

Sections:

1 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.

Solar Farm Energy System(SFES). A commercial facility, on a parcel(s) of five 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. Community solar installations are included in this definition.

Solar Farm Energy System Project Area. An SFES project area may be comprised of a single parcel of land or two or more contiguous parcels of land providing that the total area of an SFES project area consists of five acres of land or more.

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.

Noxious Weeds. Any of several plants designated pursuant to the Illinois noxious Weed Law (505 ILCS 100/1 et. Seq.) and that are identified in 8 Illinois Administrative Code 220.

Section 2. Commercial 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. This ordinance shall apply to solar energy farms

in the unincorporated areas of the County outside of the zoning jurisdiction of a municipality and the 1.5-mile radius surrounding the jurisdiction of a municipality.

B. Building Permit. Solar Farm Energy Systems shall require a building permit and shall be subject to the procedures and standards included in this ordinance. Actual construction must start on a site within two years of application approval by the Vermilion County Board or such permit will no longer be valid. It is the responsibility of the owner/operator to provide the County with proof of actual construction.

C. SFESs are subject to the following requirements:

1. Height. Shall not exceed eighteen feet at maximum tilt of the solar panel(s).
2. No SRES shall be built on any lot less than 5 acres in size.
3. Setbacks. The front, side and rear yard setbacks shall be a minimum of ten (10) feet from the property lines which form the outside perimeter of an SFES project area. They shall be 100 feet from a residential structure.
4. Fencing. A locked fence of at least six feet in height but no greater than eight feet shall enclose the SFES.
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 comply with standards set out by the Illinois Pollution Control Board. Noise levels may be enforced by the State of Illinois.
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. Placement of the generator or noise producing electrical equipment shall be placed at the center of the project to the extent practical.
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) has been executed with the Illinois Department of Agriculture. Failure comply with the Agricultural Mitigation Agreement and statue at 505 ILCs 147/15 et. seq. shall be a violation of this ordinance. Pursuant to 70 ILCS 405/22.02a an appropriate impact study shall be required as set out in the statutory Agricultural Mitigation Agreement which is incorporate herein as part of this ordinance.

11. Building Codes. All state, and national construction codes shall be followed. For purposes of this ordinance, the County adopts the National Electric Code and International Building Code as amended from time to time.

12. Vegetation and Ground Cover and Weed Control. Any weed control or planting of vegetation shall prevent Palmer, Amaranthus, and Conyza weed species, and other weed species that, at the time of application, are resistant to agricultural herbicides that are commonly used in Illinois. Any weed control or planting of vegetation shall also be certified to be in compliance with the Noxious Weed Act, 505 ILCS 100/1 et. seq., to prevent importation of noxious weeds or harmful vegetation. No soil sterilant shall be permitted on a solar site.

13. All drainage tiles shall be repaired or restored to same or better condition as when the project began. There will be an inspection for compliance by an independent inspector chosen by Vermilion County and paid for by the owner/operator.

14. JULIE shall be contacted before digging or excavation begins.

15. Local drainage districts, if any, shall be contacted prior to any development on the project site to locate drainage district tiles.

16. Annual review and reporting.

a) The applicant, owner, and/or operator of an SFES project shall submit to the Vermilion County Board Office 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 days of the receipt of this annual report, the County Board Office and Infrastructure Committee shall review the report and conduct an on-site field review of the SFES project. The Board Office and Infrastructure Committee shall compile a written report of the findings and within sixty days of the receipt of the report submit the report to the Vermilion County Board or any committee designated to oversee infrastructure issues.

c) The County Board shall charge a fee for this annual review in the amount of no more than five hundred dollars per SFES project area. This fee shall be paid to the County Board 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 an SFES project shall provide the Vermilion County Board and their designees access to the SFES project area for the purposes described in this ordinance. Failure to provide access shall be deemed a violation of this ordinance.

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

All applicable county, state, and national construction and electric codes shall be followed. For purposes of this ordinance, the County adopts the National Electric Code and International Building Code as amended from time to time.

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.

6) Evidence that the site plan has been submitted to the local fire protection district.

F. Application Process. The Application for a building permit for a Solar Farm Energy System shall be submitted with ten (10) copies and shall include:

1. An application fee of \$1,000.00
- 2) A written summary of the project including a general description of the project, including its approximate generating capacity.
- 3) The name(s), address(s), and phone number(s) of the owner and/or SFES operator.
- 4) A site plan of the SFES site showing:
 - a) Boundaries of the site.
 - b) All proposed SFES structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines
 - c) Property lines.
 - d) Setback lines.
 - e) The location of any known subsurface drainage tiles, and a statement describing attempts made to do tile surveys and to otherwise discover the location of drainage tile locations.
 - f) Identification of any flood zone areas within the project boundaries.
 - g) Location of all existing structures with their uses identified.
 - h) Wetland location, if any.
 - i) Septic systems.
 - j) Wells.
 - k) Existing easements, if any.
- 5) Proof of compliance with this solar ordinance and also proof of compliance with an erosion study by the Soil and Water Conservation District as defined under 70 ILCS 405/22.02a, and the Agricultural Mitigation Agreement statute at 505 ILCS 147/15 et. seq.
- 6) 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
- 7) All other information as may be requested by the Infrastructure Committee.
- 8) At the sole discretion of the Infrastructure Committee with the consent of, or at the direction of, the County Board Chairman, if an independent engineering or consulting report is required to resolve any disputes, it shall be the responsibility of the applicant to pay for such engineer or consultant, provided

however that the County shall consult with the applicant and attempt to resolve any issue prior to incurring any costs.

G. Decommissioning Plan. As part of the Application process of applying for a building permit, the SFES project owner/operator shall submit a decommissioning plan to the Vermilion County Board Office and Infrastructure Committee. The Vermilion County Board Office, the Infrastructure Committee, or its designees shall review the plan for completeness and refer it to the Vermilion County Board or any committee(s) designated to oversee solar farm issues. 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.
- 2) Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five 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 in current dollars. Such estimate shall be exclusive of salvage value. The engineer providing this estimate shall be engaged under contract by the Vermilion County Engineer and all costs associated with this engagement shall be 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 Infrastructure Committee, or its successor committee(s), of the Vermilion County Board may 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 Vermilion County shall have access to the project and to the funds to effect or complete decommissioning one 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 years under the same conditions as set forth in this Section above. Salvage value of structures, shall not 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. After an approved final inspection of all required information a certificate of compliance shall be issued and thereafter the Vermilion County Board shall vote for the issuance of a building permit.

Section 3. Indemnification and liability.

A. The applicant, owner, and/or operator of the SFES project shall defend, indemnify, and hold harmless the County of Vermilion 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 Vermilion County Board on an annual basis, and any loss of coverage must be reported within three working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

Section 4. 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 consecutive days, it shall be removed. The Vermilion County Board shall notify the owner to remove the system. Within thirty 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 Vermilion County State's Attorney for enforcement.

Section 4. 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 or the requirements of the Agricultural Mitigation Agreement, 505 ILCS 147/15, 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 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 or more than five hundred dollars. 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.

Section 5. Infrastructure Committee.

There is established an Infrastructure Committee who shall be appointed by the County Board Chairman with the concurrence of the County Board, who shall be qualified individuals to assist in the review of any application for solar panels and other reviews of infrastructure issues as may be delegated to them by the Board Chairman.

Section 6. Severability.

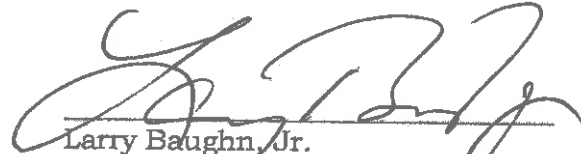
If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 7. Effective Date.

This ordinance is effective upon passage by the Vermilion County Board

PRESENTED, APPROVED, AND ORDAINED by the County Board of Vermilion County, Illinois at the August 13th, 2019, meeting.
DATED, this 13th day of August, 2019.

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Larry Baughn, Jr.
Chairman, Vermilion County Board

ATTEST:

Clerk of the County Board

ORDINANCE: 19-0806

RE: Ordinance- Solar Energy Systems
APPROVED BY EXECUTIVE COMMITTEE: 05/23/2019

Larry Baughn, Jr. <i>Committee Chairperson</i>	<input type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
Craig Golden	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
Steven Fourez	<input type="radio"/> Y	<input type="radio"/> N	<input checked="" type="radio"/> A
Kevin Green	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
Crisi Walls	<input type="radio"/> Y	<input type="radio"/> N	<input checked="" type="radio"/> A
Greg Thatcher	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
Becky Stark	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
AJ Wright	<input type="radio"/> Y	<input type="radio"/> N	<input checked="" type="radio"/> A