

CASE #2018-038
RESOLUTION NUMBER 3-1

**TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE
REGARDING CHAPTER 17.37 SOLAR ENERGY SYSTEMS**

WHEREAS, the Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statues 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969; and

WHEREAS, in order to make the regulations more effective, it is necessary from time to time to consider amendments that correct deficiencies or that relate to current development circumstances; and

WHEREAS, it is desirable to enact **an ordinance amending Chapter 17.37 Solar Energy Systems**; and

WHEREAS, the Public Health, Solid Waste & Zoning committee of the Sangamon County Board has reviewed the proposed text amendment and recommends **approval**; and

WHEREAS, in accordance with State Statutes, the Sangamon County Zoning Board of Appeals conducted a public hearing on **August 16, 2018** in order to seek public comment on the draft revision of the Zoning Ordinance; and

WHEREAS, the Sangamon County Zoning Board of Appeals recommended approval of the proposed text amendment to the Sangamon County Zoning Ordinance as Exhibit A attached hereto and made a part of this resolution.

FILED

AUG 23 2018

Don / [Signature]
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Sangamon County, Illinois, in session assembled this **11th day of September, 2018** that the request to amend the text of the Sangamon County Zoning Ordinance as proposed in the attached Exhibit A is hereby approved.

Signed and passed by the Sangamon County Board in session on this **11th day of September, 2018**.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY
BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

AMENDING CHAPTER 17.37

SOLAR ENERGY SYSTEMS

SECTIONS:

- 17.37.010 Definitions.
- 17.37.020 Personal Solar Energy System (PSES).
- 17.37.030 Solar Farm Energy System (SFES).
- 17.37.040 Indemnification and liability.
- 17.37.050 Cessation of operations.
- 17.37.060 Penalties.

17.37.010 Definitions.

Ground Mount Solar Energy System. A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

Net Metering. A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES). The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

Personal Solar Energy System (PSES). Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

Solar Farm Energy System (SFES). A commercial facility, on a parcel(s) of five (5) acres or more that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity.

Solar Farm Energy System Project Area. ~~A SFES project area may be comprised of a single parcel of land or two (2) or more contiguous parcels of land providing that the total area of a SFES project area consists of five (5) acres of land or more.~~ A single parcel of land greater than five (5) acres, or two (2) or more contiguous parcels of land totaling a minimum of five (5) acres on which a SFES will be constructed and operated.

Solar Panel. A device for the direct conversion of solar energy into electricity.

Structure Mount Solar Energy System. A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

17.37.020 Personal Solar Energy System (PSES).

A. Purpose and Intent.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of PSESs designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of PSESs.

B. Permitted Use.

Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district.

C. Special Requirements.

Personal Solar Energy Systems shall be subject to the requirements included in Section 17.38.030 Bulk Regulations unless otherwise stated herein:

- 1) Ground Mounted PSES Height. Shall not be greater than eighteen (18) feet at maximum tilt of the solar panel(s) in any zoning district.
- 2) Structure Mounted PSES Height. Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
- 3) Setbacks. The PSES shall maintain perimeter setbacks including: side and rear yard setbacks of ten (10) feet. No PSES shall be permitted to be located in the required front yard.
- 4) Building Codes. All county, state, and national construction codes shall be followed.
- 5) Use. The PSES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
- 6) Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.

D. Certificate of Compliance.

Before a building permit is issued, the following shall be submitted to the appropriate Sangamon County permitting office for review:

- 1) Site plan showing:
 - a) Name, address, and phone number of the property owner;
 - b) Property lines;
 - c) All structures;

- d) Septic field;
 - e) Setback lines;
 - f) Location of all solar panels and associated equipment; and,
 - g) Location of the electrical disconnect for the PSES.
- 2) Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned solar energy system.
 - 3) Evidence that the site plan has been submitted to the local fire protection district.
 - 4) After an approved final inspection of all building permits, a certificate of compliance shall be issued.

17.37.030 Solar Farm Energy System (SFES).

A. Purpose and Intent.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of SFESs designed for commercial energy production. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of solar energy resources for commercial purposes.

B. Conditional Permitted Use (CPU).

Solar Farm Energy Systems shall require a CPU within the A-1, I-1, and I-2 zoning districts, and shall be subject to the procedures and standards included in Chapter 17.58 Conditional Permitted Uses unless otherwise stated in this Chapter.

C. Special Requirements.

SFESs are subject to the following requirements:

- 1) Height. Shall not exceed eighteen (18) feet at maximum tilt of the solar panel(s).
- 2) Setbacks. The front, side and rear yard setbacks shall be a minimum of fifty (50) feet from the property lines which form the outside perimeter of a SFES project area. The SFES shall not be located within two hundred and fifty (250) feet of an existing dwelling. For properties participating in the solar farm, no additional separation from any existing dwelling or existing principal building is required except as provided for in Chapter 17.38.010, Minimum Yard Regulations in effect on the date the SFES building permit is submitted.
- 3) Fencing. A fence of at least six (6) feet in height ~~but no greater than eight (8) feet~~ shall enclose and secure the SFES. Hazardous fencing such as barbed wire, electrically charged fencing or fencing with metal spikes is allowed providing such fencing is located at a height of at least six (6) feet above grade level.
- 4) Screening. A landscaping screen shall be provided for any part of the SFES that is visible to and located within five hundred (500) feet of an existing dwelling. The landscaping screen shall be located between the required fencing and the perimeter of the Solar Farm Energy System Project Area. The screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded

area and/or plantings of tall native grasses and other native flowering plants. The landscaping shall not be required if the SFES is not visible to a dwelling by virtue of the existing topography as determined by the Sangamon County Zoning Administrator.

- 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.
- 6) Noise. Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district. Noise levels shall be enforced by both the State of Illinois and Sangamon County.
- 7) Installation and Design. The SFES shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent highways.
- 8) All wiring between solar panels and the solar farm facility substation shall be underground whenever possible.
- 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.
- 10) Proof an Agriculture Impact Mitigation Agreement (AIMA) pertaining to the construction of a commercial solar energy facility has been executed with the Illinois Department of Agriculture.
- 11) Annual review and reporting.
 - a) The applicant, owner, and/or operator of a SFES project shall submit to the Sangamon County Department of Zoning on the first Monday of July of each year following SFES project approval a report regarding SFES maintenance and operation. This report shall include:
 - i) Any physical modifications to the SFES and/or its infrastructure;
 - ii) Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads, received by the applicant, owner and/or operator concerning the SFES, and the resolution of such complaints;
 - iii) Calls for emergency services, including the nature of the emergency and how it was resolved;
 - iv) Status of liability insurance; and,
 - v) Any other information that the county might reasonably request.
 - b) Within thirty (30) days of the receipt of this annual report, the Department of Zoning shall review the report and conduct an on-site field review of the SFES project. The Department shall compile a written report of the findings and within sixty (60) days of the receipt of the report submit the report to the Sangamon County Public Health, Solid Waste, and Zoning Committee or any successor committee designated to oversee zoning issues.
 - c) The Department of Zoning shall charge a fee for this annual review in the amount of no more than five hundred dollars (\$500) per SFES project area. This fee shall be paid to the Department of Zoning by the SFES applicant, owner, and/or

operator at the time of annual report submission. Failure to provide the annual report and required fee shall be considered a cessation of operations.

- d) The applicant, owner, and/or operator of a SFES project shall provide the Sangamon County Department of Zoning access to the SFES project area for the purposes described in 17.37.030 (C)10(b) above. Failure to provide access shall be deemed a violation of this ordinance.

D. **Certification.**

SFESs shall conform to applicable industry standards, including those from the UL and Federal Aviation Administration (FAA).

All applicable county, state, and national construction and electric codes shall be followed.

E. **Safety.**

All SFESs shall provide the following at all locked entrances:

- 1) A visible "High Voltage" warning sign;
- 2) Name(s) and phone number(s) for the electric utility provider;
- 3) Name(s) and phone number(s) for the site operator;
- 4) The facility's 911 address, GPS coordinates; and,
- 5) A knox box with keys.

F. **Petition.**

The petition for a Conditional Permitted Use for a Solar Farm Energy System shall include:

- 1) A written summary of the project including a general description of the project, including its approximate generating capacity.
- 2) The name(s), address(s), and phone number(s) of the owner and/or SFES operator.
- 3) A site plan of the SFES site showing:
 - a) Boundaries of the site;
 - b) All proposed SFES structures;
 - c) Property lines;
 - d) Setback lines; and,
 - e) Location of all existing structures with their uses identified.
- 4) All other information contained in Chapters 17.58, 17.66 and 17.68 of this Zoning Ordinance as may be required to file a petition.

G. **Decommissioning Plan.**

Prior to applying for a building permit, the SFES project owner/operator shall submit a decommissioning plan to the Sangamon County Zoning Department. The Zoning Department shall review the plan for completeness and refer it to the Sangamon County Public Health, Solid

Waste, and Zoning Committee, or any successor committee(s) designated to oversee zoning issues for approval. The plan shall include:

- 1) A description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life, as stated in the Ordinance granting the Conditional Permitted Use or as stated in Chapter 17.37.050;
- 2) Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five (5) feet below the surface, and the sequence in which removal is expected to occur;
- 3) Provisions for the restoration of the soil and vegetation;
- 4) ~~An estimate of the decommissioning costs certified by a professional engineer. The engineer providing this estimate shall be engaged under contract by the Sangamon County Engineer and all costs associated with this engagement shall be borne by the applicant;~~ An estimate of the decommissioning costs in future dollars at the time of filing certified by a professional engineer who shall use professional standards in compliance with State of Illinois law. The engineer shall be engaged under contract by the Sangamon County Engineer with all costs borne by the applicant.
- 5) A written financial plan approved to ensure that funds will be available for decommissioning and land restoration;
- 6) 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;
- 7) Upon review of the decommissioning plan, the Public Health, Solid Waste and Zoning Committee, or its successor committee(s), of the Sangamon County Board ~~may~~ shall set an amount to be held in a bond, escrow or other acceptable form of funds approved by the Committee. The plan shall state that the project owner/operator shall provide the Sangamon County with Financial Assurance to cover the estimated costs of decommissioning of the SFES and that Sangamon County the county shall have access to the project and to the funds to effect or complete decommissioning one (1) year after cessation of operations; and,
- 8) The applicant shall provide the county with a new estimate of the cost of decommissioning the SFES project every five (5) years under the same conditions as set forth in this Section above. Salvage value of structures, electrical wire and other appurtenances shall be considered with in the cost estimate calculations. Upon receipt of this new estimate, the county may require, and the applicant, owner, and/or operator of the SFES project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations.

H. **Certificate of Compliance.**

Before a building permit is issued, the following shall be submitted to the appropriate Sangamon County permitting office for review:

- 1) Site plan with all items previously required in the petition. Additional items to be included are:
 - a) All SFES structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines;
 - b) Ancillary equipment;
 - c) Transmission lines;
 - d) Wells;
 - e) Septic fields;
 - f) Field tile location;
 - g) Fence plan;
 - h) Landscaping screening plan;
 - i) Existing easements;
 - j) Floodplain location and elevation; and,
 - k) Wetland location, if any.
- 2) 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 SFES project area. Any specialized training necessary will be provided at the operator's expense.
- 3) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
- 4) After an approved final inspection of all building permits, a certificate of compliance shall be issued.

17.37.040 Indemnification and liability.

- A. The applicant, owner, and/or operator of the SFES project shall defend, indemnify, and hold harmless the County of Sangamon and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the SFES project.
- B. The applicant, owner, and/or operator of the SFES project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars per occurrence and two million dollars in the aggregate. Evidence of liability coverage must be reported to the Sangamon County Department of Zoning on an annual basis, and any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

17.37.050 Cessation of operations.

If any SFES provided for in this chapter has not been in operation and producing electricity for at least two hundred seventy (270) consecutive days, it shall be removed. The Sangamon County Zoning Administrator shall notify the owner to remove the system. Within thirty (30) days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the solar energy system, the violation shall be referred to the Sangamon County State's Attorney for enforcement.

17.37.060 Penalties.

A failure to obtain applicable building permit(s) for the construction of a solar energy system or failure to comply with the requirements of a building permit or the provisions of this chapter shall be deemed a violation of this chapter. The state's attorney may bring an action to enforce compliance of the requirements of this chapter by filing an action before the Sangamon County Ordinance Violation Hearing Department or by filing an action in the circuit court for an injunction requiring conformance with this chapter or seek such other order as the court deems necessary to secure compliance with this chapter.

Any person who violates this chapter shall be fined not less than twenty five dollars (\$25) or more than five hundred dollars (\$500). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Nothing herein shall prevent the county from seeking such other legal remedies available to prevent or remedy any violations of this chapter.

RECAP
(FOR COUNTY USE ONLY)

DOCKET NUMBER: 2018-038

ADDRESS: N/A

PETITIONER: **The Public Health, Solid Waste & Zoning Committee of the Sangamon County Board**

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

AREA: N/A

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Staff finds the attached ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

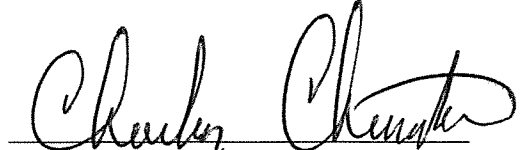
IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2018-038
The Public Health, Solid Waste)	
& Zoning Committee of the Sangamon)	PROPERTY LOCATED AT:
County Board)	N/A
)	
)	

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **text amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **August 16, 2018** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the proposed changes are more particularly described in EXHIBIT A attached hereto and make a part hereof.
3. That required finding and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
4. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **text amendment** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **text amendment** be **approved**.



 CHAIRMAN 46

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

3-14



Springfield-Sangamon County
Regional Planning Commission

TO: Zoning Board of Appeals,
Public Health, Solid Waste, & Zoning Committee,
Sangamon County Board

FROM: Emily Prather, Associate Planner – Land Use

DATE: August 8, 2018

SUBJECT: Zoning Case # 2018-038 – Textual Amendment concerning
Chapter 17.37, Solar Energy Systems

In 2017, Chapter 17.37, Solar Energy Systems was added to the Zoning Ordinance. In July 2018, the Sangamon County Board requested revisions to the chapter. In response, staff from the Zoning Department, the SSCRPC, and the State's Attorney's Office worked with the Public Health, Solid Waste, & Zoning Committee on a revision. The text amendment modifies the definition for Solar Farm Energy System Project Area and adds additional regulations to the Solar Farm Energy System (SFES) Special Requirements, Decommissioning Plan, and Certificate of Compliance.

Staff finds the attached ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.