

Section 7-14 – LARGE SCALE SOLAR FARMS

7-14.1 - Purpose.

The purpose of this Section 7-14 is to establish minimum requirements and regulations for the placement, construction and modification of solar power plants, as defined herein, while promoting the safe, effective and efficient use of such energy systems. This ordinance presumes compliance by all parties with all applicable state or federal laws, and the ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

7-14.2 - Definitions.

"Photovoltaics (PV)," is a technology that converts light directly into electricity. PV solar panels have been around for several years, although concentrated photovoltaic (CPV) technologies are now being developed. Both PV systems and CPV systems are included within this definition.

"Solar Power Plant," means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

"Solar Farm", also known as solar plants and solar energy generation facilities, shall be permitted in the Ag district as a special use, in accordance with the following minimal regulations and design standards.

7-14.3 - Design standards.

The design standards and bulk regulations listed in the Agriculture district 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 district shall apply.

7-14.3.1- 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.

7-14.3.2 - Other standards and codes.

All solar farms shall be in compliance with any applicable state and federal regulatory standards, and the National Electric Code as amended.

7-14.3.3- Power and communication lines.

Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions or variances may be granted in instances where shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury lines.

7-14.3.4 - Minimum lot size.

No solar farm shall be erected on any lot less than five acres in size.

7-14.3.5 - Height.

Systems, equipment and structures shall not exceed 30 feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.

7-14.3.6 - Setbacks.

Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment excluding fences a minimum of 100 feet on the front and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 100 feet for residentially zoned lots and existing residential properties, with the setback distance to be measured from the property line of the solar farm to the property line of residentially zoned lots or existing residential properties. 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. The zoning board of appeals granting of such a variance will be part of their recommendation to the county board.

7-14.3.7 - Screening and fencing.

Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of eight feet. Knox Boxes and keys shall be provided at locked entrances for emergency personnel access. The zoning board of appeals shall have the discretion to recommend or at the discretion of the county board, a 30-foot wide buffer of which part shall be consisting of a compact evergreen hedge or other type of evergreen foliage which shall be recommended along the entire perimeter of the facility, or an alternative buffer may also be considered. The buffer shall be planted at a minimum of three feet tall and with the expectation that this hedge shall reach the height of at least eight feet within three years and shall be maintained in good condition. If a vegetative buffer is to be part of the solar farm development, a landscape plan should be submitted for review and approval. 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. Earth berms 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.

7-14.3.8 - 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.

7-14.3.9 - Noise.

Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.

7-14.3.10 - 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.

7-14.3.11 - 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 with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The zoning administrator or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.

7-14.4 Application requirements (zoning). Due to the unique nature and special requirements of solar power plants and their potential impacts to adjoining properties and government services, applicants for solar power plants shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section 10-2 of the county Zoning Ordinance or any special conditions required by the zoning board of appeals or the Washington County Board. The applicant shall provide two (2) copies of all required submittals and two copies of all documents proving ownership or interest in the property to the Zoning Administrator.

7-14.4.1 - A site plan with existing conditions showing the following:

Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.

Existing public and private roads, showing widths of the roads and any associated easements.

Location and size of any abandoned wells, sewage treatments systems.

Existing buildings and any impervious surfaces.

A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.

Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)

Waterways, watercourses, lakes and public water wetlands.

Any delineated wetland boundaries.

Mapped soils according to the Washington County Soil Survey.

Surface water drainage patterns.

The location of any subsurface drainage tiles.

7-14.4.2 - Plan of proposed conditions:

Location and spacing of solar panels.

Location of access roads and access points.

Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.

Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.

Weed/grass control. Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating company during the operation of the solar farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of \$500.00 to \$1,000.00 per week if the fence is not secure or the weed/grass control plan is not followed.

7-14.4.3 - Final Map and Plan.

All solar power plant applications shall be accompanied by a Final Map and Plan showing the roads and rights-of-ways that will be utilized for both the construction and operation of the solar power plant.

An Applicant, Owner, or Operator proposing to use any county, municipality, township or village road(s), for the purpose of transporting Substation parts and/or equipment for construction, operation, or maintenance of the solar project or Substation(s), shall enter into a Road Use Agreement with the county and any municipality or road district having jurisdiction over the affected roads and roadway appurtenances.

The Applicant, Owner, or Operator shall cause to be conducted a transportation impact study acceptable to the county and affected municipalities or road districts to determine existing road conditions for assessing potential future damage. The study shall identify roads to be used for transport of Substation parts and/or equipment for construction, operation, or maintenance of the solar project or Substation(s), the types and weights of loads to be transported, and the types of vehicles which are to be utilized. The study shall also include an estimate of the cost and description of work required to upgrade roads, bridges, and other structures to allow transport of over-weight loads. The owner hereby agrees to return roads, bridges, and other structures traveled over during the course of construction or maintenance of the project. The Applicant, Owner or Operator may be required to make pre-construction improvements and shall be required to repair or improve the roads and roadway appurtenances following construction of the solar project or Substations. The Applicant, Owner, or Operator shall also be required to provide insurance coverage and financial security in amounts and forms acceptable to the county and any affected municipalities or road districts. The Applicant, Owner, or Operator shall also enter into an agreement (which may be part of the project road use agreement or a separate agreement) addressing issues related to the roads and roadway appurtenances while the solar project or Substation(s) are operational. The owner shall secure Financial Assurance in a sufficient amount for the purpose of repairing any damage to non-state public routes (including township, county and municipal routes/streets, storm sewers, bridges, and culverts) caused by constructing, operating, maintaining, or decommissioning of the solar project or Substation (s). The County reserves the right to determine performance adequacy.

7-14.4.4 - At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre-operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the county.

7-14.4.5 -Stormwater and NPDES. Solar power plants are subject to Washington County's Stormwater Management regulations, erosion and sediment control provisions, and NPDES permit requirements.

7-14.4.6 - Endangered Species and Wetlands. Solar power plant developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer.

7-14.5 Decommission Plan.

A decommission plan shall be required to ensure that facilities are properly removed after their useful life. All materials brought in for the project shall be removed at end of project life. Nothing shall be allowed to be buried on property.

7-14.5.1 - Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months, the operating company and or land owner have six months to complete the decommission plan or the county will take the necessary decommission steps. All applicants for Special Use Permit under this section will be required to sign an acknowledgement that is provided by the Zoning Administrator granting ingress/egress to the Zoning Administrator, that they are aware of, and that they understand, the decommissioning requirement. Zoning Administrator must be notified if site is down and when back up.

7-14.5.2 The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation.

An estimate of the decommissioning costs certified by a Professional Engineer to be updated every three years. The County may request a third-party verification of the decommissioning costs estimations, and the cost of such verification shall be paid by the Applicant.

Financial assurance, in the form of an irrevocable letter of credit, or cash placed in a county escrow account secured by the owner or operator, for the purpose of adequately performing decommissioning and site reclamation, in an amount equal to **one hundred fifty percent (150%)** of the professional engineer's certified estimate of the decommissioning and site reclamation costs. Such estimate shall be exclusive of salvage value.

Identification of and procedures for County access to Financial Assurances.

A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs by way of sale, gift, and assignment in fact or at law or any other such transfer of financial interest of ownership in the solar project. Any successor or assigned shall assume the terms, covenants, and obligations of this plan and must agree to assume all reclamation liability and responsibility for the solar project; and

A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

A provision that this plan is governed by Illinois law.

A provision that indemnifies the County with respect to any and all liability arising out of the decommissioning and site reclamation plan.

A provision that the applicant, or owner/operator shall notify the Washington County Zoning Office by certified mail of the commencement of a voluntary or involuntary bankruptcy as debtor, proceeding, naming the applicant, owner or operator within **thirty (30) days** of the beginning of the proceeding

The plan shall include provision for an environmental study to be completed, following all decommissioning activities, by an independent professional engineer certifying that State and Federal requirements with regard to air, soils, groundwater, and surface water have been met.

7-14.5.3 - The decommissioning plan and financial security must be presented to and accepted by the Washington County Board prior to the issuance of a building permit for the facility.

7-14.5.4 - An update to this decommissioning plan should be submitted to the county every three years. In addition any decommissioning plans signed by the party responsible for decommissioning and the landowner (if different) shall be submitted with the application.

7-14.5.5 - The county reserves the right to require additional information or 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.

7-14.5.6 - In the event that the State of Illinois enacts a law with regard to the decommissioning of solar farms, the strictest requirements shall prevail.

7-14.6 - Fees and costs.

7-14.6.1 - Applicable Fees.

The fees listed Attachment A of the Washington County Zoning Ordinance are not applicable to solar farm special use permit applications and the following fees shall apply:

7-14.6.2 - No solar farm special use permit application shall be accepted until the filing fee of \$5,000.00 is paid and 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 moneys expended in excess of \$5,000.00 in preparing for, processing, reviewing and evaluating the application to its final resolution. 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 corporate officer or official legal representative of the applicant.

7-14-6.3 - Remedial costs.

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 Washington County Board.

7-14.8 Lot area.

Not less than five (5) acres, except as otherwise regulated herein for a specific permitted or special use.

7-14.8 Lot width. Not less than 330 feet, except as otherwise regulated herein for a specific permitted or special use.

7-14.9 Setback requirements . Except as otherwise regulated herein, setbacks shall be provided as stated in the Washington County Zoning Ordinance for lots in the Agriculture District

7-14.10 Signs . In accordance with all regulations set forth in the applicable sections of the Washington County Zoning Ordinance as well as provided in section 7-13 of this chapter.

7-14.11 Administration and Enforcement. The Zoning Administrator shall enforce the provisions of this ordinance by means of annual inspection.

7-14.12 Right of Entry. Upon the granting of a Special Use Permit the County hereby reserves for itself a right of entry upon the premises of the solar power plant for the purpose of the enforcement of the provisions of this ordinance. Authority is hereby granted to the Zoning Administrator to enter upon the premises of the solar power plant holding the Special Use Permit at any time by coordinating a reasonable time and date with the owner/operator of the facility.

Washington County Zoning Text Amendment. Ordinance # 2022-19 date 12/13/2022



WASHINGTON COUNTY ZONING OFFICE

125 W. St. Louis St.
Nashville, IL 62263

Phone (618)327-4800 ext. 345
FAX (618)327-7281

OFFICE HOURS:
TUES 8:00A.M. - NOON
THURS 8:00 - 4:00 P.M.

Email : Matt.bierman@washingtonco.illinois.gov

ORDINANCE TO AMEND ZONING TEXT

2022-19

WHEREAS, a public hearing was held in the Washington County Courthouse in Nashville, Illinois on Dec 5th, 2022, at 7:30pm, before the Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, an application # ZT003-22 was presented by the Washington County Zoning Committee, on requesting an amendment to the Washington County Zoning Ordinance changing the Text of Ordinance 011-18 Large Solar Farms and

WHEREAS, the Zoning Board of Appeals has recommend the X Approval, Denial, the County Board of Washington of Washington County Concur in the aforesaid findings and recommendations:

Changing verbiage in the current Large Solar Farm Ordinance to ensure there will be enough money on hand to decommission the facility if/when the time comes. Cleaned up other verbiage and added required road use agreement to be signed.

Exabit A

NOW THEREFORE, BE IT ORDAINED by the County Board of Washington County, Illinois for a Zoning Text Amendment to change the text of the Zoning Ordinance to be X Granted Denied.

ADOPTED this 13th day of December, 2022.

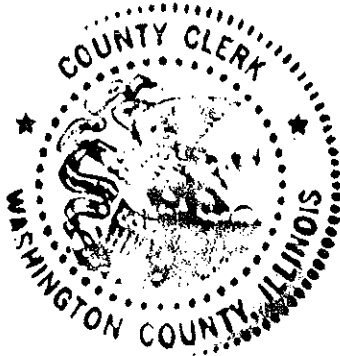
Aye 14
Nay 0
Abstain 0

Attest: Shari Kemper

David A. Meyer

County Clerk

County Board Chairman



"0"