

**Vermilion County, Illinois**  
**Ordinance No. \_\_\_\_\_**  
**CVE US IL Ridge Farm 324, LLC**

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WHEREAS, the Vermilion County Wind and Solar Committee (“Committee”) held a public hearing related to the Application of CVE US IL Ridge Farm 324, LLC (a subsidiary of CVE NA DEVCO, LLC) on February 23, 2024 and March 14, 2024;

WHEREAS, the Committee heard evidence regarding the Application and made Findings of Fact and Recommended Conditions;

WHEREAS, the Committee determined appropriate conditions related to the Project to protect the health, safety and welfare of the community;

WHEREAS, the Committee has recommended siting approval of the Application of CVE US IL Ridge Farm 324, LLC for the construction of a 5.0 MW Commercial Solar Energy Facility approximating 61 acres of land at the intersection of E 150N Road and N 1340E Road in Elmwood Township, Vermilion County, Illinois;

WHEREAS, the County finds that the Applicant has materially complied with the requirements of the Solar Siting Ordinance of Vermilion County;

WHEREAS, the County has reviewed the Findings of Fact and Recommended Conditions, attached hereto as Exhibit A and adopts said written Findings of Fact and Conditions as part of its Ordinances;

WHEREAS, the Applicant must submit to the County a request for a building permit prior to the construction of said Commercial Solar Energy Facility; and

WHEREAS, prior to the approval of a building permit for the Project, and during all phases of operation, the County finds that certain conditions are in the best interests of the County and to protect the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT RESOLVED by the Vermilion County Board that the Findings of Fact are well founded and adopted hereto, and that Siting Application of CVE US IL Ridge Farm 324, LLC is approved subject to conditions and continued compliance with State law and the County’s Siting Ordinance.

PRESENTED, APPROVED, and RESOLVED by the County Board of Vermilion County, Illinois at its April 16, 2024, session.

DATED, this 16th day of April 2024.

AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Chair, Vermilion County Board

ATTEST:

\_\_\_\_\_  
Clerk of the County Board

**EXHIBIT A**  
**FINDINGS OF FACT AND CONDITIONS**

## **FINDINGS OF FACT**

# Vermilion County Wind and Solar Committee

## Findings of Fact and Recommendation to Vermilion County Board

**RE: CVE US IL Ridge Farm 324, LLC Application for Siting Approval of a 5.0 MW (AC) Commercial Solar Energy Facility, approximating 27.8 acres in Elwood Township, Vermilion County, IL**

**Date: February 23, 2024; March 14, 2024**

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### **I. Applicant**

The Applicant for this siting approval is CVE US IL Ridge Farm 324, LLC, a subsidiary of CVE North America, Inc. (hereinafter individually or collectively referred to as “Applicant”).

### **II. Project Summary**

Applicant proposes to construct and operate a 5 MW AC solar facility in Elwood Township, Vermilion County, IL. The Project is proposed to be sited on an approximately 62-acre parcel of leased agricultural land with approximately 26 acres of the parcel being developed for the Project. The Project site is approximately 1 mile west of Ridge Farm, 4 miles southwest of Olivet, and 4 miles southeast of Indianola. The Project site is generally located north of E 150 North Road, west of N Road 1410 E, east of N 1340 East Road, and south of Indianola Ridge Farm Road. The Project has partnered with one landowner, Shirley Family LLC, who owns the subject parcels (PIN 32-35-200-001 and 32-35-200-003) which will host the Project’s infrastructure.

### **III. Application**

The written Application is kept on file with the Vermilion County Board Office located at 201 N. Vermilion St., 2<sup>nd</sup> Floor, Danville, IL 61832. All evidence received during the public hearing process is retained at the same office. The publication for the public notice of this Project was done in the Commercial-News, a newspaper of general circulation in the community.

### **IV. Public Hearing Process**

A public hearing was held pursuant to notice and pursuant to the requirements of 55 ILCS 5/5-12020. The public hearing occurred at the Vermilion County Board Room, 201 N. Vermilion St., 2<sup>nd</sup> Floor, Danville, IL 61832. The Application was called for

hearing, the Applicant submitted the evidence and was subject to examination by the Vermilion County Wind and Solar Committee (hereinafter “Committee”) and members of the public. At the conclusion of the hearing the Committee deliberated as to the issues presented, made Findings of Fact as memorialized herein, provided recommended conditions, and made a Recommendation to the County Board.

## **V. Applicable Standards**

The Applicable standards for this Committee’s consideration are the Siting Ordinance for Commercial Solar Energy Facilities, including the factors so listed below in part VII.

## **VI. Evidence**

The evidence presented is reflected in record including the transcript of the record and the exhibits as noted herein.

- Group Exhibit 1 – Siting Application
  - Exhibit A: Contact Information
  - Exhibit B: Zoning Site Plan
  - Exhibit C: Noise Analysis
  - Exhibit D: Federal Aviation Agency Notice of Criteria
  - Exhibit E: Environmental Constraints Memorandum
  - Exhibit F: Field Wetland Delineation Report
  - Exhibit G: Illinois Department of Natural Resources (IDNR) EcoCAT
  - Exhibit H: ECOSPHERE Information for Planning and Consultation (IPaC)
  - Exhibit I: State Historic Preservation Office (SHPO) Concurrence
  - Exhibit J: Emergency Action Plan
  - Exhibit K: FEMA Firmette
  - Exhibit L: Transportation and Access Plan
  - Exhibit M: Roadway Coordination Correspondence
  - Exhibit N: Preliminary Operations and Maintenance Plan
  - Exhibit O: Proof of Liability Insurance
  - Exhibit P: Proof of Funds
  - Exhibit Q: Contamination Studies
  - Exhibit R: Hydrologic Response to Solar Farms
  - Exhibit S: Community Meeting Notice Correspondence
  - Exhibit T: Agricultural Impact Mitigation Agreement (AIMA)
  - Exhibit U: Decommissioning Plan
  - Exhibit V: Desktop Drain Tile Memorandum
  - Exhibit W: Natural Resource Information (NRI) Application
  - Exhibit X: Jurisdiction Confirmation Correspondence
- Exhibit 2 – University of Texas Property Value Impact Study



- Exhibit 3 – Revised Site Plan
- Exhibit 4 – Vegetative Maintenance and Monitoring Plan
- Exhibit 5 – PowerPoint of Redesigned Project

## VII. Findings of Fact

The Committee has considered the Ordinance requirements and the facts presented by the developer in its Application and in its presentation during the public hearing.

### 1. Height. Shall not exceed twenty feet at maximum tilt of the solar panel(s).

Applicant represents in its written application that the Project will ensure no system of the solar energy facility will exceed the maximum height requirement of 20 feet as provided by the County's Solar Siting Ordinance. Based on this representation, Applicant has met the above criteria.

### 2. No Commercial Solar Energy Facility ("CSEF") shall be built on any lot less than 5 acres in size.

Applicant has met the above criteria.

### 3. Setbacks. The CSEF shall be sited as follows, with setback distances measured from the nearest edge of any component of the facility:

- **Occupied community buildings and dwellings on nonparticipating property:** 150 feet to the nearest point on the outside wall of the structure.
- **Nonparticipating residences:** 150 feet to the nearest point on the outside wall of the structure.
- **Boundary line of participating property:** None.
- **Boundary lines of nonparticipating property:** 50 feet to the nearest point on the property line of the nonparticipating property.
- **Public road right of ways:** 50 feet the nearest edge of the public road right-of-way.

Applicant has provided a Zoning Site Plan (Application, Exhibit B) demonstrating setbacks which meet the above criteria. Applicant did submit a revised Site Plan, also in compliance with the setback requirements.

### 4. Fencing. A locked fence of at least 6 feet in height but no greater than 25 feet shall enclose the CSEF.

The perimeter of the Project site will be secured by 6' tall minimum height, and no greater than 25' maximum height, fixed knot farm fence, with road access secured through locked metal gates. Accordingly, the above criteria are met.

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

No permanent lighting is proposed for this Project. Accordingly, the above criteria are met.

- 6. Noise. Noise levels measured at the property line shall comply with standards set out by the Illinois Pollution Control Board (“IPCB”). Noise levels may be enforced by Vermilion County, or any other regulatory body.**

The Applicant has provided a noise study (Application, Exhibit C) demonstrating noise levels at the nearest residential property boundaries are near or below approximately 30 decibels, which is below IPCB requirements. Accordingly, the above criteria are met.

The Applicant has represented through its testimony at public hearing that noise levels outside the Project area and Project parcel will be no greater than 45 decibels (45 dBA), which is below IPBC standards of 52 dBA.

- 7. Installation and Design. The CSEF shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent highways. Placement of the generator or noise producing electrical equipment shall be placed at the center of the project to the extent practical.**

The Project is designed to meet required setbacks, and the proposed solar panels include an anti-reflective coating. Utilizing such measures, the Project should not adversely affect nearby properties or traffic.

- 8. All wiring between solar panels and the solar farm facility substation shall be underground whenever possible.**

All power and communications systems shall be buried where possible. The Applicant has met these criteria.

- 9. Outdoor Storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.**

No permanent outdoor storage is anticipated.

- 10. Proof an Agricultural Impact Mitigation Agreement (“AIMA”) has been executed with the Illinois Department of Agriculture. Failure to comply with the Agricultural Mitigation Agreement and statute at 505 ILCs 147/15**

**et. seq. shall be a violation of this ordinance. Pursuant to 70 ILCS 405/22.02a an appropriate impact study shall be required as set out in the statutory Agricultural Mitigation Agreement which is incorporated herein as part of this ordinance.**

The Applicant has provided a fully executed AIMA (Application, Exhibit T). Accordingly, these criteria are met.

- 11. Building Codes. All state, and national construction codes shall be followed. For purposes of this ordinance, the County adopts the National Electric Code and International Building Code as amended from time to time. All building materials must comply with recognized industry standards.**

Applicant has planned the Project in compliance with the above criteria.

- 12. Vegetation and Ground Cover and Weed Control. Any weed control or planting of vegetation shall prevent Palmer, Amaranthus, and Conyza weed species, and other weed species that, at the time of application, are resistant to agricultural herbicides that are commonly used in Illinois. Any weed control or planting of vegetation shall also be certified to be in compliance with the Noxious Weed Act, 505 ILCS 100/1 *et seq.*, to prevent importation of noxious weeds or harmful vegetation. No soil sterilant shall be permitted on a solar site.**

**Facility Owner shall install a Pollinator friendly habitat which shall be maintained in compliance with the Illinois Department of Natural Resources Solar Site Pollinator guidelines.**

**Facility Owner shall install a living buffer of evergreen trees that must be planted and maintained during the duration of the lifetime of the CSEF beginning with the commercial operation date. During the Siting Application process, the County shall determine the species of evergreens to be planted, the spacing and number of rows to be utilized. Upon decommissioning it shall be the landowner's discretion whether the vegetation screening shall remain. Earth berms or other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements if they conceal the use from public view and are maintained.**

Applicant has planned the Project in compliance with the above criteria.

- 13. All drainage tiles shall be repaired or restored to same or better condition as when the project began. There will be an inspection for compliance by an independent inspector chosen by Vermilion County and paid for by the owner/operator. During construction or operation, any damage to**



**drainage systems shall be repaired by the Facility Owner or Operator. Such repair shall be initiated within 30 days of Facility Owner or Operator being informed of such damage. All repairs shall be performed by a contractor with offices or facilities in Vermilion County, unless such contractor is unable to perform required repairs within the proscribed time period.**

Applicant has planned the Project in compliance with the above criteria.

**14. JULIE shall be contacted before digging or excavation begins.**

This is an operational requirement, and Applicant has indicated it will confer with JULIE prior to any excavation or piling begins.

**15. Local drainage districts, if any, shall be contacted prior to any development on the project site to locate drainage district tiles.**

As a condition of siting approval, a Stormwater Pollution Prevention Plan, an Erosion and Sediment Control Plan, a drain tile survey and a Drain Tile Management Plan shall be completed prior to the issuance of any building permits.

**16. Annual review and reporting. The applicant, owner, and/or operator of an CSEF project shall submit to the Vermilion County Board Office on the first Monday of July of each year following CSEF project approval a report regarding CSEF maintenance and operation.**

The annual review and report requirements are operational in nature. Subject to the annual review, Applicant has committed to compliance with these criteria.

**17. Application Requirements:**

**A written summary of the project including a general description of the project, including its nameplate generating capacity.**

**The name(s), address(s), and phone number(s) of the owner and/or CSEF operator.**

**A site plan of the CSEF site showing:**

- **Boundaries of the site.**
- **All proposed CSEF structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines**
- **Property lines.**
- **Setback lines.**

- The location of any known subsurface drainage tiles, and a statement describing attempts made to do tile surveys and to otherwise discover the location of drainage tile locations.
- Identification of any flood zone areas within the project boundaries.
- Location of all existing structures with their uses identified.
- Wetland location, if any.
- Septic systems.
- Wells.
- Existing easements, if any.

**Proof of compliance with this solar ordinance and also proof of compliance with an erosion study by the Soil and Water Conservation District as defined under 70 ILCS 405/22.02a, and fully executed Agricultural Mitigation Agreement statute at 505 ILCS 147/15 *et seq.***

**A commercial solar energy facility owner shall provide:**

- The results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and
- The results of the U.S. Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Guidelines", if any, and (ii) any applicable U.S. Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
- Proof of compliance where required by the County of the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

As part of the application process, Applicant has provided the requisite information required of this portion of the ordinance and has met the criteria of paragraph 17.

**18. The county may require a facility owner to:**

- (a) Demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or

- (b) Consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.**

The Project is not within any protected zone.

- 19. The county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office (“SHPO”) to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.**

According to its written application, Applicant has consulted with the State Historic Preservation Office (“SHPO”) to determine if any historic or archaeological sites are located within the Project area; a response letter is still pending. Prior to the issuance of any building permits, Applicant must provide SHPO’s response to the County.

- 20. Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the CSEF project area. Any specialized training necessary will be provided at the operator's expense and shall be in person with all local emergency response personnel.**

Applicant has provided an Emergency Response Plan (Application, Exhibit J). Applicant shall provide necessary training and equipment to local fire districts prior to the issuance of any building permits.

- 21. All other information as may be requested by the Wind and Solar Committee.**

N/A at this time.

- 22. At the sole discretion of the Wind and Solar Committee with the consent of, or at the direction of, the County Board Chairman, if an independent engineering or consulting report is required to resolve any disputes, it shall be the responsibility of the applicant to pay for such engineer or consultant, provided however that the County shall consult with the applicant and attempt to resolve any issue prior to incurring any costs.**

N/A at this time.

- 23. During the public hearing process Applicant shall provide competent evidence that the CSEF will comply with all requirements of this Ordinance, all state and federal laws, rules and regulations.**

See above.



**24. Evidence of the financial ability of the Applicant and/ or Facility Owner to complete and operate the CSEF.**

Applicant has met these criteria.

**25. Decommissioning Plan.**

Applicant has provided a Decommissioning Plan (Application, Exhibit U). Applicant has met these criteria. The final Decommissioning Plan is subject to County Board approval prior to the issuance of any building permits.

**26. Application of Siting Factors:**

**The factors used to analyze and consider the application shall be this ordinance, relevant state and federal laws and regulations, and the below listed factors:**

**1. The existing uses and, where applicable, zoning of nearby property;**

The nearby properties are compatible with the utilization of the property as a solar farm. There are residential properties nearby, however, the Applicant has complied with the requisite setback requirements. Agriculture will not be impeded by the utilization of a solar array on the subject property. Most neighboring properties are in row crop production.

**2. The extent to which property values are diminished;**

Applicant's written application states there are various publicly available studies conducted by consulting firms such as Kirkland Appraisals and CohnReznick concluding that properties adjacent to solar projects have not experienced consistent negative impacts on property values.

Applicant also proffered testimony at public hearing regarding the results of a 2018 University of Texas study finding no substantiated devaluation of property values (based on certain data) in relation to solar facilities.

**3. The extent to which the destruction of property value promotes the health, safety, morals, or general welfare of the public;**

See above #2. Additionally, Applicant represents in its written application that expected tax revenue during the life of the Project will be approximately \$190,000.00. Applicant represented in its public hearing testimony that estimated tax revenue is \$780,000.00 over the life of the Project.



Applicant further states in its application that it is open to discussing options to supplement tax revenues for the Project, including the negotiation of a "Revenue Share Agreement" or "Host Community Benefit Agreement." An agreement of \$1,000.00 / MWac for 25 years could drive an additional \$125,000.00 in revenue.

Applicant also states in its written application that it will donate \$1 per panel installed at the Project to a local environmental charity, non-profit, or organization, with an expected total donation of approximately \$12,500.00.

**4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner;**

There is a potential to reduce electric bills for local residents, and the site will be a pollinator friendly habitat.

**5. The suitability of the subject property for the planned purposes;**

The subject property is currently in agricultural use and is well suited for its size, shape and topography to host a solar array.

**6. The length of time the property has been vacant as currently utilized considered in the context of land development in the area;**

The subject property is not vacant. Accordingly, these criteria are not applicable.

**7. The care with which the community has undertaken to plan its land-use development;**

Applicant has satisfied this requirement with a Project compliant with the requirements of the Ordinance, which has been developed over the course of numerous meetings and input from the public.

**8. The community need for the use proposed by the applicant;**

While perhaps not necessary, the Project does hold the possibility of reducing energy costs of local residents. To the extent such cost reductions are needed, this aspect is met as a community need.

**9. The impact on wildlife and wildlife habitat; and**

The consultations with the U.S. Fish and Wildlife Service and Illinois Department of Natural Resources indicate the impact on wildlife and wildlife habitat will be minimal.

**10. The impact on drainage facilities and public property.**

Applicant has indicated in its written application that the Project will convert cropland to a pollinator friendly grassland of native grasses and flowers and that compared to cropland, pollinator friendly grassland has a deeper root system and results in more absorption, less erosion, and less runoff. Applicant further indicates that during the detailed site plan review process leading up to building permits, it will draft a Stormwater Pollution Prevention Plan, an Erosion and Sediment Control Plan, a drain tile survey and a Drain Tile Management Plan.

Testimony and site plan layout initially indicated construction within in the grass waterway of the Project area. Applicant returned during the reconvention of the hearing and presented revised plans removing the solar panels from the grass waterway area. Applicant provided significant maintenance and operation plans to maintain and care for the grass waterway to avoid drainage issues on the property and to adjacent parcels.

Sean Hickey, expert engineer for applicant, designed the roadway crossing the waterway. *See Hickey testimony, Hearing Transcript 3/14/2024.*

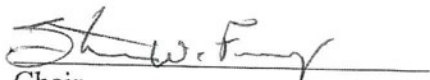
Prior to the issuance of building permits, Applicant must complete the above. Further, the Applicant is required to fix all drain tile damage that occurs pursuant to the AIMA and the provisions of 55 ILCS 5/5-12020.

**VIII. Recommendation**

NOW, THEREFORE, BE IT RESOLVED by the Vermilion County Wind and Solar Committee that based on the written application, the testimony, and other evidence submitted during the hearing, the Vermilion County Wind and Solar Committee RECOMMENDS APPROVAL SUBJECT TO CONDITIONS (as attached hereto), of the Siting Permit Application of CVE US IL RIDGE FARM 324, LLC.

PASSED, ADOPTED, AND APPROVED BY THE Vermilion County Wind and Solar Committee on this 14<sup>th</sup> day of March, 2024.

Yeas   6   (Rudd, Puzey, Greenwell, Elmore, Crawford, Fourez)  
Nays   0  

  
Chair

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## **CONDITIONS**



**VERMILION COUNTY, ILLINOIS**  
**CONDITIONS**  
**CVE US IL RIDGE FARM 324, LLC**

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In addition to all necessary requirements imposed by law or ordinance, the Company, Owner and/or Operator shall abide by the following conditions. For purposes of these conditions, the use of "Company," "Owner" or "Operator" shall apply to and have the meaning for all such entities whether referred to collectively or individually. For the purposes of these conditions, "Vermilion County Zoning Ordinance" includes the "Commercial Solar Energy Facility Siting Ordinance" and all other relevant zoning regulations of Vermilion County, Illinois. The term "Project" shall include all equipment utilized in the operation of the Commercial Solar Energy Facility, including non-essential equipment. The uncured violation of these conditions shall invalidate the Special Use Permit.

**1. Commencement of Special Use**

Commencement of Construction of the CVE US IL Ridge Farm 324, LLC ("Company") project ("Project") in Vermilion County shall begin by December 31, 2025. If any litigation is filed challenging the approval of the Project, then the time for Commencement of Construction shall be within one year after termination of the litigation. The time for the Company to substantially complete construction shall be within 24 months after Commencement of Construction. If the Company fails to begin or substantially complete construction of the Project, by the applicable date(s) above, then the special use permit shall expire and become null and void, unless, prior to such expiration, an extension of time is granted by the Vermilion County Board ("County Board"), upon application by the Company. As used herein, the term "Commencement of Construction" shall mean the issuance of Building Permit for a Commercial Solar Energy Facility.

**2. Term**

The special use for the Project shall be granted for a term of 40 years from the date of the Project being connected to the electrical grid. Prior to its expiration, the Company may apply to the County Board to extend the term of the special use.

**3. Compliance**

Construction and operation of the Project shall be in compliance with all federal, state and local regulations now or hereafter in effect. The construction and operation of the Project shall conform to all representations made by the Company in its application and at all public hearings, and these conditions. In the event of any discrepancy between such representations and these conditions, these conditions shall control. The site plan layout as presented during the public hearing and depicted in Revised Site Plan (Exhibit 3) is the maximum extent allowed for the Special Use. Expansion of the layout, expansion of the number of solar panels, increase in the height of the facility (including fencing), and any increase in the nameplate capacity of the Project is not permitted without seeking and obtaining a separate Special Use Permit, necessary decommissioning agreements, necessary road use agreements and building permits.



#### **4. Construction and Maintenance Hours**

Construction and routine maintenance activities for the Project shall be performed according to the following schedule:

- a. Commence no earlier than 7:00 a.m. and cease by 7:00 p.m. during the calendar period from September 1 through May 31, Monday through Friday.
- b. Commence no earlier than 7:00 a.m. and cease by 8:00 p.m. during the calendar period from June 1 through August 31, Monday through Friday.
- c. No construction work shall be performed on Saturday or Sunday, except upon an emergency basis.

#### **5. Evaluation for Noxious Weeds/ Weed Management Plan**

Prior to the issuance of a Building Permit, Company shall perform an assessment of the property for the presence of noxious weeds, in particular those regulated by the Illinois Noxious Weed Law (505 ILCS 100/ *et seq*) and Illinois Exotic Weed Act (525 ILCS 10/ *et seq*). In addition, to those weeds specifically regulated by law or administrative code, the Company shall perform an assessment of the property for all species of *Amaranthus*, including but not limited to *Amaranthus tuberculatus* (waterhemp) and *Palmer amaranth* (Palmer pigweed, careless weed, etc.). Such assessment shall include the presence and propensity for such weeds to exist on the property, and a plan for eradication and management of such weeds.

The Company shall develop a Landscape Management Plan.

The Weed Management Plan and Landscape Management Plan must be submitted to the Vermilion County and approved by the Vermilion County Board prior to application for any Building Permit(s) for any portion of the CSEF.

Company shall utilize contractors local to Vermilion County to comply with this provision, unless no such contractors can be located within the County. If no such contractor is available within Vermilion County, Company shall provide proof thereof as part of its annual report to the County.

Failure to properly control weeds upon the Project shall be cause of termination of the Special Use Permit.

#### **6. Vegetative Screening**

Company shall provide vegetative screening in compliance with the Ordinance and shall shield the view of the Project except as to those areas needed for access to the Project. Said vegetative screening shall provide year around screening on all sides of the Project. The vegetative screening shall be staggered double row of evergreen trees, shrubs or bushes on all sides where there is a view of the Project from a public right-of-way or residence on a non-participating parcel. All other areas shall be a single row of evergreens, shrubs or bushes.

The vegetative screening shall be evaluated monthly by the Company and any deceased vegetation shall be replaced within 30 days, unless unable due to weather. Any replacement vegetation shall be denoted in the semi-annual report to the County.

Failure to properly maintain the vegetative screening shall be considered a violation and subject the Company to the Penalties provision of the Ordinance. Failure to remedy any violation pursuant to Ordinance or paragraph 27 below may subject to the Company to forfeiture of the Siting approval, and revocation of any Building Permit or Operating Permit.

### **7. Stockpiling of Topsoil**

If any topsoil is removed, Company shall retain all topsoil for reuse in the event of decommissioning in compliance with the Agricultural Impact Mitigation Agreement (AIMA).

### **8. Drainage Tile Survey**

Prior to receipt of a Building Permit for any portion of the CSEF, Company shall perform a drainage tile survey for the presence of any drainage tiles or subsurface structures. Company shall comply with all provisions of state law regarding the drainage, subsurface drainage structures, and drain tile investigation and repair of any drainage tiles or structures. Company shall consult with adjacent upland and adjacent downstream parcel owners in designing the drainage and drain tile survey.

### **9. Pilings**

The Company shall perform a geotechnical study of the property. If the geotechnical reports reflect the ability of the Company to utilize screwed pilings v. driven pilings, Company shall do so.

### **10. Wells and Well Monitoring**

Company shall seal all wells on site pursuant to Illinois law and provide appropriate proof of sealing to the County prior to the receipt of any Building Permit. Alternatively, the Company shall annually perform well monitoring and testing and provide the results thereof to the County on or before December 31<sup>st</sup> of each year.

### **11. Road Agreements**

The Company shall enter into all necessary road usage agreements with the County Board and applicable township road districts, if deemed necessary by the County Engineer. Any applicable County Road Use Agreement is subject to the terms and conditions of the County Board, and subject to a separate County Board approval of the same. The County shall not issue any Building Permits for the Project until after Company has entered into the necessary road usage agreements with the County Board and applicable township road districts and provided copies thereof to the County. Any uncured or unwaived material breach of the County road usage agreement or any township road district agreement by the Company shall constitute a material breach of these conditions.

The Company may only utilize Public Roads as noted within the Road Use Agreement(s) for the delivery equipment, components and materials related to the Commercial Solar Energy Facility.

Any financial assurance(s) posted in relation to any Road Use Agreement(s) shall have yearly inflation increases of a minimum of 3%.



The Road Use Financial Assurance may be released by County two years after the Project reached its Commercial Operation Date.

## **12. School Buses and Vehicular Traffic**

Company shall comply with restrictions or requirements imposed upon Project construction and maintenance traffic in order to avoid conflicts with school bus traffic and school bus stops, and with farm and other vehicular traffic in the Project area. The Company shall continuously maintain a website throughout the construction period which shall provide updates to the public regarding the planned traffic pattern at least 72 hours in advance of the planned activity, including areas that may experience delays during the construction period. Additionally, during the construction period the Company shall provide the relevant school districts with the planned traffic patterns at least 72 hours in advance of the planned activity. Any changes to the planned activity may occur up to 48 hours prior to the planned activity. Any changes must be posted. The Company may utilize a Facebook or other social media site to satisfy the website requirement.

## **13. Decommissioning and Security**

The Company shall enter into a Decommissioning Agreement with the County prior to the issuance of Building Permits. Said Decommissioning Financial Assurances shall provide for inflation protection on a yearly basis of at least 3%.

The Financial Assurances shall be provided by the CVE US IL Ridge Farm 324, LLC and CVE North America, Inc.; CVE North America, Inc. shall be responsible for the maintenance of the Decommissioning Financial Assurance unless and until such time as the Project entity is divested pursuant to Paragraph 15.

## **14. Liability Insurance**

The Company shall maintain liability insurance as required by Vermilion County Zoning Ordinance/ Solar Energy Facility Siting Ordinance. The Company shall identify participating landowners in the project as additional insureds under the Company's liability insurance. The Company shall promptly increase such liability insurance if such amount is increased in the Vermilion County Zoning Ordinance. The Company shall provide evidence of the insurance to the County.

## **15. Assignment**

The Special Use Permit shall not be assignable except upon approval by the County Board and interest and/or ownership in the Company shall not be assigned or transferred to another party except upon approval by the County Board. County Board approval under this Paragraph shall not be unreasonably denied or delayed so long as the assignee or transferee ("Acquirer") demonstrates to the County Board adequate financial resources, experience in and capability of operating a solar energy project, and the Acquirer complies with all conditions hereunder, agreements and any other applicable local, state or federal requirements.

## **16. Fire Protection Districts and Emergency Response**

Company shall cooperate with all local fire protection districts and provide funding as necessary

for training or for new equipment to prepare the districts to respond to fire and other emergencies concerning the Project. Company shall assist emergency response agencies in developing an emergency response plan for the Project. Company shall train their onsite personnel to assist emergency response agencies for any emergency incident that may occur on or in close vicinity to solar panels or other structures that are part of this Project. Company shall assist emergency response agencies in developing an emergency response plan for the Project. This paragraph does not preclude or restrict emergency response personnel of any governmental or private entity from performing any rescue activities. Company may enter into agreements with local or other emergency response agencies to comply with this requirement. Company and its contractors shall share their emergency response plans and protocols, for both construction and operation of the Project, with local emergency response agencies. Company shall assist emergency response agencies in evaluating emergency response training needs and assisting with training of emergency response personnel in relation to this Project. The Company shall cooperate in emergency response drills relating to this Project, as part of coordinated training for solar and emergency response personnel. The Company shall coordinate a bi-annual review of policies, procedures, drills, training and equipment needs between Company representatives and local emergency response agencies and provide documentation to the County.

Company shall inform the County's Emergency Management office of all response plans, training and equipment provided.

#### **17. Reimbursement for County Expenses**

If during the term of the special use and decommissioning period for the Project, the County retains outside engineers, consultants, contractors, attorneys or other parties, in order for the County Board to enforce, determine compliance or obtain compliance with applicable laws, ordinances, regulations, or these conditions, Company shall promptly reimburse the County for all such expenses.

#### **18. Validity of Conditions**

By applying for Building Permit(s) related to the Project pursuant to the special use granted by the County Board with these conditions, the Company shall be deemed to waive any and all claims concerning the lawfulness, authority or reasonableness of any of the conditions set forth herein.

#### **19. Defense Against Claims**

In the event the Project, or any other matters relating to the Project, is the subject of a lawsuit or other legal action against the County, County Board or its officials (including any county officers, directors, administrators, attorneys or agents), the Company shall reimburse the County for all reasonable legal fees and other expenses, including expert fees, incurred by the County in defending such legal action.

#### **20. Financial Ability to Complete Project**

Prior to issuance of a Building Permit for the Project, the Company shall provide to the County evidence of financial ability to complete and operate the Project.



## **21. Compliance with IDNR Recommendations**

Owner and Operator shall comply with all Illinois Department of Natural Resources recommendations and suggestions regarding this Project. If a recommendation or suggestion conflicts with any other provision of the Ordinance or other conditions, the Ordinance or other condition shall apply.

## **22. Noise Study**

Prior to the issuance of any Building Permits related to the Project, the Company shall provide the County a study demonstrating compliance with the Illinois Pollution Control Board standards. Such study shall be from a third-party chosen by the County and such costs shall be reimbursed by the Company.

## **23. Glare Study**

Prior to the issuance of any Building Permits related to the Project, the Company shall provide the County a glare study for this specific Project. If such study demonstrates that glare will negatively impact roads or nearby residences, the Company shall provide a plan to negate such glare prior to the issuance of Building Permits.

## **24. Battery Storage Prohibition**

The placement or utilization of Battery Energy Storage System(s) is prohibited.

## **25. Grading of Site**

Any grading of the site shall require dust mitigation plans be employed to mitigate or eliminate dust upon the site during the construction phase of the Project.

## **26. Waterway Exclusion**

Company is not permitted to construct any portions of the CSEF within the grass waterway area of the property. For clarity, the attached map (Ex. 1 to these conditions) is representative of the exclusionary area.

## **27. Cure Period**

Subject to any other provision of these conditions, any alleged breach or violation of the conditions listed herein, including an alleged failure to comply with any federal, state or local regulation now or hereafter in effect, and any penalty herein, including termination of rights granted by or the invalidity of the special use permit, as a result of such breach or violation, shall be subject to the Company curing or commencing to cure and thereafter diligently pursuing cure of such breach or violation within 60 days after receipt of written notice from the County of such breach or violation.

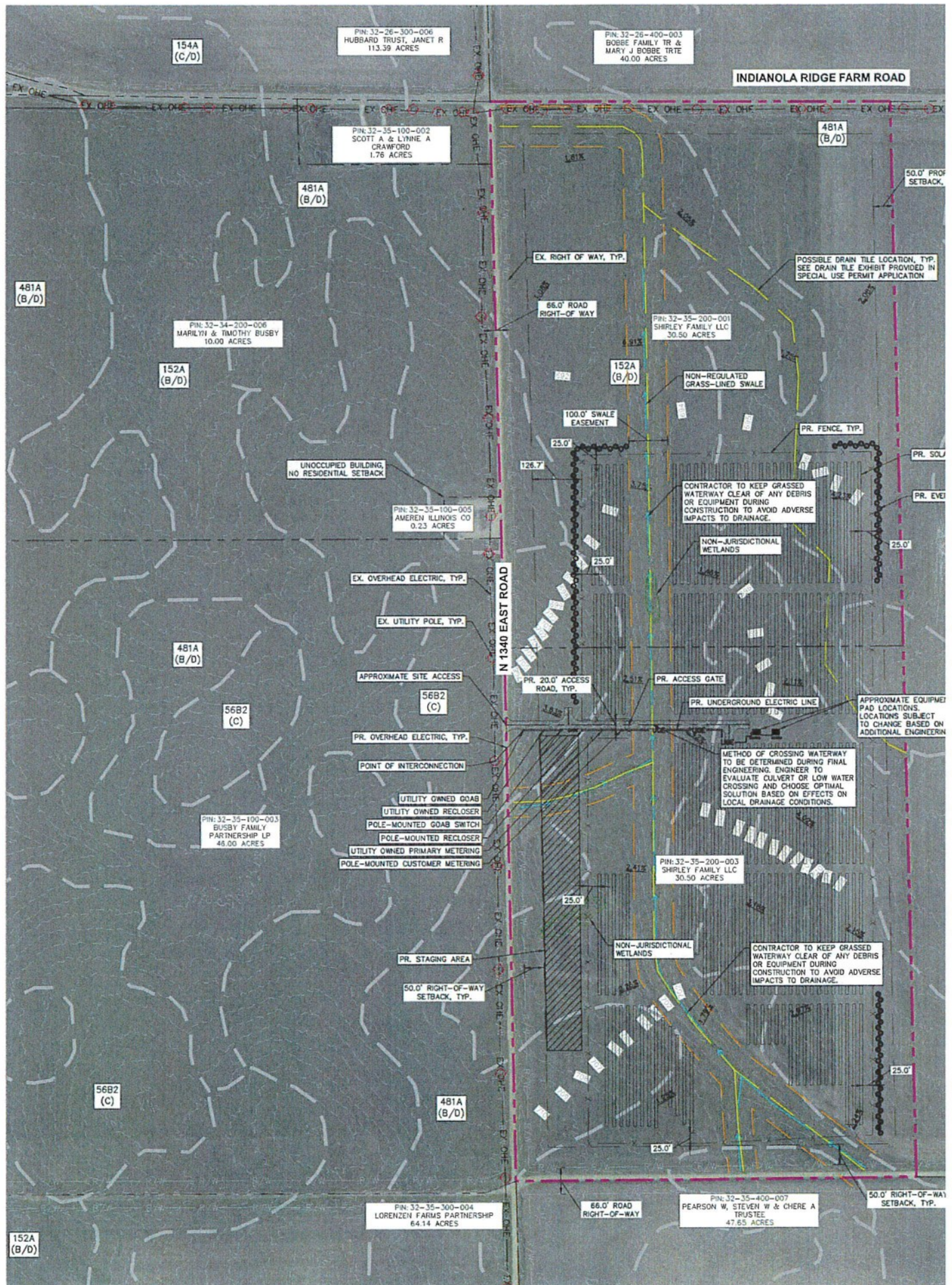
## **28. Proof of Compliance**

Company shall provide any requested proof of compliance with the conditions, the Vermilion County Zoning Ordinance, or any other rules, laws and regulations to the County upon request.

\*\*\*END OF DOCUMENT\*\*\*



Drawing name: K:\GIS\JBE\262320006\_006\_006\_America\_Ridge\_Farm\_3\_Design\CAD\Exhibits\ zoning Site Plan\zoning Layout1.mxd, 08/20/2024 1:06pm by: Jvanessa.Guerra  
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Ex. 1