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## CHAPTER 157: SOLAR ENERGY SYSTEMS ORDINANCE

### Section

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### GENERAL PROVISIONS

#### **§ 157.01 TITLE.**

This chapter shall be known as, referred to or cited as the “DeWitt County Solar Energy Systems Ordinance of DeWitt County, Illinois”.  
(Ord. passed 03-21-19)

#### **§ 157.02 STATUTORY AUTHORIZATION.**

These regulations are adopted under the authority of state statutes. The County Board does hereby ordain this chapter.  
(Ord. passed 03-21-19)

**§ 157.03 PURPOSE.**

This chapter is adopted for the following purposes:

(A) To promote the use of renewable energy sources if cost effective and technically feasible; and

(B) It is in the best interests of the citizens of the county that zoning and other regulations be promulgated so as to implement restrictions on the placement and operation of solar energy systems within the county, which preserve and/or protect the public health and/or safety of all citizens residing in the county.

(Ord. passed 03-21-19)

**§157.04 INTENT.**

The intent of this chapter is to provide a means to regulate and restrict the locations within the county where solar energy systems and facilities can be constructed.

(Ord. passed 03-21-19)

**§ 157.05 DEFINITIONS**

The following terms shall apply to this chapter as written unless context indicates or requires a different meaning:

**ACCESSORY** As applied to a building, structure or use, on which is on the same lot with the main or principal structure or the main or principal use; either detached from or attached to the main or principal structure, and is subordinate to and used for purposes customarily incidental to the main or principal structure or the main or principal use.

**BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS** A solar energy system that consists of integrating photovoltaic modules into the building structure as the roof, or façade and which does not alter the relief of the roof.

**COMMERCIAL/LARGE SCALE SOLAR FARM FACILITY** A utility scale commercial facility **greater than five (5) acres** that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.

**COMMUNITY SOLAR GARDEN** A community solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system.

**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.

**PHOTOVOLTAIC SYSTEM** A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes them.

**QUALIFIED SOLAR INSTALLER** A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

**ROOF MOUNT** A solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

**SOLAR ACCESS** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**SOLAR COLLECTOR** A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

**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. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems.

**SOLAR STORAGE BATTERY/UNIT** A component of a solar energy device that is used to store solar general electricity or heat for later use.

**SOLAR THERMAL SYSTEMS** Solar thermal system directly heats water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

**SUBSCRIBER** Households or businesses receiving the direct benefit of electric power generated by a Community Solar Garden.

**§ 157.06 GROUND MOUNT AND ROOF MOUNT (SES) ~~(RESIDENTIAL PRIVATE USE)~~**

Ground Mount and Roof Mount (SES) shall be permitted for private use in all zoning districts where there is a principal structure. The system shall not be designed for providing energy to off-site uses or export to the wholesale market. Net metering will be allowed if approved by the electric utility in whose service territory the system is located. A building permit shall be required for Ground Mount Only. Technical requirements are:

**(A) Height**

1. The combined height of the building and the roof mounted solar system shall not exceed the maximum allowed height for principal structures in any zoning district.
2. Ground mounted solar energy systems shall not exceed 10 feet in height when oriented at maximum tilt.
3. Ground mounted solar energy systems may not be placed in the front yard.

**(B) Setbacks**

1. Ground mounted solar energy systems shall meet the accessory structure setbacks for the zoning district in which the unit is located.
2. Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.
3. In addition to building setbacks the collector surface and mounting devices for roof mounted systems shall not extend beyond the exterior perimeter of the building on which the systems is mounted or built, unless the collector or mounting system has been engineered to safely extend beyond the edge, and setback requirements are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

**(C) Reflection Angles**

Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

**~~(D) Aviation Protection~~**

~~For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.~~

**~~(E) Visibility~~**

Solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the North while still providing adequate solar access for collectors.

**(FE) Safety**

- ~~1. Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to the south-facing or flat roof upon which the panels are mounted.~~
- ~~2. Roof or building mounted solar energy systems shall meet the requirements of the *International Building Code*.~~
31. All solar energy systems shall be installed by a qualified solar installer.
42. Any connection to the public utility grid shall be inspected and approved by the appropriate public utility.
53. All solar energy shall be maintained and kept in good working order. If it is determined by the Zoning Administrator that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended function for 6 consecutive months, the property owner shall be given 30 day notice for removal of unit and all equipment. If the solar energy system is not removed within 30 days, the Zoning Administrator will forward violation onto the DeWitt County State's Attorney for prosecution on the violation.

**(GF) Approved Solar Components**

Electric Solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have a Solar Rating & Certification Corporation (SRCC) rating.

~~**(H) Restrictions on Solar Energy Limited.**~~

~~Consistent with 765 ILCS 165/ no homeowner's agreement, covenant, common interest community or other contracts between multiple property owners with a subdivision of unincorporated DeWitt County shall prohibit or restrict homeowners from installing solar energy system.~~

**§ 157.07 COMMUNITY SOLAR GARDENS (SES)**

Development of Community Solar Gardens is permitted by Special Use as a principal use in all zoning districts subject to the following requirements:

- (A) Rooftop Gardens. Rooftop gardens are permitted in all zoning districts. A building permit will not be required.

- (B) Ground Mount Gardens. Ground mount community solar energy systems must be no more than five (5) acres in total size, and require a Special Use in all districts. Ground-mount solar developments covering more than five (5) acres shall be considered a ~~Community Commercial~~/Large Scale Solar ~~Farm Facility~~ (SES). A building permit shall be required.
- (C) Interconnection. An interconnection agreement must be completed with the electric utility in whose service territory the system is located, **and included with the Special Use Application at the time of the special use application.**
- (D) Dimension Standards  
All solar garden related structures in newly platted and existing platted subdivisions shall comply with the principal structure setback, height, and coverage limitations for the district in which the system is located.
- (E) A minimum separation distance of 2 miles between each community solar garden.
- ~~(F) All participating subscribers of the community solar garden shall be a DeWitt County resident.~~

**(F) Aviation Protection**

The applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA for solar energy systems located within one half (1/2) mile of the approach zones or:

1. a restricted landing area as defined in 14.105 of Title 92 of the IL Administrative Code
2. a private-use airport as defined in Section 157.2 of Title 14 of the Code of Federal Regulations and for which:
  - (a) a notice to the Federal Aviation Administration (FAA) has been filed under Section 157.3 of Title 14 of the Code of Federal Regulations prior to the submission of the Special Use Application, and
  - (b) an airport determination has been issued by the FAA with a determination of no objection or a conditional determination or the airport determination remains pending.

**(G) Other standards.**

All solar gardens shall comply with all other State and Local requirements.

**§ 157.08 COMMERCIAL/LARGESCALE SOLAR ~~FARM FACILITY~~ (SES).**

Ground Mount solar energy systems that are ~~greater than five acres primary use of the lot,~~ designed for providing energy to off-site uses or export to the wholesale market require a Special Use and only allowed in the ~~General Industrial (I) Agricultural (A) and Rural Development (RD-1)~~ Districts.

- (A) Design standards for the Commercial/Large Scale Solar ~~Farm Facility~~ (SES) . The design standards and bulk regulations listed in the ~~General Industrial (I)~~

~~Agricultural (A) and Rural Development (RD-1) Districts~~ for setbacks, lot size, lot coverage, lot area, height, ~~fencing~~, and signage shall be suspended for all ~~commercial/large scale solar farms facilities~~ and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

1. Structure: The foundation and design of the solar structures shall be designed and sealed by an Illinois licensed professional engineer. The design shall conform to applicable codes, standards and local soil and climate conditions.
2. Standards and codes. All solar ~~farms facilities~~ shall be in compliance with any applicable local, state, and federal regulatory standards, and 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 shall be buried underground.
4. Minimum lot size. No ~~commercial/large scale solar farm facility~~ shall be erected on any lot of five acres or less in size.
5. Height. Systems, equipment and structures shall not exceed 20 feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.
6. Setbacks. Ground mounted solar energy systems as part of a solar ~~farm facility~~ 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 ~~500750 feet for from residentially zoned lots and existing residential properties and platted subdivisions, 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 or platted subdivisions.~~ Setbacks for inverters and transformers shall be no less than 1500 feet from any residential property line.
7. ~~Screening and fencing. Systems equipment and structures shall be fully enclosed and secured by a fence with a 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. Fencing

a. Unless otherwise provided in this section, security fencing having a minimum height of eight (8) feet shall be installed, maintained, and secured around the solar panels and all energy producing and storage equipment of the SES and required to comply with the National Electric Code requirements for fencing.

b. Fencing shall contain appropriate warning signage that is in accordance with NESC and ANSI Z535 safety sign standards and OSHA regulations.

c. The required fence shall be maintained by the applicant to prevent growth of wood vegetation or noxious weeds within and along the fence.

d. Fencing is not required between participating parcels.

e. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

8. Screening. In an effort to help minimize the visual impacts of an SES on adjacent, nonparticipating residences, from a single-story viewpoint, screening shall be provided as follows:

a. Platted subdivisions. A platted subdivision shall have a visual screen designed, installed, maintained, and ultimately removed by the applicant at the time of decommissioning. The visual screen will be installed on property being leased by the SES, immediately adjacent to the property line. This provides for the most effective screening and minimizes the potential of drain tile damages.

b. A visual screening option shall be provided by the applicant to the owner of any adjacent nonparticipating residence, excluding platted subdivisions, subject to the provisions of this paragraph.

1. The visual screening option shall provide the following options:

a. The owner of any adjacent, nonparticipating residence, at their discretion, may elect to receive a one-time payment from the applicant equal to the cost of design, installation, maintenance, and removal of a visual screen in lieu of the actual visual screen. This option shall be detailed in writing by the applicant, including a proposed design and budgetary estimate for the design, installation, maintenance, and removal of the visual screen, as prepared by an Illinois Registered Landscape Architect. This one-time payment allows for the owner of the adjacent nonparticipating residence to install the visual screen on their own property if and as they desire subject to the current zoning requirements. This one-time payment shall be paid prior to the issuance of any building permit, and proof of payment shall be provided to the zoning administrator.

- b. The owner of any adjacent, nonparticipating residence, at their discretion, may request a visual screen be designed, installed, maintained, and ultimately removed by the applicant at the time of decommissioning. If this option is chosen, the visual screen will be installed on the property line being leased by the SES, immediately adjacent to the property line. This provides for the most effective screening and minimizes the potential of drain tile damage.
  - c. If the owner of any adjacent, nonparticipating residence does not elect one of the two options above, no visual screen will be installed, and a one-time payment will be provided as described in the first option.
  - c. A minimum of thirty (30) days prior to the issuance of any building permit, the applicant shall provide a signed copy of a Memorandum of Understanding to the zoning administrator, outlining the terms of the visual screening option as agreed upon by the applicant and owner of any adjacent, nonparticipating residence.
  - d. Standards for a visual screen are as follows:
    - 1. A visual screen shall be in the form of vegetative landscaping, opaque fencing, or approved combination thereof, as agreed upon by the nonparticipating landowner and the applicant.
    - 2. All visual screens shall be designed and prepared by an Illinois Registered Landscape Architect.
    - 3. All fences used as, or part of a visual screen must be built in accordance with §157.08 of the DeWitt County Code.
    - 4. All vegetative landscaping shall be planted at a minimum of three (3) feet tall with an expected minimum height of eight (8) feet.
    - 5. All visual screens that are installed by the applicant shall be maintained in good condition by the applicant at all times.
    - 6. The visual screen shall be installed as early as possible in construction phase of the SES.
    - 7. An alternative buffer may also be considered. Earth berms other topographical features and existing wooded areas may be accepted by a non participating land owner in lieu or in combination of the above requirements, if they conceal the use from public view and are maintained.
98. 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.~~ inward facing and not higher than twenty-five (25) feet. When adjacent to residential areas, the filament or light source shall be shielded with opaque material in such a way that they will not be visible at ground level or above.

10 9. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar ~~farm-facility~~ project. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number.

1140. Outdoor storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar ~~farm facility~~ shall be allowed.~~with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The Zoning Administrator or their designee shall have the sole 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.

1244. Storm Water Management. Existing drainage patterns shall be maintained. The applicant shall coordinate their drainage design with the local Soil and Water Conservation District and submit the results of that coordination with their Special Use Permit application.

1342. Noise. Noise levels measured at the property line shall not exceed ~~the lesser of fifty (50)dbA or Illinois Pollution Control Board standards when located adjacent to a residence or residential district.~~ 40 db(A) Lmax from 10pm to 7am, 42 db(A) Lmax from 7am to 10pm, or the Illinois Pollution Control Board standards, whichever is less, when located adjacent to a residence or residential district.

14. Glare. Solar collectors shall be designed such that concentrated solar glare does not project onto nearby structures, roadways, or other areas accessible to the public. After construction of the SES, the zoning administrator shall notify the solar operator to take reasonable steps within 30 days to mitigate the glare such as the installation of additional screening.

15. Battery Storage - Utility-scale battery storage systems are not permitted under chapter 157 Solar Energy Systems Ordinance.

16. Any Commercial/Large Scale Solar Energy System (SES) proposed within 1.5 miles of the corporate limits of an incorporated village or municipality shall be subject to the approval of said incorporated village or municipality before a special use permit shall be granted for said proposed SES.

(B) The following information shall be submitted as part of the **Special Use** application.

~~(B)~~1. A site plan with existing conditions showing the following:

4a. Existing property lines and property lines extending one hundred feet from the property boundaries including the names of adjacent property owners and the current use of the properties.

2b. Existing public and private roads, showing widths of the road and any associated easements.

3c. Location and size of any abandoned wells, sewage treatment systems.

- 4d. Existing building and impervious surfaces.
  - 5e. A contour map showing topography at ~~two~~ one-foot intervals. A contour map of ~~surrounding properties may also be required~~ adjacent properties is also required.
  - 6f. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas, etc.).
  - 7g. Waterways, watercourses, lakes and public water wetlands.
  - 8h. Any delineated wetland boundaries.
  - 9i. A copy of the current FEMA FIRM map that shows the subject property. And, the 100-year flood elevation and any regulated flood protection elevation, if available.
  - 10j. Floodway, flood fringe and/or general floodplain district boundary. If applicable, and not provided on the copy of the current FEMA FIRM map.
  - 11k. Mapped soils according to the DeWitt County Soil Survey.
  - 12l. Surface water drainage patterns.
  - 13m. The location of any subsurface drainage tiles ~~and surface drains~~.
    - n. Existing structures.
    - o. Existing substations.
    - p. Radiation monitoring stations.
    - q. Any other significant features.
- (C)2. A site plan of proposed conditions:
- 1a. Location and spacing of solar panels.
  - 2b. Location of access roads and access points.
  - 3c. Planned location of underground or overhead electric lines connecting the solar ~~farm~~ facility to a building, substation or other electric load.
  - 4d. New electrical equipment ~~other than at the existing building or substation that is to be the connection point for the solar farm~~.
  - 5e. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structures on adjacent land.
  - 6f. Fencing and Weed grass control – The applicant shall submit an acceptable weed/grass control plan for property inside and out the fenced area for the entire property. The weed/grass control plan must address the effect of storm water runoff on neighboring properties. The operating company or successor during the operation of the solar ~~farm~~ facility 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 per week if the fence is not secure or the weed/grass control plan is not followed.~~ If the zoning administrator determines that the owner/operator is not compliant, a fine of \$1,500 per day will be assessed until the violation is brought back into compliance.
  - 7g. Storm Water Managements Plan including documentation of coordination with the local Soil and Water Conservation District ~~and ability to perform needed~~ maintenance.
  - h. Setbacks
- (D)3. ~~Manufactures~~ Manufacturer's Specifications

The ~~manufacturer's~~ ~~manufacturer's~~ specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks.

~~(E)~~4. Connection and Interconnection

~~1a.~~ A description of the method of connecting the SOLAR array to a ~~building or~~ substation.

~~2b.~~ Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.

~~(F)~~ ~~Setbacks~~

~~List setbacks of all solar panels. Note 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 500 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.~~

~~(G)~~5. A fire protection plan for the construction and the operation of the facility, and ~~emergence-~~ ~~emergency~~ access of the site.

~~(H)~~6. Aviation Protection

~~For solar energy systems located within five hundred (500) feet of an airport or within approach zones of an airport, t~~The applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the ~~Airport Traffic Control Tower cab and~~ final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA ~~for solar energy systems located within one half (1/2) mile of the approach zones or:-~~

a. a restricted landing area as defined in 14.105 of Title 92 of the IL Administrative Code

b. a private-use airport as defined in Section 157.2 of Title 14 of the Code of Federal

Regulations and for which:

1. a notice to the Federal Aviation Administration (FAA) has been filed under Section 157.3 of Title 14 of the Code of Federal Regulations prior to the submission of the Special Use Application, and

2. an airport determination has been issued by the FAA with a determination of no objection or a conditional determination or the airport determination remains pending.

~~(I)~~7. Endangered Species and Wetlands

Solar ~~farms~~ ~~facility~~ developers shall be required to initiate a natural resource review consultation with the IL 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 shall be borne by the developer. All recommendations shall be executed.

~~(J)~~8. ~~Prior to the issuance of a building permit~~At the time of special use application, the applicant shall ~~submit:~~

- a. 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:
  1. A final map identifying the routes that will be used.
  2. A plan for maintaining and/or repairing the affected roads.
- ~~b. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.~~
- ~~c. A detailed list of costs showing the itemized total construction costs of the facility separated by parcel.~~
- db. A description of the method of connecting the array to a ~~building or~~ substation.
- c. 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.
- d. Shall, at their expense, locate all mutual tile drain systems that drain farms that are affected by the solar energy system. The applicant shall be responsible for any damage to these tiles and repairs made at the applicant's expense.
- e. Shall, at their expense, have a court ratified agreement with all drainage districts affected by the solar energy development.
- f. Provide properly executed agreements with all incorporated municipalities within 1.5 miles of the SES.

~~(K)9.~~ Decommissioning plan

~~A decommission plan shall be required to~~ Before a building permit will be granted, the applicant must present a decommission plan to ensure that SES facilities are shall be required properly removed after their useful life. Decommissioning of solar energy system components, including but not limited to solar panels, must occur in the event that such components are not in use for 12 consecutive months. The operating company and or landowner shall have six months thereafter to complete the decommissioning under the plan or the county may take any action it deems necessary to decommission the solar energy system component(s). The plan shall include provisions for removal of all structures (including equipment, fencing and roads), foundations, and restoration of soil and vegetation. The special use permit applicant, and any subsequent solar energy system owner that may purchase the solar energy system from the original special use permit applicant or from a subsequent purchaser, shall provide adequate financial resources to completely decommission any solar energy system. At the time of Special Use application, an estimate of the decommissioning costs in current dollars shall be prepared under seal of an Illinois licensed professional engineer. Salvage value of materials and equipment shall not be included in the calculated cost. The engineer recommended to provide this estimate will be approved by a majority vote of the DeWitt County Board before engaging in any decommissioning cost study and all costs associated with this engagement shall be borne by the applicant or its successors. Decommissioning security financing shall be required by the

~~county in order to insure the proper decommissioning of the site. This security financing should be in the form of an irrevocable letter of credit or cash placed in a county escrow account. The fully executed decommissioning plan and financial security must be presented to and approved by a majority vote of the DeWitt County Board prior to the issuance of a building permit for the facility.~~

~~An update to this decommissioning plan must be submitted to the county by the applicant or its successors every three years. Any change in decommissioning costs, as may be approved by a majority of the DeWitt County Board, after consideration of the engineer's report, shall be incorporated into the decommissioning plan. Any decommissioning plans signed by the party responsible for decommissioning and the landowner (if different) shall be submitted with the application for a special use permit.~~

~~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.~~

### (C) Decommissioning Plan

1. Before a building permit can be granted, the applicant must present a decommission plan to ensure that SES facilities are removed after their useful life. Decommissioning of solar panels must occur in the event they are not producing power for twelve (12) consecutive months. The last day of this twelve (12) month period shall be considered the termination date. The operating company and/or landowner shall complete decommissioning of the SES within twelve (12) months of the termination date, or the County may perform decommissioning at the operating company's expense. The decommission plan shall include provisions and the estimated costs for removal of all structures and modifications including equipment, fencing, roads, and foundations, including but not limited to the restoration of soil and vegetation necessary to return the land to the condition in which it existed at the time the application for special use was first filed. The plan must also describe the particular financial security the applicant proposes to offer to guarantee completion of the applicant's decommissioning obligations on the site. The issuance of a building permit for any SES shall be made contingent upon the applicant's prior filing of proof of its fulfillment of the decommissioning security obligation for the entire site, and in no instance shall the financial security be less than five thousand dollars (\$5000) per acre and cannot be reduced over the life of the SES. A bond, letter of credit or other form of security shall be the applicant's deposit of the determined monetary amount in the COUNTY ESCROW ACCOUNT as designated by the County Treasurer, unless the County Board in its sole discretion, agrees to accept alternative security, or a portion thereof, in the form of a security bond approved by the County. An update to the decommissioning plan shall be prepared by the applicant or its successors and submitted to the Zoning Administrator every three (3) years measured from the anniversary date of the building permit.

2. Prior to construction, the facility owner or operator of the SES shall submit an engineer's estimate of cost of decommissioning the SES and restoring site in accordance with the approved decommissioning plan. Upon review and approval of the estimate, the facility owner or operator shall obtain a bond, letter of credit, or other form of security acceptable to the county to be held by the County Treasurer in the amount of one hundred fifty percent (150%) of the estimate, so as to cover the cost of decommissioning as well as inflation cost in future years. The value of the security shall not be reduced based on the salvage value of any materials or equipment. If the facility owner or operator has a separate surety under the terms of an Agricultural Impact Mitigation Agreement (AIMA) the sum total of all sureties are not required to exceed one hundred fifty percent (150%) of the estimate.

3. The decommissioning plan shall provide for the removal of all of the following within twelve (12) months of the termination of the SES operation:

- a. All solar collectors and component's, above ground improvements, and outside storage.
- b. Foundations, pads, and underground electrical wires so as to reclaim all sites to the depth of five (5) feet below the surface of the ground. This shall include vertical/horizontal receptor wires. Horizontal lines five (5) feet or deeper do not need to be removed.
- c. Hazardous materials shall be disposed of in accordance with State and Federal laws.
- d. Any earth disturbances resulting from the removal of the ground mounted solar panels must be put back to the previous condition.

#### (D) OPERATION

1. The applicant of the SES must submit, on or before the first anniversary of the Commercial Operation Date, a summary of operation and maintenance reports to the zoning administrator and any other operation and maintenance reports as the zoning administrator reasonably requests.
2. Any physical modification to the SES that increases the number of solar conversion devices or structures and/or the land area occupied by the SES shall require a new special use permit. Like for like replacement of all SES components including but not limited to solar panels, transformers, inverters, cabling, shall not require recertification provided replacement is done in an equivalent fashion to the original installation.
3. The application shall explain methods and materials used to clean the SES equipment including an estimation of the daily and annual gallons of water used and the source of the water and management of wastewater. The applicant will comply with the Illinois State Water Survey and the IEPA.

#### (E) MATERIALS HANDLING, STORAGE AND DISPOSAL

1. All solid waste related to the construction, operation and maintenance of the SES shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
2. All hazardous materials related to the construction, operation, and maintenance of the SES shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

(F) POINT OF CONTACT. The applicant of the SES shall maintain with the zoning administrator and DeWitt County Sheriff's department a primary and two (2) secondary points of contact. This information shall be kept current at all times, and changes shall be reported immediately or as soon as is possible.

### **§ 157.09 COMPLIANCE WITH BUILDING CODE PERMITS**

The County shall retain, at the applicant's expense, the services of an independent engineering consultant to assist with permitting application and observe construction of the SES. The consultant shall be approved by the County Board prior to beginning any work on the SES. The consultant shall be an Illinois state licensed professional engineer. The consultant shall visit the site at intervals appropriate to the stage of construction, or as otherwise directed by the county, in order to observe the progress and quality of work completed by the contractor. The consultant shall prepare reports for each visit to the site detailing observations of the work performed and forward those reports to the Zoning Administrator within three five business days following the date of the site visit. The consultant shall submit invoices for services to the Applicant and the Zoning Administrator bi-monthly. The Applicant shall process and submit payment directly to the consultant within 15 business days of receipt of invoice. The consultant shall file a certification of a final inspection to the County indicating the structure(s) meet compliance with the International Building Code, International Existing Building Code; International Property Maintenance Code, and the 2008 or later edition of the National Electrical Code (NFPA 70) - National Fire Protection Association

### **§ 1537.10 INDEMNIFICATION.**

(A) The applicant shall defend, indemnify and hold harmless the county and its officials, employees and agents from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees (the liabilities together known as "liability") arising out of the applicant's selection, construction, operation and removal of the solar panels and affiliated equipment including, without limitation, liability for property or personal injury (including death), whether the liability is premised on contract or on tort (including, without limitation, strict liability or negligence).

(B) This general indemnification shall not be construed as limiting or qualifying the county's other indemnification rights available under the law.

(C) All costs incurred by the County shall be paid by the Applicant, Owner or Operator. Cost incurred under this provision shall include, but not be limited to, the cost of experts

and/or attorneys that may be used at any stage of the project, including the application review, hearing process, consideration of the application by the County (including County Board or Zoning Board of Appeals), permitting, operations phase and/or decommissioning phase. In addition, costs of any appeal or litigation resulting from any project, application, action, permit or work undertaken or performed by the County shall be paid by the Applicant, Owner or Operator, including, but not limited to, the cost of experts and attorney's fees.

**§ 157.11 LIABILITY INSURANCE**

The owner operator of the solar ~~farm~~ facility shall maintain a current general liability policy covering bodily injury and property damage and name DeWitt County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

**§ 157.12 FEES CHARGED FOR BUILDING PERMIT APPLICATION AND SPECIAL USE PERMIT APPLICATION**

(A) Special Use Permit Fees – These fees shall apply only to SES projects and shall supersede any other fee calculation for special use permits.

1. ~~Special Use Permit fee for a~~ Community Solar Garden is \$5000 per application
2. Commercial/Large Scale Solar Facility is \$10,000.00 plus \$35.00 per acre
3. This fee shall be used to cover the County’s costs incurred during the special use application review process, public hearings, and board approval of the SES including, but not limited to, internal expenses, hiring external technical experts, attorneys, or other professionals to assist with the review, meeting venues for public hearings, and all other expenses incurred by the county to ensure the application meets the requirements of this chapter. Should the actual costs to the County exceed the fee amount, the applicant shall be responsible for those costs and shall remit additional funds within 15 days written notice from the County.

(B) Building Permit Fee: ~~The fees for processing the application of a building permit are as such:~~

**1. RESIDENTIAL/COMMUNITY SOLAR GARDEN**

0-4 kilowatts (kW-dc)	\$75.00
5- <del>10</del> 15 kilowatts (kW – dc)	\$150.00
<del>11</del> 16-50 kilowatts (kW-dc)	\$300.00
51-100 kilowatts (kW-dc)	\$500.00
101-500 kilowatts (kW-dc)	\$1000.00

501-1000 kilowatts (kW-dc)	\$3000.00
1001-2000 kilowatts (kW-dc)	\$5000.00

2. The building permit fee for Commercial/Large Scale Solar Facility is \$10,000.00 for the first 2 megawatts (MW) and \$1,000.00 for each additional megawatt (MW).

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