

IROQUOIS COUNTY SOLAR ENERGY ORDINANCE

1. INTRODUCTION

A. Title

This ordinance shall amend the Iroquois Zoning Ordinance and be known, cited and referred to as the Iroquois County Solar Energy Ordinance.

B. Purpose

This ordinance is adopted for the following purposes:

1. To assure that any development and production of solar generated electricity in all Iroquois County is safe and effective;
2. To assure the protection of health, safety, welfare, and property values for all Iroquois County residents and land owners;
3. To facilitate economic opportunities for local residents;
4. To promote the supply of solar energy in support of Illinois statutory goal of increasing energy production from renewable energy sources.

C. Rules and definitions

1) Definitions.

- a) Community Solar-A solar electric system that provides power and/or financial benefit to, or is owned by, multiple community members where solar generation under 2 Megawatts alternating current (AC).
- b) Solar Farm-A solar panel or array composed of multiple solar panels on ground-mounted rack or poles which are one of the primary use (s) for the parcel of land on which it is located, or any solar energy system that has a primary purpose for wholesale or retail sales of generated electricity larger than 2 Megawatts alternating current (AC).
- c) Private Solar-A solar electric system that is owned by a homeowner or tenant to provide solar electricity for the residence or net metering. This ordinance does not apply to private residential solar systems. Private solar shall be deemed an accessor or permitted use.

2. ZONING DISTRICTS

A. A-1 and A-2 Agricultural, B1 and B2 Business, M1, M2 and M3 Industrial

1. Conditional Uses

- a) Solar farm. Solar farms, also known as solar power plants and solar energy generation facilities located in the A1, A2, B1, B2, M1, M2, and M3 zoning districts are considered a conditional use in accordance with the following minimal regulations and design standards.
- b) Design standards. The design standards and bulk regulations listed in the A1 and A-2 Agriculture, B1 and B2 Business Districts, M1, M2, and M3 Industrial Districts for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the respective districts shall apply.
 1. Foundations-The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
 2. Other Standards and Codes-All solar farms shall be in compliance with any applicable local, state and federal regulatory standards along with the National Electric Code as amended.
 3. Power and Communication Lines-Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings within the perimeter of the solar energy development shall be buried according to the National Electric Code (NEC) as adopted by Iroquois County at the time of application. All power and communication lines outside the fenced perimeter of the solar energy development shall be buried no less than 6 feet. Exemptions or variances may be granted by the Iroquois County Board in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.
 - a. All lines shall be geo-located.
 - b. All drainage tiles shall be repaired or restored to same or better condition as to when project began. There will be an inspection for compliance by an independent inspector chosen by Iroquois County and paid for by the owner/operator.
 - c. JULIE shall be contacted before commencing digging excavations.
 - d. Local drainage districts shall be contacted prior to beginning development to locate drainage district tiles.

4. Height- Systems, equipment and structures shall not exceed thirty feet (30) in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.
5. Setbacks
 - a. Ground mounted solar energy systems as part of a solar farm located in A1 and A2 zoning districts shall have a setback for all equipment, excluding fences, a minimum of 80 feet on the front from center of road and 20 feet from all other property lines. One exception is single family dwellings where the solar energy system shall have a setback for all equipment, excluding fences, of 150 feet from the property line of any single family dwelling.
 - b. Ground mounted solar energy systems located in B1 and B2 business districts, and M1, M2, and M3 Industrial shall follow the requirements found in the general zoning ordinance of each respective district.
 - c. Community Solar ground mounted systems shall comply with setback requirements listed in the respective zoning districts in the general zoning ordinance.
 - d. The zoning board of appeals may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way if the owners of the adjoining properties agree to waive these setback requirements.
6. Screening and Fencing-Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 6 feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
 - a) Solar Farms shall have a twenty-five (25) foot wide buffer which shall consist of a compact evergreen hedge of other type of evergreen foliage along the road frontage and perimeter of adjacent single family dwelling.
 - 1) The buffer shall be planted at a minimum of three (3) feet tall and with the expectation that this hedge shall reach the height of at least six (6) feet within five years and shall be maintained in good condition. Dead evergreen foliage shall be replaced.
 - 2) A landscape plan should be submitted for review and approval by the Iroquois County Board. The landscape plan shall take into account the type(s) of evergreens to be planted, along with the proposed spacing of the plantings, along with an evaluation of the soils. An alternative buffer may also be considered by the Iroquois County Board.

- 3) 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. These features must be approved by the Iroquois County Board.
 - 4) The landscape plan shall also incorporate native grasses, flowers and plants which will provide wildlife and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure. This shall not be part of the evergreen screen, but shall be for all other areas of the solar farm that will not interfere with the solar arrays.
7. Lighting-If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or residence.
 8. Noise-Noise levels measured at the property line shall not exceed thirty-five (35) decibels from 7 a.m. to 10 p.m. and 30 decibels from 10 p.m. to 7 a.m. when located adjacent to an existing residence or residential district while the solar unit is in production. This noise restriction pertains to permanently installed solar equipment and excludes routine maintenance repair and initial construction.
 9. Installation and Design-Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
 10. Signage-An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24 hour emergency contact number.
 11. Outdoor storage-The outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified therein. The Zoning Administrator or his/her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. All outdoor storage areas shall have a gravel surface.

3. PERMIT REQUIREMENTS

- A. Due to the unique nature and special requirements of solar power plants and their potential impacts to adjoining properties and government services, community solar and solar farms shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the County Code or any special conditions recommended by the zoning board of appeals with final approval of the Iroquois County Board. The applicant shall provide 35 copies of all required submittals to the planning and zoning department. However, the applicant shall only be required to submit two copies of all documents providing ownership or interest in the property.

- 1) A site plan with existing conditions showing the following:

- a. Existing property lines and property lines extending five hundred feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
- b. Existing public and private roads, showing widths of the roads and any associated easements.
- c. Location and size of any existing and abandoned wells and sewage treatment systems
- d. Existing buildings and any impervious surfaces.
- e. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
- f. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grasslands, wooded areas, etc.)
- g. Waterways, watercourses, lakes and public water wetlands.
- h. Any delineated wetland boundaries.
- i. A copy of the current FEMA FIRM map that shows the subject property along with the one hundred year flood elevation showing regulated flood protection elevation, if available.
- j. Floodway, flood fringe and/or general flood plain district boundary, if applicable, and not provided on the copy of the current FEMA FIRM map.
- k. Mapped soils according to the Iroquois County Soil Survey.
- l. Surface water drainage patterns.
- m. The location of any subsurface drainage tiles, where possible.

2. Site Plan of Proposed Conditions:

- a. Location, number, and spacing of solar panels.
- b. Location of access roads and access points.
- c. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

- d. New electrical equipment other than the existing building or substation that is to be the connection point for the solar farm.
- e. Certified drawings of elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
- f. Weed/Grass control-Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property that must be approved by the Iroquois County Board. Site must be maintained to prevent fire hazards and be in compliance with State and Federal environmental regulations. No soil sterilant shall be permitted to be used on the solar site. There shall be a \$500.00 per week fine for non-compliance of this paragraph.

3) All Solar Farm applications, except community solar projects, shall be accompanied by a preliminary map and plan showing the roads and rights-of-way that will be utilized for both the construction and operation of the solar power plant. Prior to the issuance of a building permit, the applicant shall submit an executed agreement between the solar power plant owner/operator and all road district authorities with infrastructure affected by the solar power plant to the County.

This agreement shall include at a minimum:

- a. A final map identifying the routes that will be used.
- b. A plan to maintain and/or repair the affected roads which must be approved by the Iroquois County Highway Engineer and affected Township Road Commissioners. This includes a pre-construction baseline survey to determine existing road conditions and Right of Way (ROW) for assessing potential future road damage.
- c. Other inclusions as specified by the Iroquois County Board, Iroquois County Engineer or affected road authorities.

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

5) The number of panels to be installed

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

7) Prior to receiving the issuance of a building permit under this Ordinance, the County, the Applicant or Owner and/or Operator [Applicant] must agree to a Decommissioning Plan that ensures the Solar Energy Project is properly Decommissioned. The Decommissioning Plan shall include:

a. A basis formed by a licensed Illinois professional engineer's cost estimate for demolition and removal of the Solar Energy facility; repairs to be made to bring roads back to the same condition as they were immediately preceding actual decommissioning; and the like. The licensed Illinois professional engineer, selected by Iroquois County, shall provide the original decommissioning cost estimate prior to issuance of the building permit and a new cost estimate shall be prepared every three years. The Applicant shall pay the engineer's fee. Payment for said engineer's fee to prepare decommissioning cost estimates is not included in the initial Application Fee. Financial Assurances to the County shall be adjusted every three years to reflect new cost estimates prepared by the engineer.

b. Decommissioning of solar panels and related equipment must occur in the event they are not in use for six [6] consecutive months. The operating company and/or land owner shall have six months to complete the decommission plan or the County will take the necessary decommission steps.

1} The Iroquois County Board has authority by majority vote to extend the time frame to complete repairs causing inoperability, upon request, with the applicant outlining reasons why an extension is needed. Request for extension must be received no later than 60 days prior to the deadline for removal and, if approved can be extended in 6 month increments.

c. The plan shall include provisions for removal of all structures [including equipment, solar panels, fencing, and access roads], foundations, and a plan for the restoration of soil and vegetation. Removal of Solar Panels must be in accordance with state and federal EPA guidelines and the panels must not be left in any condition where hazardous materials may leach into the environment.

d. There will be an inspection for compliance by an inspector chosen by Iroquois County and paid for by owner/operator.

e. The Solar Energy facility owner shall provide Iroquois County with Financial Assurance to cover the estimated cost of decommissioning the facility. Provision of this Financial Assurance shall be phased in over the first ten years of the Project's operation as follows:

1} Prior to issuing building permits the County shall be provided Financial Assurance in the form of Letter of Credit; Surety Bond; or Cash Escrow amounting to twenty [20] percent of the estimated costs of decommissioning as determined by the licensed Illinois professional engineer. Letters of Credit and Surety Bonds shall be issued by Financial Institutions approved by the Iroquois County Board with evidence of paid premiums.

2} On or before the sixth anniversary of the commercial operation start date, the Facility Owner shall provide Iroquois County with additional Financial Assurance in the form of Letter of Credit; Surety Bond; or Cash Escrow to bring the coverage

to sixty [60] percent of the updated estimated cost of decommissioning as determined by the licensed Illinois professional engineer. Letters of Credit and Surety Bonds shall be issued by Financial Institutions approved by the Iroquois County Board with evidence of paid premiums.

3) On or before the tenth anniversary of the commercial operation date, the Facility Owner shall provide Iroquois County with Financial Assurance in the form of Cash Escrow to cover one hundred [100] percent of the updated estimated cost of decommissioning as determined by the licensed Illinois professional engineer.

4) An updated cost of decommissioning shall be provided every three years by a licensed Illinois professional engineer during the entire life of the Solar Energy facility. The Financial Assurance shall not release any surety from liability until the Financial Assurance is replaced per the schedule in paragraphs 1, 2, and 3 above. In addition, decommissioning plans signed by the party responsible for decommissioning and the landowner [if different] shall be submitted with the application.

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

8) Actual on site construction must be commenced within 1 years of application approval by the Iroquois County Board or permits will no longer be valid.

4. FEES AND COSTS

A. Applicable fees.

1. The following fees shall apply for Solar Farm Permits.

a. No solar farm or community solar special use permit application shall be accepted until the filing fee of \$1,000.00 is paid and the following requirements are met:

1) Accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant that the applicant will pay to the County additional fees to reimburse the County for monies expended in excess of \$1,000.00 in preparing for, processing, reviewing and evaluating the application to its final resolution.

2) The applicant shall also agree in said notarized statement to stop all proceedings if an invoice for reimbursement to the County is not paid to the County Treasurer within ten days after the invoice has been presented to the appropriate County officer or official County legal representative by the applicant.

B. Building Permit Fees.

1. The initial building permit fee is set at five thousand dollars (\$5,000.00) for the first million dollar value of the solar project.
2. An additional one dollar (\$1) per one thousand dollar (\$1,000.00) value after the first million in value shall be assessed.

C. Remedial Costs.

1. Applicants and/or owners of solar farms shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the Zoning Administrator or the Iroquois County Board.
2. Liability Insurance-The owner or operator of the solar project shall maintain a current and general liability policy covering bodily injury and property damage within limits of a least two million dollars per occurrence and twenty million dollars in the aggregate. The owner or operator of the solar project shall maintain this policy for the lifetime of the solar project and submit a copy of the same to the Iroquois County Board at each renewal. The County of Iroquois and its officials shall be named as additional insured's.
3. Severability-If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.
4. Indemnification-The applicant, owner and/or operator of the solar project shall defend, indemnify, and hold harmless the County of Iroquois and its officials from and against any and all claims, demands, losses, suits, class of action, damages, injuries, costs, expenses and liabilities whatsoever, including attorney's fees, without limitation arising out of acts of omissions of the applicant, owner and/or operator associated with the construction and/or operator associated with the construction and/or operation of the solar project.
5. Public Nuisance-Any solar project declared to be unsafe by the Iroquois County Board by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared a Public Nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure set forth in this ordinance.

*The Iroquois County Solar Energy Ordinance originally adopted by the Iroquois County board on the 8th day of August, 2017 and subsequently amended by Ordinance No. 2019-

6 on September 10, 2019. This amendment was approved by the Iroquois County Board at the June 8, 2021 Regular Session County Board Meeting.