

COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2024-04-11-A

AN ORDINANCE AMENDING ORDINANCES 2018-06-12-B AND 2022-08-09-A
REGULATING DEVELOPMENT OF SOLAR ENERGY SYSTEMS

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 11TH DAY OF APRIL, 2024

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS 11TH DAY OF APRIL, 2024

ORDINANCE NO. 2024-04-11-A

AN ORDINANCE AMENDING ORDINANCE 2018-06-12-B AND 2022-08-09-A
REGULATING DEVELOPMENT OF SOLAR ENERGY SYSTEMS

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems in Fayette County that promote economic development and ensure the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. This ordinance is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

1. Definitions – 55 ILCS 5/5-12020 defines “Commercial Solar Energy Facility”, “Commercial Wind Energy Facility”, “Facility Owner”, “Nonparticipating Property”, “Nonparticipating residence”, “Occupied community building”, “Participating Property”, “Participating Residence”, and “Protected Lands”, and “Supporting Facilities.” Fayette County adopts those definitions herein.

- A. **Applicant:** Upon the submission of a Petition for a Special Use Permit for the purpose of a Solar Energy System ("SES"), any person, firm or partnership, association, corporation, company, or organization of any kind proposing to obtain site location approval and permits for a solar energy system in unincorporated Fayette County and includes the proposed operator and/or operator of the SES, and any other party with an interest in the SES.
- B. **Dwelling:** a building, or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including recreational vehicles, travel trailers or tents, which complied with the use regulations set out in the various districts provided for in the Fayette County Revised Zoning Ordinance.
- C. **Ground-mounted Solar Energy System:** A solar energy system and its related equipment that has its support structure placed directly on the ground and is not attached or affixed to an existing structure.
- D. **Solar Energy System ("SES"):** An alternative energy facility that consists of one or more ground-mounted or free-standing solar collection devices, solar energy related equipment, and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily commercial or other off-site use; also known as a solar power plant and a solar farm.
- E. **Construction of Solar Energy Systems:** No person shall construct or operate an SES without having fully complied with all the provisions of this ordinance.
- F. **Permits Required:** No person shall construct or operate an SES without first obtaining a special use approval from the County Board.

2. Special Use. An SES may be permitted with the following regulations and design standards.

- A. **Foundations.** The Project's engineer or another qualified engineer shall certify that the foundation is within accepted professional standards, given the design of the solar panels, local soil, and climate conditions.
- B. **Other Standards and Codes.** All solar farms shall be in compliance with any applicable local, state, and federal regulatory standards, and the National Electric Code as amended. The installation of new solar energy generation facilities shall be installed by a qualified person as defined by 20 ILCS 3855, *et seq.* (known as the "Future Energy Jobs Act")
- C. **Power and Communication Lines.** Power and communication lines ("Lines") running between banks of solar panels shall be buried underground except from point of interconnection to existing utility-owned, above-ground electrical wires. The Fayette County Board may grant variances when burying underground lines is not feasible, including but not limited to shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury Lines. JULIE shall be contacted before digging/excavating begins.
- D. **Height.** Systems, equipment, and structures shall not exceed thirty (30) feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines, utility poles, and other poles and equipment used in connecting a ground-mounted piece of equipment to an electric transmission line.

3. Setbacks.

- A. There shall be a setback of 150 feet from the nearest point on the outside wall of the structure for occupied community buildings and dwellings on nonparticipating properties.
- B. There shall be no set back requirement from the boundary lines of participating properties.
- C. There shall be a setback of 50 feet from the nearest edge of the Public Road Rights-of-Way.
- D. There shall be a setback of 50 feet to the nearest point on the property line of the nonparticipating property.
- E. **Fencing Setbacks.**
 - 1. Fences adjoining roadways may be placed up to the property line.
 - 2. All other fences shall be set back a minimum of three (3) feet from property lines to allow non-participating landowners to farm up to property lines and for the developer to access the outside of the fence for maintenance purposes.
 - 3. Fences around adjacent, non-participating dwellings shall be set back to the boundary of the Exclusion Zone.

F. **Screening and Fencing.** Keys shall be provided at locked entrances for access by appropriate emergency personnel. The applicant shall propose a landscaping plan, where necessary, to minimize the visibility of the project from adjacent residential structures. The landscape plan shall take into account the type(s) of vegetation to be planted, along with its approximate location. Earth berms and other topographical features and existing wooded areas may be acceptable forms of screening.

4. Lighting. If lighting is provided at the site, lighting shall be shielded and downcast to minimize light pollution on adjacent parcels.
5. Noise. Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.
6. Glare/Aviation Protection. For solar energy systems located within five hundred (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.
7. 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 24-hour emergency contact number.
8. 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, except for outdoor storage that is otherwise expressly allowed in the zoning district as specified herein. The Fayette County Board or their designee shall have the discretion to determine whether outdoor storage complies 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. For clarification purposes, during construction periods, it is understood that there may be materials, vehicles and equipment on the site(s) that do not support the operation or maintenance of the solar farm; or, do not comply with this ordinance. It will be further understood that any materials, vehicles or equipment on the site during construction that does not directly support the operation and maintenance of the solar farm; or, does not comply with the ordinance will be removed at the completion of construction so as to be in compliance with this section.
9. Fire Protection. A fire protection plan for the construction and the operation of the facility and emergency access to the site.
10. Endangered Species and Wetlands. Solar Farm 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 shall be borne by the developer.

11. Application Requirements. Due to the unique nature and special requirements of an SES and the potential impacts of an SES on adjoining properties and government services, the SES shall be required to submit and obtain approval on the following items in addition to any requirements by the Special Use Committee and the County Board. The applicant shall provide twenty (20) copies of all required submittals to the Fayette County Board. However, the applicant shall only be required to submit two (2) copies of all documents proving ownership or interest in the property.

A. A site plan with the existing conditions showing:

1. Existing property lines and property lines extending 100 feet from the exterior boundaries of the solar project, including the names of adjacent property owners and current use of those properties.
2. Existing adjacent public and private roads, showing widths of the roads and any associated easements.
3. Location and size of any abandoned wells, sewage treatment plants within the solar farm or on adjacent parcels.
4. Existing buildings and any impervious surfaces within the solar farm.
5. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required at the discretion of the Fayette County Board.
6. Existing vegetation (list type and percentage of coverage: i.e. cropland, plowed fields, grassland, wooded areas, etc).
7. Waterways, watercourses, lakes, and public water and wetlands.
8. Any delineated wetland boundaries.
9. 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.
10. Floodway, flood fringe and/or general floodplain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
11. Mapped soils according to the Fayette County Soil Survey.
12. Surface water drainage patterns.
13. The location of any subsurface drainage tiles.

B. Plan of proposed conditions:

1. Location and spacing of solar panels.
 2. Location of access roads and access points.
 3. Planned location of underground or overhead electric lines connecting the SES to a building, substation or other electric load.
 4. New electrical equipment other than at the existing building or substation that is to be the connection point for the SES.
 5. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
 6. Weed/grass control. Application must present an acceptable weed control plan for property inside and out fenced area for entire property. The operating company during the operation of the SES must maintain the fence and adhere to the weed/grass control plan.
- C. All SES applications shall be accompanied by a preliminary map and plan showing the roads and right-of-ways that will be utilized for both the construction and operation of the SES. Prior to the start of construction, the applicant must submit an executed agreement between the SES owner/operator and all road district authorities with infrastructure affected by the SES 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.
 3. Other inclusions as specified by the Special Use Committee, Fayette County Board, or affected road authority.
 4. Manufacturer's specifications and recommended installation methods for all major equipment, including typical solar panels, mounting systems and foundations for poles or racks.
- D. A general cost per megawatt.
- E. A description of the method of connecting the array to a building or substation.
- F. 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 the 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 Board.
12. Decommissioning of the Solar Farm. At a minimum, the Applicant shall adhere to the AIMA decommissioning (deconstruction) requirements.

13. Before a permit can be granted, the Applicant must present a decommission plan to ensure that all SES facilities are removed after their useful life. The decommission plan shall be prepared in accordance with the applicable standards and requirements in the SES's Agricultural Impact Mitigation Agreement ("AIMA"). Decommissioning of solar panels must occur in the event they are not producing power for twelve (12) consecutive months and/or the landowner does not receive payment for six (6) months. The last day of this twelve (12) month period shall be considered the termination date. The operating company shall complete decommissioning of the SES within twelve (12) months of the termination date. 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 permit was first filed. The plan must also describe the financial security the Applicant proposes to offer to guarantee completion of the Applicant's decommissioning obligations on the site. Construction of the SES shall not begin until Owner/Operator has filed proof of its fulfillment of the decommissioning security obligation for the entire site with the County, and in no instance shall the financial security be less than one thousand (\$1000.00) per acre or an equivalent to no less than 10% of the total costs of decommissioning pursuant to AIMA. The form of security financing shall be the following: (1) the Applicant's deposit of the determined monetary amount in the County escrow account, unless the County Board, in its sole discretion, agrees to accept an alternative security, or a portion thereof, in the form of a security bond approved by the County; or (2) an irrevocable letter of credit or bond with the Landowner as the sole beneficiary; however the Landowner must waive any recourse the Landowner may have against the county for the purposes of decommissioning. An updated decommissioning plan shall be submitted to the Fayette County Board at the end of five, ten, twenty, and thirty years, as applicable. Revised surety shall be provided to the Fayette County Board pursuant to AIMA at the end of five, ten, twenty, and thirty years, as applicable.

The county reserves the right to require reasonable 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. Such right shall expire thirty (30) days after submission of the SES application.

14. The decommissioning plan shall provide for the removal of the following within twelve (12) months of the termination of SES operation:
- A. All solar collectors and components, fencing, above-ground improvements, and outside storage.
 - B. Foundations, pads, and underground electrical wires to reclaim all sites to the depth of six (6) feet below the surface of the ground.
 - C. Hazardous materials shall be disposed of in accordance with federal and state law.
 - D. Any earth disturbance resulting from the removal of the ground-mounted solar panels must be graded and reseeded, unless otherwise agreed upon by the property owner.

E. Vegetative screening that has been installed by the Applicant.

15. Inspections. The County Board or his/her representative shall have the right, at any reasonable time and in the presence of the Applicant, its agents and/or assigns, to enter the premises on which the SES has been constructed to inspect all parts of said SES installation and require that repairs or alterations be made within thirty (30) days if, in his/her judgment, there exists a deficiency in the SES.
16. Retention of all Topsoil. Topsoil management must comply to AIMA standards. Best Efforts shall be performed to place the topsoil in a manner so that after settling occurs, the topsoil's original depth and contour will be restored as close as reasonably practicable. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance, shall the topsoil materials be used for any other purpose unless agreed to explicitly and in writing by the Landowner.
17. Liability Insurance. The owner/operator of the SES shall maintain a current general liability policy covering bodily injury and property damage and naming Fayette County as an additional insured with limits of at least two million dollars (\$2,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate with a deductible of no more than five thousand dollars (\$5,000). The applicant/owner shall provide proof of insurance to the Fayette County Clerk prior to construction and then on an annual basis. Applicants must also provide proof of insurance upon any material changes to the terms and conditions of the policy.
18. Fees and costs.
 - A. The Fee Schedule will be as follows:
 1. For projects under 40 megawatts - \$15,000.00
 2. For projects over 40 megawatts - \$15,000.00 plus \$300 for each additional megawatt
 3. Pre-Construction Administrative Fee - \$6,000 plus \$2000 per megawatt
 - B. In the event that any type of public hearing is needed, the County reserves the right to seek reimbursement for the costs of said public hearing.
19. Off-Street parking and loading. In accordance with regulations set forth in the application section of this chapter.
20. Signs. In accordance with the regulations set forth in the application section of this chapter.
21. Administration and Enforcement. The Fayette County Board shall enforce the provisions of this ordinance through a yearly inspection of the SES. The County is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the owner/operator of the facility. Any person, firm or corporation who violates, disobeys,

omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section may face fines of not more than \$750.00 per offense.

22. Annual Update Requirement. All contact information including name, phone number, and address of the current property owner, lessor, lessee, the interconnecting utility company, and buyer of the power (if applicable and if this information can be disclosed publicly), shall be submitted annually within thirty (30) days of the anniversary date of the Special Use Permit until decommissioning has been completed.

23. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. It is the intention of Fayette County to ensure that the ordinance is compliant with 55 ILCS 5/5-12020.

24. This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PRESENTED, APPROVED and ORDAINED by the Fayette County Board in regular session on _____, 2024.

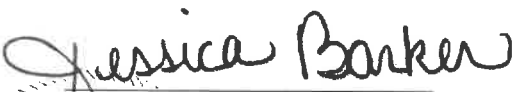
JOE WILLS	Absent
JACOB HARRIS	Aye
MERRELL H. COLLINS	Aye
MACK PAYNE	Aye
CASEY CAMERON	Absent
MICHAEL L. BUTTS	Absent
RYAN TOMPKINS	Absent
PATRICK CLICK	Aye
GLENDA BARTELS	Aye
ASHLEY TOWLER	Aye
JAMES WEHRLE	Aye
DOUG KNEBEL	Aye
SCOTT L. RAY	Aye

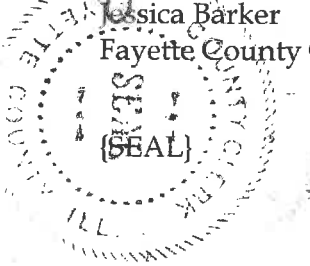
APPROVED by the Chairman of the Fayette County Board, Illinois on the 11th
day of April, 2024.



Jacob Harris, Chairperson
Fayette County Board, Illinois

ATTEST:



Jessica Barker
Fayette County Clerk


**Chief County Assessment Office
Fayette County Illinois**

Ryan Parks
CCAO
221 S 7th St
Vandalia, IL 62471
Rparks@fayettecountyillinois.gov



Solar Energy Systems
Property Tax Information
Illinois Department of Revenue

**Commercial Solar Energy System
Final Project Summary**

To be filed when system is completed for the purposes of property tax assessment

Landowner:

System property owner:

Parcel PINs:

Tax bill mailing address:

Project start date:

Project acreage:

Date complete:

- ☐ Attach copy of lease
- ☐ Attach complete survey

AC Megawatt nameplate capacity:

Survey must include a metes and bounds description of the land under which the commercial solar energy system is installed, and may include layout of panels, outline of fence, etc.

If a Battery Energy Storage System exists at this facility complete the following:

MW/KW power capacity:

Providing this survey to the Chief County Assessment Officer is required by law. (35 ILCS 200/10-740)

Hour duration:
