



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3146

Introduced 2/17/2023, by Rep. Lance Yednock

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12020
505 ILCS 147/15

Amends the Counties Code. Modifies the setback distance of a wind tower from occupied community buildings and nonparticipating residences. Modifies provisions restricting the county's ability to enact standards for construction, decommissioning, or deconstruction of commercial wind energy facilities or commercial solar energy facilities that are more restrictive than those included in the Department of Agriculture's impact agreements. Includes provisions requiring a comprehensive agricultural drainage plan and agreements with drainage districts to cross or impact a drainage system. Amends the Renewable Energy Facilities Agricultural Impact Mitigation Act. Modifies provisions requiring a commercial renewable energy facility owner of a commercial wind energy facility or a commercial solar energy facility that is located on landowner property to enter into an agricultural impact mitigation agreement with the Department outlining construction and deconstruction standards and policies. Removes provisions requiring a commercial solar energy facility owner to submit, not less than 45 days prior to commencement of actual construction, to the Department a standard agricultural impact mitigation agreement signed by the commercial solar energy facility owner and including all information required by the Department. Makes other changes. Effective immediately.

LRB103 29289 AWJ 55676 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Section 5-12020 as follows:

6 (55 ILCS 5/5-12020)

7 Sec. 5-12020. Commercial wind energy facilities and
8 commercial solar energy facilities.

9 (a) As used in this Section:

10 "Commercial solar energy facility" means a "commercial
11 solar energy system" as defined in Section 10-720 of the
12 Property Tax Code. "Commercial solar energy facility" does not
13 mean a utility-scale solar energy facility being constructed
14 at a site that was eligible to participate in a procurement
15 event conducted by the Illinois Power Agency pursuant to
16 subsection (c-5) of Section 1-75 of the Illinois Power Agency
17 Act.

18 "Commercial wind energy facility" means a wind energy
19 conversion facility of equal or greater than 500 kilowatts in
20 total nameplate generating capacity. "Commercial wind energy
21 facility" includes a wind energy conversion facility seeking
22 an extension of a permit to construct granted by a county or
23 municipality before the effective date of this amendatory Act

1 of the 102nd General Assembly.

2 "Facility owner" means (i) a person with a direct
3 ownership interest in a commercial wind energy facility or a
4 commercial solar energy facility, or both, regardless of
5 whether the person is involved in acquiring the necessary
6 rights, permits, and approvals or otherwise planning for the
7 construction and operation of the facility, and (ii) at the
8 time the facility is being developed, a person who is acting as
9 a developer of the facility by acquiring the necessary rights,
10 permits, and approvals or by planning for the construction and
11 operation of the facility, regardless of whether the person
12 will own or operate the facility.

13 "Nonparticipating property" means real property that is
14 not a participating property.

15 "Nonparticipating residence" means a residence that is
16 located on nonparticipating property and that is existing and
17 occupied on the date that an application for a permit to
18 develop the commercial wind energy facility or the commercial
19 solar energy facility is filed with the county.

20 "Occupied community building" means any one or more of the
21 following buildings that is existing and occupied on the date
22 that the application for a permit to develop the commercial
23 wind energy facility or the commercial solar energy facility
24 is filed with the county: a school, place of worship, day care
25 facility, public library, or community center.

26 "Participating property" means real property that is the

1 subject of a written agreement between a facility owner and
2 the owner of the real property that provides the facility
3 owner an easement, option, lease, or license to use the real
4 property for the purpose of constructing a commercial wind
5 energy facility, a commercial solar energy facility, or
6 supporting facilities. "Participating property" also includes
7 real property that is owned by a facility owner for the purpose
8 of constructing a commercial wind energy facility, a
9 commercial solar energy facility, or supporting facilities.

10 "Participating residence" means a residence that is
11 located on participating property and that is existing and
12 occupied on the date that an application for a permit to
13 develop the commercial wind energy facility or the commercial
14 solar energy facility is filed with the county.

15 "Protected lands" means real property that is:

16 (1) subject to a permanent conservation right
17 consistent with the Real Property Conservation Rights Act;
18 or

19 (2) registered or designated as a nature preserve,
20 buffer, or land and water reserve under the Illinois
21 Natural Areas Preservation Act.

22 "Supporting facilities" means the transmission lines,
23 substations, access roads, meteorological towers, storage
24 containers, and equipment associated with the generation and
25 storage of electricity by the commercial wind energy facility
26 or commercial solar energy facility.

1 "Wind tower" includes the wind turbine tower, nacelle, and
2 blades.

3 (b) Notwithstanding any other provision of law or whether
4 the county has formed a zoning commission and adopted formal
5 zoning under Section 5-12007, a county may establish standards
6 for commercial wind energy facilities, commercial solar energy
7 facilities, or both. The standards may include all of the
8 requirements specified in this Section but may not include
9 requirements for commercial wind energy facilities or
10 commercial solar energy facilities that are more restrictive
11 than specified in this Section. A county may also regulate the
12 siting of commercial wind energy facilities with standards
13 that are not more restrictive than the requirements specified
14 in this Section in unincorporated areas of the county that are
15 outside the zoning jurisdiction of a municipality and that are
16 outside the 1.5-mile radius surrounding the zoning
17 jurisdiction of a municipality.

18 (c) If a county has elected to establish standards under
19 subsection (b), before the county grants siting approval or a
20 special use permit for a commercial wind energy facility or a
21 commercial solar energy facility, or modification of an
22 approved siting or special use permit, the county board of the
23 county in which the facility is to be sited or the zoning board
24 of appeals for the county shall hold at least one public
25 hearing. The public hearing shall be conducted in accordance
26 with the Open Meetings Act and shall be held not more than 45

1 days after the filing of the application for the facility. The
2 county shall allow interested parties to a special use permit
3 an opportunity to present evidence and to cross-examine
4 witnesses at the hearing, but the county may impose reasonable
5 restrictions on the public hearing, including reasonable time
6 limitations on the presentation of evidence and the
7 cross-examination of witnesses. The county shall also allow
8 public comment at the public hearing in accordance with the
9 Open Meetings Act. The county shall make its siting and
10 permitting decisions not more than 30 days after the
11 conclusion of the public hearing. Notice of the hearing shall
12 be published in a newspaper of general circulation in the
13 county. A facility owner must enter into an agricultural
14 impact mitigation agreement with the Department of Agriculture
15 prior to the date of the required public hearing. A commercial
16 wind energy facility owner seeking an extension of a permit
17 granted by a county prior to July 24, 2015 (the effective date
18 of Public Act 99-132) must enter into an agricultural impact
19 mitigation agreement with the Department of Agriculture prior
20 to a decision by the county to grant the permit extension.
21 Counties may allow test wind towers or test solar energy
22 systems to be sited without formal approval by the county
23 board.

24 (d) A county with an existing zoning ordinance in conflict
25 with this Section shall amend that zoning ordinance to be in
26 compliance with this Section within 120 days after the

1 effective date of this amendatory Act of the 102nd General
2 Assembly.

3 (e) A county may require:

4 (1) a wind tower of a commercial wind energy facility
5 to be sited as follows, with setback distances measured
6 from the center of the base of the wind tower:

7 Setback Description	Setback Distance
8 Occupied Community 9 Buildings	<u>1,320 feet or 3 2.1</u> times the maximum blade tip 10 height of the wind tower, 11 <u>whichever is greater,</u> to the 12 nearest point on the outside 13 wall of the structure
14 Participating Residences	1.1 times the maximum blade tip 15 height of the wind tower to the 16 nearest point on the outside 17 wall of the structure
18 Nonparticipating Residences	<u>1,320 feet or 3 2.1</u> 19 times the maximum blade tip 20 height of the wind tower, 21 <u>whichever is greater,</u> to the 22 nearest point on the outside

1		wall of the structure
2	Boundary Lines of	None
3	Participating Property	
4	Boundary Lines of	1.1 times the maximum blade tip
5	Nonparticipating Property	height of the wind tower to the
6		nearest point on the property
7		line of the nonparticipating
8		property
9	Public Road Rights-of-Way	1.1 times the maximum blade tip
10		height of the wind tower
11		to the center point of the
12		public road right-of-way
13	Overhead Communication and	1.1 times the maximum blade tip
14	Electric Transmission	height of the wind tower to the
15	and Distribution Facilities	nearest edge of the property
16	(Not Including Overhead	line, easement, or right of way
17	Utility Service Lines to	containing the overhead line
18	Individual Houses or	
19	Outbuildings)	
20	Overhead Utility Service	None
21	Lines to Individual	

1 Houses or Outbuildings

2 Fish and Wildlife Areas 2.1 times the maximum blade
 3 and Illinois Nature tip height of the wind tower
 4 Preserve Commission to the nearest point on the
 5 Protected Lands property line of the fish and
 6 wildlife area or protected
 7 land

8 This Section does not exempt or excuse compliance with
 9 electric facility clearances approved or required by the
 10 National Electrical Code, The National Electrical Safety
 11 Code, Illinois Commerce Commission, Federal Energy
 12 Regulatory Commission, and their designees or successors.

13 (2) a wind tower of a commercial wind energy facility
 14 to be sited so that industry standard computer modeling
 15 indicates that any occupied community building or
 16 nonparticipating residence will not experience more than
 17 30 hours per year of shadow flicker under planned
 18 operating conditions;

19 (3) a commercial solar energy facility to be sited as
 20 follows, with setback distances measured from the nearest
 21 edge of any component of the facility:

22 Setback Description Setback Distance

1	Occupied Community	150 feet from the nearest
2	Buildings and Dwellings on	point on the outside wall
3	Nonparticipating Properties	of the structure
4	Boundary Lines of	None
5	Participating Property	
6	Public Road Rights-of-Way	50 feet from the nearest
7		edge
8	Boundary Lines of	50 feet to the nearest
9	Nonparticipating Property	point on the property
10		line of the nonparticipating
11		property

12 (4) a commercial solar energy facility to be sited so
13 that the facility's perimeter is enclosed by fencing
14 having a height of at least 6 feet and no more than 25
15 feet; and

16 (5) a commercial solar energy facility to be sited so
17 that no component of a solar panel has a height of more
18 than 20 feet above ground when the solar energy facility's
19 arrays are at full tilt.

20 The requirements set forth in this subsection (e) may be
21 waived subject to the written consent of the owner of each
22 affected nonparticipating property.

1 (f) A county may not set a sound limitation for wind towers
2 in commercial wind energy facilities or any components in
3 commercial solar energy facility that is more restrictive than
4 the sound limitations established by the Illinois Pollution
5 Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

6 (g) A county may not place any restriction on the
7 installation or use of a commercial wind energy facility or a
8 commercial solar energy facility unless it adopts an ordinance
9 that complies with this Section. A county may not establish
10 siting standards for supporting facilities that preclude
11 development of commercial wind energy facilities or commercial
12 solar energy facilities.

13 A request for siting approval or a special use permit for a
14 commercial wind energy facility or a commercial solar energy
15 facility, or modification of an approved siting or special use
16 permit, shall be approved if the request is in compliance with
17 the standards and conditions imposed in this Act, the zoning
18 ordinance adopted consistent with this Code, and the
19 conditions imposed under State and federal statutes and
20 regulations.

21 (h) A county may not adopt zoning regulations that
22 disallow, permanently or temporarily, commercial wind energy
23 facilities or commercial solar energy facilities from being
24 developed or operated in any district zoned to allow
25 agricultural or industrial uses.

26 (i) A county may not require permit application fees for a

1 commercial wind energy facility or commercial solar energy
2 facility that are unreasonable. All application fees imposed
3 by the county shall be consistent with fees for projects in the
4 county with similar capital value and cost.

5 (j) Except as otherwise provided in this Section, a county
6 shall not require standards for construction, decommissioning,
7 or deconstruction of a commercial wind energy facility or
8 commercial solar energy facility or related financial
9 assurances that are more restrictive than those included in
10 the Department of Agriculture's standard wind farm
11 agricultural impact mitigation agreement, ~~template 81818,~~ or
12 standard solar agricultural impact mitigation agreement
13 available on the Department of Agriculture's website at the
14 time the commercial wind energy facility or commercial solar
15 energy facility enters the agricultural impact mitigation
16 agreement, version 8.19.19, as applicable and in effect on
17 December 31, 2022. The amount of any decommissioning payment
18 shall be in accordance with the financial assurance limited to
19 the cost identified in the decommissioning or deconstruction
20 plan, as required by those agricultural impact mitigation
21 agreements, ~~minus the salvage value of the project.~~

22 (j-5) A county shall require a comprehensive agricultural
23 drainage plan that will mitigate any surface or subsurface
24 drainage impacts on farmland within and outside the footprint
25 of the proposed commercial wind energy facility or a
26 commercial solar energy facility.

1 (k) A county may not condition approval of a commercial
2 wind energy facility or commercial solar energy facility on a
3 property value guarantee and may not require a facility owner
4 to pay into a neighboring property devaluation escrow account.

5 (l) A county may require certain vegetative screening
6 surrounding a commercial wind energy facility or commercial
7 solar energy facility but may not require earthen berms or
8 similar structures.

9 (m) A county may set blade tip height limitations for wind
10 towers in commercial wind energy facilities but may not set a
11 blade tip height limitation that is more restrictive than the
12 height allowed under a Determination of No Hazard to Air
13 Navigation by the Federal Aviation Administration under 14 CFR
14 Part 77.

15 (n) A county may require that a commercial wind energy
16 facility owner or commercial solar energy facility owner
17 provide:

18 (1) the results and recommendations from consultation
19 with the Illinois Department of Natural Resources that are
20 obtained through the Ecological Compliance Assessment Tool
21 (EcoCAT) or a comparable successor tool; and

22 (2) the results of the United States Fish and Wildlife
23 Service's Information for Planning and Consulting
24 environmental review or a comparable successor tool that
25 is consistent with (i) the "U.S. Fish and Wildlife
26 Service's Land-Based Wind Energy Guidelines" and (ii) any

1 applicable United States Fish and Wildlife Service solar
2 wildlife guidelines that have been subject to public
3 review.

4 (o) A county may require a commercial wind energy facility
5 or commercial solar energy facility to adhere to the
6 recommendations provided by the Illinois Department of Natural
7 Resources in an EcoCAT natural resource review report under 17
8 Ill. Admin. Code Part 1075.

9 (p) A county may require a facility owner to:

10 (1) demonstrate avoidance of protected lands as
11 identified by the Illinois Department of Natural Resources
12 and the Illinois Nature Preserve Commission; or

13 (2) consider the recommendations of the Illinois
14 Department of Natural Resources for setbacks from
15 protected lands, including areas identified by the
16 Illinois Nature Preserve Commission.

17 (q) A county may require that a facility owner provide
18 evidence of consultation with the Illinois State Historic
19 Preservation Office to assess potential impacts on
20 State-registered historic sites under the Illinois State
21 Agency Historic Resources Preservation Act.

22 (r) To maximize community benefits, including, but not
23 limited to, reduced stormwater runoff, flooding, and erosion
24 at the ground mounted solar energy system, improved soil
25 health, and increased foraging habitat for game birds,
26 songbirds, and pollinators, a county may (1) require a

1 commercial solar energy facility owner to plant, establish,
2 and maintain for the life of the facility vegetative ground
3 cover, consistent with the goals of the Pollinator-Friendly
4 Solar Site Act and (2) require the submittal of a vegetation
5 management plan that is in compliance with the agricultural
6 impact mitigation agreement in the application to construct
7 and operate a commercial solar energy facility in the county.

8 No later than 90 days after the effective date of this
9 amendatory Act of the 102nd General Assembly, the Illinois
10 Department of Natural Resources shall develop guidelines for
11 vegetation management plans that may be required under this
12 subsection for commercial solar energy facilities. The
13 guidelines must include guidance for short-term and long-term
14 property management practices that provide and maintain native
15 and non-invasive naturalized perennial vegetation to protect
16 the health and well-being of pollinators.

17 (s) If a facility owner enters into a road use agreement
18 with the Illinois Department of Transportation, a road
19 district, or other unit of local government relating to a
20 commercial wind energy facility or a commercial solar energy
21 facility, the road use agreement shall require the facility
22 owner to be responsible for (i) the reasonable cost of
23 improving roads used by the facility owner to construct the
24 commercial wind energy facility or the commercial solar energy
25 facility and (ii) the reasonable cost of repairing roads used
26 by the facility owner during construction of the commercial

1 wind energy facility or the commercial solar energy facility
2 so that those roads are in a condition that is safe for the
3 driving public after the completion of the facility's
4 construction. Roadways improved in preparation for and during
5 the construction of the commercial wind energy facility or
6 commercial solar energy facility shall be repaired and
7 restored to the improved condition at the reasonable cost of
8 the developer if the roadways have degraded or were damaged as
9 a result of construction-related activities.

10 The road use agreement shall not require the facility
11 owner to pay costs, fees, or charges for road work that is not
12 specifically and uniquely attributable to the construction of
13 the commercial wind energy facility or the commercial solar
14 energy facility. Road-related fees, permit fees, or other
15 charges imposed by the Illinois Department of Transportation,
16 a road district, or other unit of local government under a road
17 use agreement with the facility owner shall be reasonably
18 related to the cost of administration of the road use
19 agreement.

20 (s-5) A facility owner with siting approval from a county
21 to construct a commercial wind energy facility or a commercial
22 solar energy facility must reach an agreement with a drainage
23 district under the Illinois Drainage Code to cross or impact a
24 drainage system, including, but not limited to, drainage
25 tiles, open drainage districts, culverts, and water gathering
26 vaults, owned or under the control of the drainage district.

1 The facility owner shall repair or pay for the repair of all
2 damage to the drainage system caused by the construction of
3 the commercial wind energy facility or the commercial solar
4 energy facility in accordance with the agricultural impact
5 mitigation agreement requirements for repair of drainage. The
6 facility owner shall also compensate landowners within the
7 drainage district for crop losses or other agricultural
8 damages resulting from damage to the drainage system caused by
9 the construction of the commercial wind energy facility or the
10 commercial solar energy facility.

11 (t) Notwithstanding any other provision of law, a facility
12 owner with siting approval from a county to construct a
13 commercial wind energy facility or a commercial solar energy
14 facility is authorized to cross or impact a drainage system,
15 including, but not limited to, drainage tiles, open drainage
16 districts, culverts, and water gathering vaults, owned or
17 under the control of a drainage district under the Illinois
18 Drainage Code without obtaining prior agreement or approval
19 from the drainage district, except that the facility owner
20 shall repair or pay for the repair of all damage to the
21 drainage system caused by the construction of the commercial
22 wind energy facility or the commercial solar energy facility
23 within a reasonable time after construction of the commercial
24 wind energy facility or the commercial solar energy facility
25 is complete.

26 (u) The amendments to this Section adopted in this

1 amendatory Act of the 102nd General Assembly do not apply to
2 (1) an application for siting approval or for a special use
3 permit for a commercial wind energy facility or commercial
4 solar energy facility if the application was submitted to a
5 unit of local government before the effective date of this
6 amendatory Act of the 102nd General Assembly or (2) a
7 commercial wind energy facility or a commercial solar energy
8 facility if the facility owner has submitted an agricultural
9 impact mitigation agreement to the Department of Agriculture
10 before the effective date of this amendatory Act of the 102nd
11 General Assembly.

12 (Source: P.A. 101-4, eff. 4-19-19; 102-1123, eff. 1-27-23.)

13 Section 10. The Renewable Energy Facilities Agricultural
14 Impact Mitigation Act is amended by changing Section 15 as
15 follows:

16 (505 ILCS 147/15)

17 Sec. 15. Agricultural impact mitigation agreement.

18 (a) A commercial renewable energy facility owner of a
19 commercial wind energy facility or a commercial solar energy
20 facility that is located on landowner property shall enter
21 into an agricultural impact mitigation agreement with the
22 Department outlining construction and deconstruction standards
23 and policies designed to preserve the integrity of any
24 agricultural land that is impacted by commercial renewable

1 energy facility construction and deconstruction. The
2 construction and deconstruction of any commercial wind energy
3 facility or commercial solar energy facility shall be in
4 conformance with the Department's standard agricultural impact
5 mitigation agreement referenced in subsection (f) of this
6 Section, except where the commercial renewable energy facility
7 owner is subject to terms and conditions of an underlying
8 agreement between the landowner and the commercial renewable
9 energy facility owner that are more restrictive than the terms
10 and conditions of the standard agricultural impact mitigation
11 agreement. The Department or the county in which the
12 commercial wind energy facility or commercial solar energy
13 facility is to be located may halt the construction or
14 deconstruction of a commercial wind energy facility or a
15 commercial solar energy facility that does not meet or exceed
16 the terms and conditions included in the Department's standard
17 agricultural impact mitigation agreement referenced in
18 subsection (f) of this Section. ~~Except as provided in~~
19 ~~subsection (a 5) of this Section, the terms and conditions of~~
20 ~~the Department's standard agricultural impact mitigation~~
21 ~~agreement are subject to and may be modified by an underlying~~
22 ~~agreement between the landowner and the commercial solar~~
23 ~~energy facility owner.~~

24 (a-5) Prior to the commencement of construction, a
25 commercial renewable energy facility owner of a commercial
26 wind energy facility or a commercial solar energy facility

1 ~~commercial solar energy facility owner~~ shall submit to the
2 county in which the commercial wind energy facility or a
3 commercial solar energy ~~commercial solar~~ facility is to be
4 located a deconstruction plan. A commercial renewable energy
5 ~~commercial solar energy~~ facility owner shall provide the
6 county with an appropriate financial assurance mechanism
7 consistent with the Department's standard agricultural impact
8 mitigation agreement for and to assure deconstruction in the
9 event of an abandonment of a commercial wind energy facility
10 or commercial solar energy facility.

11 (b) The agricultural impact mitigation agreement for a
12 commercial wind energy facility shall include, but is not
13 limited to, such items as restoration of agricultural land
14 affected by construction, deconstruction (including upon
15 abandonment of a commercial wind energy facility),
16 construction staging, and storage areas; support structures;
17 aboveground facilities; guy wires and anchors; underground
18 cabling depth; topsoil replacement; protection and repair of
19 agricultural drainage tiles; rock removal; repair of
20 compaction and rutting; land leveling; prevention of soil
21 erosion; repair of damaged soil conservation practices;
22 compensation for damages to private property; clearing of
23 trees and brush; interference with irrigation systems; access
24 roads; weed control; pumping of water from open excavations;
25 advance notice of access to private property; indemnification
26 of landowners; and deconstruction plans and financial

1 assurance for deconstruction (including upon abandonment of a
2 commercial wind energy facility).

3 (b-5) The agricultural impact mitigation agreement for a
4 commercial solar energy facility shall include, but is not
5 limited to, such items as restoration of agricultural land
6 affected by construction, deconstruction (including upon
7 abandonment of a commercial solar energy facility); support
8 structures; aboveground facilities; guy wires and anchors;
9 underground cabling depth; topsoil removal and replacement;
10 rerouting and permanent repair of agricultural drainage tiles;
11 rock removal; repair of compaction and rutting; construction
12 during wet weather; land leveling; prevention of soil erosion;
13 repair of damaged soil conservation practices; compensation
14 for damages to private property; clearing of trees and brush;
15 access roads; weed control; advance notice of access to
16 private property; indemnification of landowners; and
17 deconstruction plans and financial assurance for
18 deconstruction (including upon abandonment of a commercial
19 solar energy facility). The commercial solar energy facility
20 owner shall enter into one agricultural impact mitigation
21 agreement for each commercial solar energy facility.

22 (c) For a commercial renewable energy facility owner of a
23 commercial wind energy facility or a commercial solar energy
24 facility ~~commercial wind energy facility owners~~ seeking a
25 permit from a county or municipality for the construction of a
26 commercial wind energy facility, the agricultural impact

1 mitigation agreement shall be entered into prior to the public
2 hearing required prior to a siting decision of a county or
3 municipality regarding the commercial wind energy facility.
4 The agricultural impact mitigation agreement is binding on any
5 subsequent commercial wind energy facility owner that takes
6 ownership of the commercial wind energy facility that is the
7 subject of the agreement.

8 (c-5) (Blank). ~~A commercial solar energy facility owner~~
9 ~~shall, not less than 45 days prior to commencement of actual~~
10 ~~construction, submit to the Department a standard agricultural~~
11 ~~impact mitigation agreement as referenced in subsection (f) of~~
12 ~~this Section signed by the commercial solar energy facility~~
13 ~~owner and including all information required by the~~
14 ~~Department. The commercial solar energy facility owner shall~~
15 ~~provide either a copy of that submitted agreement or a copy of~~
16 ~~the fully executed project specific agricultural impact~~
17 ~~mitigation agreement to the landowner not less than 30 days~~
18 ~~prior to the commencement of construction. The agricultural~~
19 ~~impact mitigation agreement is binding on any subsequent~~
20 ~~commercial solar energy facility owner that takes ownership of~~
21 ~~the commercial solar energy facility that is the subject of~~
22 ~~the agreement.~~

23 (d) If a commercial renewable energy facility owner seeks
24 an extension of a permit granted by a county or municipality
25 for the construction of a commercial wind energy facility
26 prior to the effective date of this Act, the agricultural

1 impact mitigation agreement shall be entered into prior to a
2 decision by the county or municipality to grant the permit
3 extension.

4 (e) The Department may adopt rules that are necessary and
5 appropriate for the implementation and administration of
6 agricultural impact mitigation agreements as required under
7 this Act.

8 (f) The Department shall make available on its website a
9 standard agricultural impact mitigation agreement applicable
10 to all commercial wind energy facilities or commercial solar
11 energy facilities ~~within 60 days after the effective date of~~
12 ~~this amendatory Act of the 100th General Assembly.~~

13 (g) Nothing in this amendatory Act of the 100th General
14 Assembly and nothing in an agricultural impact mitigation
15 agreement shall be construed to apply to or otherwise impair
16 an underlying agreement for a commercial solar energy facility
17 entered into prior to the effective date of this amendatory
18 Act of the 100th General Assembly.

19 (Source: P.A. 99-132, eff. 7-24-15; 100-598, eff. 6-29-18.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.