING A REZONING AND A CONDITIONAL PERMITTED USE WITH
CONDITIONS**

**FOR CERTAIN PROPERTY LOCATED AT
6109 AND 6111 MECHANICSBURG ROAD, SPRINGFIELD
SANGAMON COUNTY, ILLINOIS**

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant a rezoning and a Conditional Permitted Use with conditions** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

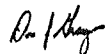
WHEREAS, the Petitioners, **Daniel & LeeAnna Ward**, has petitioned the Sangamon County Board requesting **for Proposed Parcel 1: pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District and “RM-4” Manufactured Home District to “B-3” General Business District; and, pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 3,500 square feet); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 20, 2026** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant a rezoning and a Conditional Permitted Use with conditions;** and,

FILED

AUG 27 2026


Sangamon County Clerk

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **1st Day of September, 2026** that the following requests on the above described property are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District and “RM-4” Manufactured Home District to “B-3” General Business District; and,
- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 3,500 square feet) with the following conditions:
 - 1) The tavern is limited to no more than 3,500 square feet, as indicated on the site plan in the petition, and
 - 2) The hours of operation are limited to the Sangamon County Liquor Ordinance.

Signed and passed by the Sangamon County Board in session on this **1st day of September, 2026.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

Exhibit A

All that part of the Northwest Quarter of the Northwest Quarter of Section 34, Township 16 North, Range 4 West of the Third Principal Meridian, lying North of the right-of-way of the existing public highway and being more particularly described as follows: beginning at a point in the North line of said Quarter Quarter Section, 411.53 feet West of the Northeast corner thereof and running thence, along the North line of said right-of-way, South 85 degrees 58 minutes 30 seconds West 238.03 feet to a point; thence South 86 degrees 2 minutes 18 seconds West 600 feet to a point; thence South 87 degrees 42 minutes West 99.10 feet, more or less to a point in the West line of said Quarter Quarter section; thence North 80.21 feet, more or less to the Northwest corner of said Quarter Quarter section and thence East to the place of beginning.

EXCEPT the following described parcels:

Parcel I:

The West 125 feet thereof.

Parcel 2:

Commencing at the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 34, Township 16 North, range 4 West of the Third Principal Meridian; thence South 89 degrees 56 minutes 43.6 seconds West a distance of 220.38 feet to the point of beginning; thence South 82 degrees 6 minutes 47.3 seconds West a distance of 434.48 feet; thence South 86 degrees 14 minutes 47.3 seconds West a distance of 15.5 feet; thence North 69 degrees 54 minutes 45.8 seconds East a distance of 175.78 feet; thence North 89 degrees 56 minutes 43.6 seconds East a distance of 280.74 feet to the point of beginning.

Parcel 3:

Commencing at an iron pipe at the Northwest corner of Section 34, Township 16 North, Range 4 West of the Third Principal Meridian; thence South 0 degrees 23 minutes 50 seconds East a distance of 97.07 feet; thence North 88 degrees 33 minutes 27.9 seconds East a distance of 125.75 feet to the point of beginning; thence North 0 degrees 3 minutes 22.7 seconds West a distance of 12.45 feet; thence North 87 degrees 28 minutes 15.6 seconds East a distance of 156.78 feet; thence South 68 degrees 6 minutes 59.9 seconds East a distance of 20.97 feet; thence South 86 degrees 14 minutes 47.3 seconds West a distance of 176.46 feet to the point of beginning.

All situated in Sangamon County, Illinois.

6109 Mechanicsburg Rd. & 6111 Mechanicsburg Rd.

Springfield, IL

Tax ID No.: 15-34-100-025 & 15-34-100-027

Part of the Southwest Quarter of Section 27, Township 16 North, Range 4 West of the 3rd Principal Meridian, described as follows:

Beginning at a post 7.87 chains North and 19.37 chains West of the Southeast corner of said Quarter Section, thence North 11.18 1/2 chains to a stake; thence West to the East Bank of the South Fork of Sangamon River; thence South following up the meanderings of said South Fork of Sangamon River to a stake on the East Bank of said South Fork which is 8.66 2/3 chains West of the place of beginning, thence East 8.66 2/3 chains to the place of beginning, containing 8 acres, more or less;

ALSO

A part of the Southwest Fractional Quarter of said Section 27, Township 16 North, Range 4 West of the 3rd Principal Meridian, beginning at a stake 7 chains and 87 links North of the Southeast Quarter of said Quarter Section, running thence North 11 chains 87 1/2 links to the North Fork of Sangamon River, thence West 19 chains 45 links to a stake, thence South 11 chains 87 1/2 links

to a stake thence East 19 chains 37 links to the place of beginning, said tract containing 23 acres, more or less;

ALSO

A part of the Southwest Fractional Quarter of said Section 27, Township 16 North, Range 4 West of the 3rd Principal Meridian, beginning at the Southeast corner of said Quarter Section and running thence North 7 chains and 87 links to a post, thence West 28 chains 25 links to a post on the right bank of the South Fork of the Sangamon River; thence following the meanderings of said South Fork up to the South line of said Quarter Section and thence East 36 chains 75 links to the place of beginning, said tract of land 25 acres, more or less, reserving 16 1/2 feet on the East side thereof for a right of way.

EXCEPTING therefrom that part deeded to the County of Sangamon, State of Illinois by Warranty Deed recorded May 2, 1979 as Document Number 822832, and re-recorded May 9, 1979 as Document Number 823305, described as follows:

A tract of land being a part of the Southwest Quarter of Section 27, Township 16 North, Range 4 West of the 3rd Principal Meridian, described as: Beginning at the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 34, Township 16 North, Range 4 West of the 3rd Principal Meridian; thence South 89 degrees 56 minutes 43.6 seconds West, a distance of 501.13 feet; thence North 69 degrees 54 minutes 45.8 seconds East a distance of 129.62 feet; thence North 83 degrees 13 minutes 42.6 seconds East, a distance of 617.06 feet; thence South 57 degrees 54 minutes 40 seconds East, a distance of 139.41 feet; thence South 00 degrees 11 minutes 1 second East, a distance of 42.39 feet; thence South 89 degrees 56 minutes 43.6 seconds West, a distance of 351.61 feet; situated in Sangamon County, Illinois.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any. Situated in Sangamon County, Illinois. Common Address: 113 Hankins Rd., Springfield, IL 62712

P.I.N.: 15-27.0-300-009

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 8 NAME: Tom Rader

DOCKET NUMBER: 2026-023

ADDRESS: 6109 and 6111 Mechanicsburg Road, Springfield, IL 62712

PETITIONER: Daniel & LeeAnna Ward

PRESENT ZONING CLASSIFICATION: "A" Agricultural District, "RM-4" Manufactured Home District, and "B-3" General Business District, and a rear transitional yard variance.

REQUESTED ZONING CLASSIFICATION: Proposed Parcel 1: pursuant to Chapters 17.68 and 17.26, a rezoning from "A" Agricultural District and "RM-4" Manufactured Home District to "B-3" General Business District; and, pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 3,500 square feet).

AREA: 3.05 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the requested B-3 District. While the LESA score of 179 indicates the property is suitable for agricultural use only, the proposed rezoning to B-3 is necessary to provide consistent zoning for the reconfiguration of the parcels for the existing tavern, which was granted B-3 zoning in 1984. Recommend approval of the Conditional Permitted Use for a tavern with live entertainment and dancing with the following conditions: 1) the tavern is limited to no more than 3,500 square feet and 2) the hours of operation are limited to the Sangamon County liquor license.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2026-023**
Daniel & LeeAnna Ward)
)
) PROPERTY LOCATED AT:
) **6109 and 6111 Mechanicsburg Road**
) **Springfield, IL 62712**

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **rezoning and a Conditional Permitted Use** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner(s); that legal publication has been made pursuant to law; and that a public hearing was held on **August 20, 2026** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **6109 and 6111 Mechanicsburg Road, Springfield, IL 62712** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District, “RM-4” Manufactured Home District, and “B-3” General Business District, and a rear transitional yard variance.**
4. That the present land use of said property is **Tavern, manufactured home, and timber.**
5. That the proposed land use of said property is **Tavern with live entertainment and dancing.**
6. That the requests for the subject property are for **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District and “RM-4” Manufactured Home District to “B-3” General Business District; and, pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 3,500 square feet).**
7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).
8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **rezoning and a Conditional Permitted Use with conditions** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the following requests **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from **“A” Agricultural District and “RM-4” Manufactured Home District to “B-3” General Business District; and,**
- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 3,500 square feet) with the following conditions:
 - 1) The tavern is limited to no more than 3,500 square feet, as indicated on the site plan in the petition, and
 - 2) The hours of operation are limited to the Sangamon County Liquor Ordinance.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, which was duly seconded by **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following requests are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District and “RM-4” Manufactured Home District to “B-3” General Business District; and,
- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 3,500 square feet) with the following conditions:
 - 3) The tavern is limited to no more than 3,500 square feet, as indicated on the site plan in the petition, and
 - 4) The hours of operation are limited to the Sangamon County Liquor Ordinance.

The vote of the Board was as follows:

YES: **Don Wulf, Anthony Mares, Richard Thompson, George Petrilli, Charlie Chimento**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2026-023**

Address: **6109 & 6111 Mechanicsburg Road, Springfield**

- (i) Existing uses of property within the general area of the property in question.

North – River and timber. East – Residence/timber/pasture. South – Residence and pasture. West – Timber.

- (ii) The zoning classification of property within the general area of the property in question.

North, East, South, & West – Agricultural.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

While the LESA score of 179 indicates the property is suitable for agricultural use only, the proposed rezoning to B-3 is necessary to provide consistent zoning for the reconfiguration of the parcels for the existing tavern, which was granted B-3 zoning in 1984.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The trend of development in the area is agricultural and rural residential. A portion of the subject property was rezoned from Agricultural to B-3 in Zoning Case # 1984-A-17 and granted a variance for the rear transitional yard. A portion of the subject property was rezoned from B-3 to RM-4 in Zoning Case #1985-A-19. In 2018, R-1 and lot width and lot-width-depth variances were granted for property east of the subject property. In 2005, R-1 was denied, but variances were granted for the lot width and lot-width-depth south of the subject property. In 1995, a variance was granted to allow a parcel with no road frontage northeast of the subject property. In 1990, B-3 was denied, but a Use Variance was granted to allow vehicle repair south of the subject property.

**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: **2026-023**

Address: **6109 & 6111 Mechanicsburg Road, Springfield**

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

A tavern has been operating at this location since the 1980s with no known negative effects, and the proposed conditions limiting the size and hours of operation should also minimize potential effects.

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

The tavern has been operating at this location since the 1980s, and the petition is not proposing any additions to the existing structure, but will instead add additional land to correct an encroachment and provide consistent zoning for the subject property.

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

Negative impacts are unlikely as the tavern has been operating at this location since the 1980s and the tavern with the proposed conditions will not likely cause substantial injury to property values in the vicinity.

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

N/A

- (b) Manufactured home parks - must meet the requirements of Chapter 17.48 Large Scale Development.

N/A

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

N/A

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

Yes

- (e) Adult-use cannabis business establishments as defined in Chapter 17.04:
- 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
 - (A) Adult-use cannabis craft grower – 1,500 feet
 - (B) Adult-use cannabis cultivation center – 1,500 feet
 - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
 - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
 - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

N/A

LAND EVALUATION AND SITE ASSESSMENT**Part 1: Site Assessment**

Part 1: Site Assessment	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	20
75-89%	10	
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	20
75-89%	10	
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	5
50-74%	5	
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	20
0.5 mile from incorporated area	10	
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	5
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	5
Little or none with protective measures	5	
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	0
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	0
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	5
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL	95
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative</u>	<u>Points</u>
				<u>Value</u>	
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P	42	100	42
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2		87	
3451A	Lawson	P3		75	
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3		75	
3073A	Ross	P3		75	
3284A	Tice	P3	41	75	31
279B	Rozetta	P		75	
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P		75	
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Oscos	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I		74	
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	

685C2	Middletown	I		74	
280D2	Fayette	I	14	74	10
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I		74	
630D2	Navlys	I		74	
630D3	Navlys	I		57	
131D2	Alvin	I		57	
8D	Hickory	I		50	
8D2	Hickory	I		50	
280D3	Fayette	I		44	
8D3	Hickory	I	2	44	1
8F	Hickory	N		44	
549G	Marseilles	N		0	
533	Urban Land	N			
536	Dumps	N			
830	Orthents, Land	N			
862	Pits, Sand	N			
864	Pits, Quarries	N			
801C	Orthents, Silty	N			
W	Water		2		

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL

84

GRAND TOTAL

179

Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.

AUG 27 2026


Sangamon County Clerk

**GRANTING A SITING APPROVAL PERMIT
FOR CERTAIN PROPERTY LOCATED AT
1000-2000 BLOCK OF E. DIVERNON ROAD, 500-1000 BLOCK OF E. HOGAN
ROAD, 16000 TO 17500 BLOCK OF HENKEL CREEK ROAD, AND 16000-17500
BLOCK OF SHEEDY ROAD, DIVERNON
SANGAMON COUNTY, ILLINOIS**

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant a Siting Approval Permit** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Henkle Branch Solar, LLC**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.37, a Commercial Solar Energy Conversion Facility Siting Approval Permit**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **August 20, 2026** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant a Siting Approval Permit**; and,

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **1st Day of September, 2026** that the following request on the above described property is hereby approved:

- Pursuant to Chapter 17.37, a Commercial Solar Energy Conversion Facility Siting Approval Permit.

Signed and passed by the Sangamon County Board in session on this **1st day of September, 2026.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

Henkle Branch Solar, LLC

Project Parcel Legal Descriptions

PIN: 35-23.0-100-004

The North Half of the Northwest Quarter of Section Twenty-Three (23), Township Thirteen (13) North, Range Five (5) West of the Third Principal Meridian, Sangamon County, Illinois; except the following 3 tracts: 35-23.0-100-005 (5 acres), 35-23.0-100-006 (1.55 acres), and 35-23.0100-007 (1 acre).

PIN: 35-27.0-200-015

The North 10 Acres of the East Half of Lot Four (4) of the Plat of the Land Originally Belonging to the Estate of John W. Dabbs, Deceased, as Recorded in Chancery Records of Sangamon County, in Book 26, at Page 348. Said Lot Four (4) being the East 60.38 Acres of the West Half of the Northeast Quarter of Section Twenty-Seven (27), Township Thirteen (13) North, Range Five (5) West of the Third Principal Meridian, situated in Sangamon County, Illinois.

PINs: 35-23.0-200-001, 35-23.0-200-002, 35-23.0-400-001, 35-26.0-200-003, and 35-26.0-200005

The Southeast Quarter (SE 1/4) of Section Twenty-Three (23); and the Northeast Quarter (NE 1/4) of Section Twenty-Three (23) and the West Half (W 1/2) of the Northeast Quarter of Section Twenty-Six (26); and that part of the following tract which is located in the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section Twenty-Six (26): Beginning at a stone at the Northeast Corner of said Northeast Quarter and running thence South 34 links; thence in a westerly direction 40.45 chains to the West Line of said Quarter Section to a point that is 20 links south of the Northwest Corner of said Quarter Section; thence North 20 links to a stone at the Northwest Corner of said Quarter Section; thence East 40.45 chains to the Point of Beginning; all the above being located in Township Thirteen (13) North, Range Five (5) West of the Third Principal Meridian, Sangamon County, Illinois.

PINs: 35-27.0-200-013 and 35-27.0-200-014

The South Half (S 1/2) of the Northeast Quarter of the Northeast Quarter (NE 1/4) of Section Twenty-Seven (27) and the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-Seven (27); all in Township Thirteen (13) North, Range Five (5) West of the Third Principal Meridian, Sangamon County, Illinois.

PINs: 35-23.0-100-003, 35-23.0-300-001, and 35-23.0-300-003

The South Half (S 1/2) of the Northeast Quarter of the Northeast Quarter (NE 1/4) of Section Twenty-Seven (27) and the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-Seven (27); all in Township Thirteen (13) North, Range Five (5) West of the Third Principal Meridian, Sangamon County, Illinois.

PINs: 35-26.0-200-004 and 35-26.0-200-006

The East Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section Twenty-Six (26), Township Thirteen (13) North, Range Five (5) West of the Third Principal Meridian, Sangamon County, Illinois, except that part of said East Half (E 1/2) which is described as follows: Beginning at a stone at the Northeast Corner of said Northeast Quarter and running thence South 34 links; thence in a westerly direction 40.45 chains to the West Line of said Quarter Section to a point

that is 20 links south of the Northwest Corner of said Quarter Section; thence North 20 links to a stone at the Northwest Corner of said Quarter Section; thence East 40.45 chains to the Point of Beginning.

PIN: 35-27.0-200-012

The North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-Seven (27), Township Thirteen (13) North, Range Five (5) West of the Third Principal Meridian, Sangamon County, Illinois.

PIN: 35-27.0-200-007

The South 30.38 Acres of Lot Four (4) of the Estate of John W. Dobbs, Deceased, said Lot Four (4) being the East 60.38 Acres of the West Half (1/2) of the Northeast Quarter (NE 1/4) of Section Twenty-Seven (27), Township Thirteen (13) North, Range Five (5) West of the Third Principal Meridian, Sangamon County, Illinois.

PINs: 35-22.0-200-004 and 35-22.0-400-004

The West 168.96 Acres of the following-described tract of real estate: Part of the East Half of Section 22, Township 13 North, Range 5 West of the Third Principal Meridian, described more particularly as follows: Beginning at a stone marking the Southeast Corner of the aforementioned Section 22; thence South 89 Degrees 26 Minutes 10 Seconds West along the section line a distance of 2672.35 feet to a stone marking the Southwest Corner of the Southeast Quarter of Section 22; thence North 00 Degrees 07 Minutes 37 Seconds West along the quarter section line a distance of 3989.99 feet to an iron pipe marking the Northwest Corner of the South Half of the Northeast Quarter of Section 22; thence North 89 Degrees 14 Minutes 05 Seconds East along the quarter-quarter section line a distance of 2681.29 feet to an iron pipe marking the Northeast Corner of the South Half of the Northeast Quarter of Section 22; thence South 00 Degrees 00 Minutes 00 Seconds West along the section line a distance of 3999.49 feet to the Point of Beginning.

PIN: 35-26.0-200-001

A tract on the North Line of the North Half of the Northeast Quarter of Section 26, Township 13 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows: Beginning at the Northeast corner of said Quarter Section; thence South 34 links to the line of the hedge fence; thence West along said line of hedge fence 40 chains and 45 links to the West line of said Quarter Section; thence North 20 links to a stone at the Northwest corner of said Quarter Section; thence East 40.45 chains to the point of beginning, containing 1.09 acres, more or less.

PIN: 35-22.0-400-003

Part of the East Half of Section 22, Township 13 North, Range 5 West of the Third Principal Meridian, described more particularly as follows: Beginning at a stone marking the Southeast Corner of the aforementioned Section 22; thence South 89 Degrees 26 Minutes 10 Seconds West along the section line a distance of 2672.35 feet to a stone marking the Southwest Corner of the Southeast Quarter of Section 22; thence North 00 Degrees 07 Minutes 37 Seconds West along the quarter section line a distance of 3989.99 feet to an iron pipe marking the Northwest Corner of the South Half of the Northeast Quarter of Section 22; thence North 89 Degrees 14 Minutes 05 Seconds East along the quarter-quarter section line a distance of 2681.29 feet to an iron pipe

marking the Northeast Corner of the South Half of the Northeast Quarter of Section 22; thence South 00 Degrees 00 Minutes 00 Seconds West along the section line a distance of 1753.49 feet to an iron pipe; thence South 90 Degrees 00 Minutes 00 Seconds West a distance of 342.00 feet to an iron pipe; thence South 00 Degrees 00 Minutes 00 Seconds West a distance of 1274.00 feet to an iron pipe; thence North 90 Degrees 00 Minutes 00 Seconds East a distance of 342.00 feet to an iron pipe on the section line; thence South 00 Degrees 00 Minutes 00 Seconds West along the section line a distance of 972.00 feet to the Point of Beginning; except the West 168.96 Acres thereof; and part of the Southeast Quarter of Section 22, Township 13 North, Range 5 West of the Third Principal Meridian, described more particularly as follows: Commencing at a stone marking the Southeast Corner of the aforementioned Section 22; thence North 00 Degrees 00 Minutes 00 Seconds East along the section line a distance of 1609.00 feet to an iron pipe marking the True Point of Beginning; thence South 90 Degrees 00 Minutes 00 Seconds West a distance of 342.00 feet to an iron pipe; thence North 00 Degrees 00 Minutes 00 Seconds East a distance of 637.00 feet to an iron pipe; thence North 90 Degrees 00 Minutes 00 Seconds East a distance of 342.00 feet to an iron pipe on the section line; thence South 00 Degrees 00 Minutes 00 Seconds West along the section line a distance of 637.00 feet to the True Point of Beginning. Except any interest in the coal, oil, gas, and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas, and other minerals, if any. Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: Lanae Clarke

DOCKET NUMBER: 2026-024

ADDRESS: 1000-2000 Block of E. Divernon Road, 500-1000 Block of E. Hogan Road, 16000 to 17500 Block of Henkel Creek Road, and 16000-17500 Block of Sheedy Road, Divernon, IL 62530

PETITIONER: Henkle Branch Solar, LLC

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.37, a Commercial Solar Energy Conversion Facility Siting Approval Permit.

AREA: 1122.98 acres

COMMENTS: Yes

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the proposed Commercial Solar Energy Conversion Facility Siting Approval Permit with the following conditions: 1) the site plan shall be updated to accurately reflect non-participating buildings and residences and 2) a landscaping screen shall be extended on the south side of parcel 35-23-300-001. Staff also recognized there is an occupied residence located on Hogan Road on parcel 35-27-200-015, and staff found no indication of what will happen with this residence in the petition.

While not a regulation from Illinois State Statute or Sangamon County's Zoning Ordinance, staff did identify areas on the site plan where solar panels were shown in the petitioner's proposed 300-foot residence setback.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2026-024**
Henkle Branch Solar, LLC)
)
) PROPERTY LOCATED AT:
) **1000-2000 Block of E. Divernon Road,**
500-1000 Block of E. Hogan Road, 16000
to 17500 Block of Henkel Creek Road,
and 16000-17500 Block of Sheedy Road
) **Divernon, IL 62530**

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **Siting Approval Permit** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner(s); that legal publication has been made pursuant to law; and that a public hearing was held on **August 20, 2026** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **1000-2000 Block of E. Divernon Road, 500-1000 Block of E. Hogan Road, 16000 to 17500 Block of Henkel Creek Road, and 16000-17500 Block of Sheedy Road, Divernon, IL 62530** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is **a single-family residence, agricultural buildings, and cropland.**
5. That the proposed land use of said property is **Commercial Solar Energy Facility.**
6. That the request for the subject property **is pursuant to Chapter 17.37, a Commercial Solar Energy Conversion Facility Siting Approval Permit.**
7. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **Siting Approval Permit** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the following request **is hereby approved:**

- **Pursuant to Chapter 17.37, a Commercial Solar Energy Conversion Facility Siting Approval Permit.**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Richard Thompson**, which was duly seconded by **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request **is hereby approved**:

- **Pursuant to Chapter 17.37, a Commercial Solar Energy Conversion Facility Siting Approval Permit.**

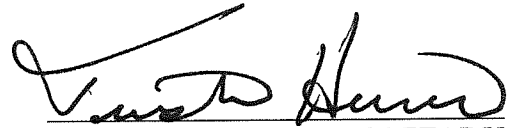
The vote of the Board was as follows:

YES: **George Petrilli, Anthony Mares, Charlie Chimento, Richard Thompson,
Don Wulf**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**GRANTING A REZONING AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1970 WINCH ROAD, SPRINGFIELD
SANGAMON COUNTY, ILLINOIS**

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant a rezoning and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Norma J. Brunner**, has petitioned the Sangamon County Board requesting **for Proposed Parcels 1, 2, and 3: pursuant to Chapter 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 20, 2026** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant a rezoning and a variance**; and,

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

FILED

AUG 27 2026


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **1st Day September, 2026** that the following requests on the above described property are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,

For Proposed Parcel 3:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Signed and passed by the Sangamon County Board in session on this **1st day of September, 2026.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

PART OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19 AND PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 18 ALL IN TOWNSHIP 16 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, N88°-55'-19"E, 30.00 FEET TO THE POINT OF BEGINNING THENCE N1°-01'-06"W, ON THE EAST RIGHT OF WAYLINE OF WINCH ROAD, 637.18 FEET; THENCE 89°-15'-13"E, 405.60 FEET; THENCE N01°-04'-06"W, 200.00 FEET; THENCE N89°-12'-58"E, 154.32 FEET; THENCE S1°-01'-02"E, 405.60 FEET; THENCE N01°-04'-06"W, 200.00 FEET; THENCE N89°-12'-58"E, 154.32 FEET; THENCE S1°-1'-02"E, 845.02 FEET TO A POINT ON THE SECTION LINE; THENCE N88°-55'-19"E, 74.37 FEET TO A FOUND STONE AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19; THENCE S1°-05'-28"E ON THE EAST LINE OF SAID HALF, QUARTER, QUARTER SECTION, 710.93 FEET; THENCE N89°-54'-41"W, 274.58 FEET THENCE N84°-03'-29"W, 251.64 FEET; THENCE N48°-46'-39"W, 67.94 FEET; THENCE N61°-04'-32"W, 32.92 FEET; THENCE N84°-31'-40"W, 25.68 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF WINCH ROAD; THENCE N01°-06'-11"W, 50.62 FEET; THENCE S88°-56'-42"W, 5.00 FEET; THENCE N1°-06'-17"W, ON SAID RIGHT OF WAY LINE 558.82 FEET TO THE POINT OF BEGINNING, CONTAINING 18.872 ACRES, MORE OR LESS

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: James Schackmann

DOCKET NUMBER: 2026-025

ADDRESS: 1970 Winch Road, Springfield, IL 62707

PETITIONER: Norma J. Brunner

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: Proposed Parcels 1, 2, and 3: pursuant to Chapter 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

AREA: 18.87 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The LESA score of 137 indicates the property is acceptable for non-agricultural development. The requested R-1 District fits the rural residential trend of the area. Granting the requested lot-width-depth variance will facilitate a division to separate the residence from the cropland to the north and the cropland to the south for estate planning purposes. The Standards for Variation are met.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2026-025**
Norma J. Brunner)
)
) PROPERTY LOCATED AT:
) **1970 Winch Road**
) **Springfield, IL 62707**

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **rezoning and a variance** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner(s); that legal publication has been made pursuant to law; and that a public hearing was held on **August 20, 2026** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **1970 Winch Road, Springfield, IL 62707** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is **Single-family residence and cropland.**
5. That the proposed land use of said property is **Proposed Parcel 1: Cropland. Proposed Parcel 2: Cropland. Proposed Parcel 3: Single-family residence.**
6. That the requests for the subject property **are for Proposed Parcels 1, 2, and 3: pursuant to Chapter 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**
7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).
8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **rezoning and a variance** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the following requests **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,

For Proposed Parcel 3:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **George Petrilli**, which was duly seconded by **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following requests **are hereby approved**:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,

For Proposed Parcel 3:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

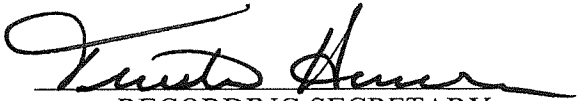
The vote of the Board was as follows:

YES: **George Petrilli, Anthony Mares, Don Wulf, Richard Thompson, Charlie Chimento**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2026-025**

Address: **1970 Winch Road, Springfield**

- (i) Existing uses of property within the general area of the property in question.

North & South – Residence. East – Cropland. West – Residence and cropland.

- (ii) The zoning classification of property within the general area of the property in question.

North, South, & West – Agricultural. East – Agricultural and City R-1.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The LESA score of 137 indicates the property is acceptable for non-agricultural development. The requested R-1 District fits the rural residential trend of the area.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The trend of development in the area is rural residential.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2026-025**

Address: **1970 Winch Road, Springfield**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

Granting the requested lot-width-depth variance will facilitate a division to separate the residence from the cropland to the north and the cropland to the south for estate planning purposes.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

Granting the requested lot-width-depth variance will allow the residence to be separated from the cropland for estate planning purposes.

- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

Negative impacts are not anticipated.

LAND EVALUATION AND SITE ASSESSMENT**Part 1: Site Assessment**

Part 1: Site Assessment	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	10
75-89%	10	
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	5
75-89%	10	
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	10
50-74%	5	
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	10
0.5 mile from incorporated area	10	
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	5
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	0
Little or none with protective measures	5	
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	0
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	0
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	5
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL	60
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	39	100	39
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2		87	
3451A	Lawson	P3		75	
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3		75	
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	36	75	27
45A	Denny	P2	9	75	7
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P		75	
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Oscos	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I		74	
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	

685C2	Middletown	I	74	
280D2	Fayette	I	74	
119D3	Elco	N	74	
259D2	Assumption	I	74	
212C2	Thebes	I	74	
630C2	Navlys	I	74	
630D2	Navlys	I	74	5
630D3	Navlys	I	57	4
131D2	Alvin	I	57	
8D	Hickory	I	50	
8D2	Hickory	I	50	
280D3	Fayette	I	44	
8D3	Hickory	I	44	
8F	Hickory	N	44	
549G	Marseilles	N	0	
533	Urban Land	N		
536	Dumps	N		
830	Orthents, Land	N		
862	Pits, Sand	N		
864	Pits, Quarries	N		
801C	Orthents, Silty	N		
W	Water			

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL

77

GRAND TOTAL

137

Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.