Vermilion County, Illinois
Ordinance No. 25-0101
Vermilion Solar 3, LLC

WHEREAS, the Vermilion County Wind and Solar Committee ("Committee") held a public hearing related to the Application of Vermilion Solar 3, LLC (a subsidiary of Pivot Energy) on November 22, 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 Vermilion Solar 3, LLC for the construction of a 5.0 MW(AC) Commercial Solar Energy Facility approximating 28.3 acres of land at East of the Intersection between State Route 9 and N 1830 E Road, 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;

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; and

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 Vermilion Solar 3, 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 December 10, 2024, session.

DATED, this 10th day of December 2024.

AYE 18 NAY 4 ABSENT 5

Steve Miller
Chair, Vermilion County Board

ATTEST:
Cathy Jenkins (VP)
Clerk of the County Board

Vermilion County Wind and Solar Committee

Findings of Fact and Recommendation to the Vermilion County Board

RE: Vermilion Solar 3 LLC Application for Siting Approval of a 5 MW (AC) Commercial Energy Solar Facility, approximating 28.3 acres located East of the Intersection between State Route 9 and N 1830 E Road, Vermilion County, IL

Date: November 22, 2024

I. Applicant

The Applicant seeking siting approval is Vermilion Solar 3 LLC, a subsidiary of Pivot Energy (hereinafter individually or collectively referred to as the "Applicant").

II. Project Summary

Applicant proposes to construct and operate a 5-megawatt (MW AC) solar facility (hereinafter the "Project") located east of the intersection between State Route 9 and N 1830 E Road, Vermilion County, IL 60942. The Project is proposed to be sited on approximately 28.3 acres of privately leased, agricultural land owned by Record Family Farms, LP, parcel number 04-16-200-005.

III. Application

The written application for the siting permit request for the Project (hereinafter the "Application") is kept on file with the Vermilion County Board Office located at 201 N. Vermilion St., 2nd Floor, Danville, IL 61832. All evidence received prior to and during the public hearing process is retained at the same office. The publication providing notice of the public hearing for this Project was made in the News-Gazette, a newspaper of general circulation in the community.

IV. Public Hearing Process

On November 22, 2024, a public hearing was held pursuant to notice and the requirements of 55 ILCS 5/5-12020. The public hearing occurred at the Vermilion County Board Room, 201 N. Vermilion St., 2nd Floor, Danville, IL 61832. The Application was called for hearing, the Applicant submitted evidence and was subject to examination by the Vermilion County Wind and Solar Committee (hereinafter the "Committee") and members of the public. At the conclusion of the hearing, the Committee deliberated as to the issues presented, made Findings of Fact, made

Recommended Conditions of Approval, and made a formal Recommendation to the Vermilion County Board (hereinafter the "County Board"), all as memorialized herein.

V. Applicable Standards

The Applicable standards for this Committee's consideration of siting approval for the Project are those provided in the Vermilion County Siting Ordinance for Commercial Solar Energy Facilities (hereinafter the "Ordinance"), including the factors so listed below in Part VII.

VI. Evidence

The evidence presented is reflected in the record including the stenographic transcript of testimony at public hearing and all exhibits as noted herein.

Witness Merrill Read – Project Manager for Pivot
Witness Paul Record – landowner

- Group Exhibit 1 – Siting Application
  - Exhibit A: Lease Agreement and Deed
  - Exhibit B: Site Plan
  - Exhibit C: Agricultural Impact Mitigation Agreement
  - Exhibit D: Agency Correspondence
  - Exhibit E: Vegetation Management Plan
  - Exhibit F: Emergency Plan
  - Exhibit G: Decommissioning Plan
- Exhibit 2 – Affidavit of publication and proof of mailing individual notices.
- Exhibit 3 – Vermilion County Soil & Water Conservation District.
- Exhibit 4 – PowerPoint Presentation
- Exhibit 5 – Letters in Support

VII. Findings of Fact

The Committee has considered the Ordinance requirements and the evidence presented by the Applicant through its Application and its presentation during the public hearing.

1. **Height. Shall not exceed 20 feet at maximum tilt of the solar panel(s).**

   Modules will not exceed 12 feet at the highest point. Overall, the Project will not exceed Vermilion County's 20-foot maximum height requirement. Based on said representation, Applicant has met these criteria.

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

The leased area is 28.3 acres on parcel number 04-16-200-005. 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:** 50 feet to the nearest point on the property line of the participating property.
   - **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 public hearing testimony and a Siting Permit Site Plan Set (Application, Exhibit B) demonstrating setbacks which meet the above criteria. The nearest dwelling is located approximately 300 feet from the project. The Project is set back at least 50 feet from State Route 9 and all other public right of ways.

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 an 8-foot game fence. The Project fencing will be a minimum of 6 feet and will not exceed 25 feet. Accordingly, based on said representation, 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.**

   The Project does not propose any lighting. Accordingly, the above criteria are met based on said representation.

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 did not provide a noise study. The Project will comply with all limitations established by the IPCB. The noise levels will not exceed fifty decibels at the property line, thus not disrupting nearby properties. Developer shall provide a noise study prior to issuance of a Building Permit.

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 array is designed to absorb sunlight rather than deflect it. The Project has been designed and located to prevent glare toward any inhabitant or building or adjacent properties or adjacent highways. Project electrical equipment is located at the center of the array and will not be audible to nearby properties or at the fence line. 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 wiring running between the Project array will be buried to the greatest extent possible. The Project proposes underground electrical lines that will be buried to the furthest extent reasonable and will interconnect into existing Ameren Illinois utility poles located at State Route 9. Based on said representation, 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.**

   There is no outdoor storage proposed for the operation of the Project.

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 405/22.02(a), an appropriate impact study shall be required as set out in the statutory Agricultural Mitigation Agreement which is incorporated herein as part of the Ordinance.**

    The Applicant has entered into an Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture and will abide by the listed conditions. A copy of the fully executed AIMA is included in the Application as Exhibit C.

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.

The Project will follow all applicable state and national construction codes, including the National Electric Code as amended from time to time. Additionally, all building materials shall comply with recognized industry standards.

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. A Vegetation Management Plan that follows guidelines for vegetation management plans established by IDNR and an Operations and Maintenance Plan is included in the Application as Exhibit E.

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. A drain tile survey has been completed to identify existing drain tiles on site. They are depicted on the Site Plan provided as Exhibit B of the Application.

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

    The Applicant or their vendor will contact JULIE to locate and mark each underground utility before digging or excavation begins.

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

    The Applicant has surveyed the land to identify where drain tiles are located so as to properly avoid them in our design and construction plan. The drain tile survey is incorporated into the Site Plan provided in Exhibit B of the Application. The local drainage districts will be notified prior to any development on the Site.

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 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. In addition, the Vermilion County Soil & Water Conservation District provided the required Natural Resources Inventory Report.

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.**

    The Applicant has consulted with the State Historic Preservation Office as indicated in its siting application (Application, Exhibit D). The Project is not within any protected zone.

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 a draft Emergency Response Plan (Application, Exhibit F). 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.

N/A.

25. Decommissioning Plan.

Applicant has provided a Decommissioning Plan (Application, Exhibit G). 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 Site's current use is agricultural production, specifically soybeans, and the neighboring properties are also agricultural fields. There are a few residences in the surrounding area, all of which are further away from the Project than the ordinance-required 150 feet. The Site and the surrounding properties are all zoned as Agricultural, where solar is a permitted use.

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

   Applicant's written application states that a property value report and site-specific addendum were prepared by CohnReznick for a similar, slightly larger, 5 MW AC community solar garden proposed in Bureau County in May of 2024. Within this project-specific addendum, they found that "no consistent negative impact has occurred to adjacent property values that could be attributed to proximity to the adjacent solar farm." Vermilion Solar 3 LLC is located in a similar agricultural community as the project referenced in the addendum and will similarly not diminish property values. The overall report stated that, "The conclusions support that there is no negative impact for improved residential homes adjacent to solar, nor agricultural acreage."

   In addition, studies performed in LaSalle and Winnebago Counties in Illinois have concluded that solar PV ground mount arrays had not affected property values, when comparing the analyzed sale prices of single-family homes and agricultural land that adjoins solar farms. Overall, the Project will not diminish the value of land on the surrounding properties.

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

   See above #2. The proposed project, based on the statewide methodology for calculating property taxes for solar energy systems, will generate approximately $310,019 in property taxes over a 20-year term. Community solar gardens are low impact and are good neighbors. The Project will not diminish property values or endanger the safety, morals, or general welfare of the public. The equipment moves imperceptibly slowly throughout the day, silently following the sun across the sky to maximize energy yield. There is no sound, smell, noise, pollution, emission, or other negative impact attributable to the solar array's operation.

   The project will provide funding in the amount of $5,000 per megawatt ($25,000 total) to local community projects such as agricultural, and work force development.

   Mr. Record testified that his family has owned the farm for the past 24 years. They plan to return the project back to farming operation. They would like to do their part to diversify the energy sources. The Project will also assist in providing income in their retirement years. He owns land on both sides of the state line, but he does not have any solar projects in Indiana.

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

   The development of clean, renewable energy will benefit the surrounding community. The Applicant is subscribing individual shares of the solar garden with local businesses, residents, school districts, low-income housing authorities and municipalities with long-term contracts to save money on their electricity bills. The property taxes from the Project will increase Hoopeston and Vermilion County's budgets. The property owner will benefit from diversifying their land's income stream with stable, non-price-dependent earnings and continue to keep the land in their family.

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. Not only is it flat, free of protected natural resources and floodplains, but it is also close to existing Ameren transmission infrastructure off State Route 9 and down the road from an Ameren substation. The total site acreage is 80 acres, and only a 28.3 portion of those acres will be utilized for the Project. The remaining approximately 50 acres will continue to be farmed for agricultural production. The Project proposes tree screening from the road and the

northeast, helping to provide a natural buffer between the Project and State Route 9 and the nearest dwelling.

There is a planned grazing at the site with sheep.

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

   The property has been in agricultural production for row crops for over 40 years and has no structures on Site. The 50 acres not utilized for the Project will remain in production. After the life of the Project is completed, the Project will be decommissioned and can return to farmable acreage.

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

   The current use of the site is agricultural and a CSEF is a conditional use in agricultural zoned areas. After signing a lease with Record Family Farms, LP in 2022, the Applicant has conducted extensive due diligence on the Site and with the utility to determine the suitability of the Site for a CSEF. In addition, on August 8, 2024, the Applicant held a Community Meeting at the Hoopeston Public Library, where all landowners within 1,000 feet of the Project parcel were invited to learn more about the Project and community solar projects. As part of the community benefits package that the Project will bring to Vermilion County, the Applicant is also dedicated to donating $25,000 ($5,000 per MW) to a local organization that works in workforce development programs in the area or energy burden reduction. The Applicant is dedicated to making a positive impact in the community and Vermilion County.

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

   A community solar garden is an off-site solar project that generates electricity to metered accounts through a participating electric utility. For those utility customers who cannot meet their own energy needs by installing a solar energy system on-site, a subscription to a community solar garden provides utility customers with the ability to utilize renewable energy while saving money on their electric bills. Applicant intends to subscribe residential, small businesses, government entities, school districts, and/or commercial and industrial electricity users to this proposed garden. With rising electricity cost and the need for diversified sources of electricity, the Project fills that need and will support subscribers to pay less on their utility bills.

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

The Project will not have a negative effect on wildlife or wildlife habitat. In their review if the Project, the IDNR concluded that "adverse effects are unlikely" to any threatened or endangered species in the area. The Project will not require grading or disturbance of the existing drainage as the posts are driven directly into the ground, without the need for concrete foundations. The agricultural fence mesh is graded so that small mammals and other animals can freely move throughout the site. For landscaping, areas disturbed during construction will be replanted with a native grass mix, including pollinator-friendly wildflowers, to help keep weeds at bay and minimize erosion for the life of the Project. The use of native vegetation and/or pollinator-friendly seed mixes supports the habitat of bees, butterflies, wasps, flies, beetles, and other pollinator species needed for agriculture.

10. The impact on drainage facilities and public property.

The Project will not have a negative effect on drainage facilities or public property. The natural drainage of the Site will not be altered, and culverts will be included in the access road. Much of the project will be non-impervious materials, to allow for adequate drainage of the site. Minimal to no grading will be required for this Project, and therefore existing surface water drainage and subsurface drainage system will retain existing drainage patterns. As required by state law under the Project's executed AIMA, the Applicant has surveyed the land to identify where drain tiles are located, as to properly avoid them in our design and construction plan. In addition, the only public property nearby the Project is the adjacent right of way for State Route 9, north of the Project. The Applicant has contacted IDOT, and they provided feedback that they have no issue with the location of the Project's access or proposal.

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 VERMILION SOLAR 3 LLC.

PASSED, ADOPTED, AND APPROVED BY THE Vermilion County Wind and Solar Committee on this 22nd day of November, 2024.

Chair

*** END OF DOCUMENT ***

VERMILION COUNTY, ILLINOIS
WIND & SOLAR COMMITTEE
RECOMMENDED CONDITIONS
VERMILION SOLAR 3, LLC

In addition to all necessary requirements imposed by law or ordinance, the Company, 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 Vermilion Solar 3, LLC ("Company") project ("Project") in Vermilion County shall begin by December 31, 2026. 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 30 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 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 development 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 to shield the view of all residences on the North, East and West sides of the Project. Said vegetative screening shall provide year around screening of the Project from residences on all sides of the Project.

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.

9. 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.

10. 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.

11. 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 Vermilion Solar 3, LLC, or Pivot Energy.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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 approved by the County and such costs shall be paid by the Company.

21. 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.

22. Battery Storage Prohibition

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

23. 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.

24. Livestock

To the extent the Project seeks to utilize livestock for grazing at the site, the Applicant shall provide a Livestock Management Plan consistent with the University of Illinois best practices prior to the issuance of a Building Permit.

25. 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.

26. 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