

# **SOLAR FARM**

## **Kankakee County Zoning Ordinance Amendment**

### **Chapter 121 – ZONING**

#### **ARTICLE I. – IN GENERAL**

##### **Sec. 121-3. Rules and definitions**

(b) Definitions.

Solar Farm - A solar panel or array composed of multiple solar panels on ground-mounted rack or poles which are one of the primary use(s) for the parcel of land on which it is located, or any solar energy system that has a primary purpose for wholesale or retail sales of generated electricity.

#### **ARTICLE III. - ZONING DISTRICTS**

##### **DIVISION 2. – AGRICULTURAL DISTRICTS**

##### **Sec. 121-99. – Agricultural district (A1).**

(c) *Special uses.*

(34) Solar farm. Solar farms, also known as solar power plants and solar energy generation facilities, shall be permitted in the A1 district as a special use, in accordance with the following minimal regulations and design standards.

(a) *Design standards.* The design standards and bulk regulations listed in the A1- Agriculture district for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

1. Foundations - The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is

within accepted professional standards, given local soil and climate conditions.

2. Other Standards and Codes- All solar farms shall be in compliance with any applicant 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. Exemptions or variances may be granted in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.

4. Minimum lot size – No solar farm shall be erected on any lot less than 5 acres in size.

5. Height – Systems, equipment and structures shall not exceed thirty feet (30) 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 shall have a setback for all equipment excluding fences a minimum of 100 feet on the front and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 100 feet for residentially zoned lots and existing residential properties, with the setback distance to be measured from the property line of the solar farm to the property line of residentially zoned lots or existing residential properties. The zoning board of appeals may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way, if the owners of the adjoining properties agree to waive these setback requirements. The zoning board of appeals granting of such a variance will be part of their recommendation to the county board.

7. Screening and Fencing – Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 8 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 thirty (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 (3) feet tall and with the expectation that this hedge shall reach the height of at least eight (8) 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.

8. Lighting – If lighting is provide at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

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

10. Performance standards - All solar power plants must conform to the performance standards as listed in Sec. 121-207 of Chapter 121.

11. Signage – an appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24 hour emergency contact number.

12. Outdoor storage - Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The planning director or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas

shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.

*(b) Application Requirements (zoning).* Due to the unique nature and special requirements of solar power plants and their potential impacts to adjoining properties and government services, solar power plants shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the County Code or any special conditions required by the zoning board of appeals or the Kankakee County Board. The applicant shall provide 50 copies of all required submittals to the planning department. However, the applicant shall only be required to submit two copies of all documents proving ownership or interest in the property.

1. A site plan with existing conditions showing the following:
  - a. Existing property lines and property lines extending one hundred feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
  - b. Existing public and private roads, showing widths of the roads and any associated easements.
  - c. Location and size of any abandoned wells, sewage treatments systems.
  - d. Existing buildings and any impervious surfaces.
  - e. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
  - f. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
  - g. Waterways, watercourses, lakes and public water wetlands.
  - h. Any delineated wetland boundaries.

- i. A copy of the current FEMA FIRM map that shows the subject property. And, the one hundred year flood elevation and any regulated flood protection elevation, if available.
  - j. Floodway, flood fringe and/or general flood plain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
  - k. Mapped soils according to the Kankakee County Soil Survey.
  - l. Surface water drainage patterns.
  - m. The location of any subsurface drainage tiles.
2. Site Plan of Proposed Conditions:
- a. Location and spacing of solar panels.
  - b. Location of access roads and access points.
  - c. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
  - d. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
  - e. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
  - f. Weed/Grass control- Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The Operating Company during the operation of the Solar Farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of \$500 per week if the fence is not secure or the weed/grass control plan is not followed, as per Sec. 121-7 of these regulations.

3. All solar power plant applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-ways that will be utilized for both the construction and operation of the solar power plant. Prior to the issuance of a building permit, the applicant shall 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:
  - a. A final map identifying the routes that will be used.
  - b. A plan for maintaining and/or repairing the affected roads.
  - c. Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.
4. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
5. An itemized cost estimate of the entire construction costs of the project.
6. A description of the method of connecting the array to a building or substation.
7. At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the county.
8. A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of

solar panels must occur in the event they are not in use for twelve (12) consecutive months, the operating company and or land owner have six months to complete the decommission plan or the County will take the necessary decommission steps. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning security financing shall be required by the county in order to assure the proper decommissioning of the site and in no instance shall the finance security be less than \$1000.00 per acre. This security financing should be in the form of an irrevocable letter of credit or cash placed in a County escrow account. The county board may, in its sole discretion, agree to accept security, or a portion thereof, in another form such as a bond or corporate guarantee. The decommissioning plan and financial security must be presented to and accepted by the Kankakee County Board prior to the issuance of a building permit for the facility.

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

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) *Fees and costs.*

- (1) *[Applicable fees.]* The fees listed in [section 121-38](#) are not applicable to solar farm special use permit applications and the following fees shall apply. No solar farm special use permit application shall be accepted until the filing fee of \$5,000.00 is paid and accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant that the applicant will pay to the county additional fees to reimburse the county for moneys expended in excess of \$5,000.00 in preparing for, processing, reviewing and evaluating the application to its final resolution. The applicant shall also agree in said notarized statement to stop all proceedings if

an invoice for reimbursement to the county is not paid to the county treasurer within ten days after the invoice has been presented to the appropriate corporate officer or official legal representative of the applicant.

- (2) *Remedial costs.* Applicants and/or owners of solar farms shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the planning director or the Kankakee County Board.