**ORDINANCE NO. 2022- \_\_\_\_\_\_**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE**

**(NO. 2019-14) TO ADD SOLAR FARM AS SPECIAL PERMITTED USE UNDER ALL ZONING CLASSIFICATIONS EXCEPT RESIDENTIAL**

**WHEREAS**, pursuant to authority granted by Illinois law, the Village of Winnebago has enacted zoning regulations governing the use of property within the corporation limits of the Village; and

**WHEREAS**, the Village desires to encourage and regulate the orderly development of solar farms (also sometimes referred to herein as large solar energy systems) within the corporate limits of the Village as an alternative means of renewable energy production within appropriate zoning districts, and only as a Special Permitted Use so as to protect the interests and safety of its citizenry; and

**WHEREAS**, there is no Village ordinance allowing for, or regulating, solar farms; and

**WHEREAS**, the rules and regulations for solar farms would be governed by the Village’s Unified Development Ordinance, as such solar farms would be considered new construction; and

**WHEREAS**, the Village also desires to encourage and regulate the orderly development of individual solar energy collection systems (e.g. solar panels on the roof or structure of a residence or business), but for the purposes of clarity, the same will be the subject of a separate future ordinance; and

**WHEREAS**, pursuant to all due notice required by law, as set forth in in 65 ILCS 5/11-13-14, a public hearing was held by the Zoning and Planning Commission on the referenced proposed text amendments to the Unified Development Ordinance on \_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_ p.m., with notice of said meeting published not less than 15 days nor more than 30 days prior to the public hearing in a newspaper of general circulation within the Village of Winnebago; and

**WHEREAS**, the Village Board believes that enacting the text amendments set forth herein will provide for the orderly development and establishment of solar farms in appropriate places within the Village, while ensuring that such development takes place in a manner which is in keeping with community standards, and preserves the public health and safety of the Village’s residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF WINNEBAGO BOARD OF TRUSTEES AS FOLLOWS:**

**(NOTE:** **In addition to what is listed below there will also be sections to amend the UDO to list a Solar Farm as a Special Permitted Use under all Village zoning categories excluding residential, but those changes do not require substantive comment. Therefore, in the interest of circulating this draft as soon as possible before the November 17, 2022 Community Development Committee Meeting, these sections will be included in a subsequent draft of this Solar Farm ordinance.)**

SECTION I

 Article 3 of the Unified Development Ordinance shall be amended in order to add the following definitions in their appropriate alphabetical order:

**Photovoltaic Panel**. A single panel comprised of multiple semiconductor cells which convert light into electrical current through photovoltaic effect. The photovoltaic effect is the generation of voltage and electric current in a material upon exposure to light. (MJG added)

**PV Array—Ground Mounted**. A PV array which is structurally mounted and anchored to the ground, and may be fixed-mount or tracking.

**Rated Nameplate Capacity**. The maximum rated output of electrical power production of the photovoltaic system in watts of Direct Current (DC).

**Solar Array**. An array of photovoltaic (PV) panels mounted in a closely placed arrangement. For purposes of coverage, the area of a PV array shall be deemed to include all space between panels, and the edge of the array shall be treated as a line around the outermost edges of the outermost panels in the array, connected in a fashion which creates a polygon with no inner angles in excess of 180 degrees (Freeport also defines as PV Solar Array vs. Solar Array)

**Solar Energy System**. A system which provides for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating through the use of photovoltaic panels or film or solar thermal panels, and includes all associated control, monitoring, and conversion electronics such as power inverters and battery storage units.

**Solar Farm**. A solar array composed of multiple photovoltaic panels on ground-mounted racks or poles, where the generation of electricity is the primary use of the parcel of land on which it is located, or any large solar energy system that has as its primary purpose the wholesale or retail sales of generated electricity. **??** **(ANY NEED TO LIST A DC RATED CAPACITY IN EXCESS OF A CERTAIN NUMBER OF KILOWATTS (e.g. adding at end of definition “that would generate direct current (DC) rated capacity greater than one hundred kilowatts (100 KW).**

**SECTION II**

 The following new Article, namely Article 19, on Solar Farms is added to the Unified Development Ordinance.

**SOLAR FARMS**

**19.01 Purpose**. The purpose of this article is to establish reasonable and uniform regulations to promote the safe and efficient location, construction, installation, and operation, and decommissioning of solar farms as an alternative means of renewable energy production in the Village of Winnebago through the permitting of solar farms only as a Special Permitted Use in all zoning districts in the Village of Winnebago, except residential. By requiring a Special Use Permit to be obtained will be able to better ensure that the development and production of solar energy on this scale in the Village of Winnebago operates to promote the supply of sustainable and renewable energy resources in support of national, state, and local goals, and facilitate energy cost savings and economic opportunities for Village of Winnebago residents and businesses, while working to ensure the safety of its citizenry and minimization of any potentially adverse effects on the community. The requirement of a Special Use Permit also provides for the preservation, protection of natural resources such as forests, tributaries, and habitat while also providing restrictions for the development to aid in the quality of life for the adjacent property owners and general aesthetic qualities for the Village and preventing detriment to the public health, safety and welfare of the Village as a whole.

**19.02**   **Design and Installation Requirements**

**19.02.01** **Location.** The Solar Farm shall not be located in wetlands or habitats of protected species of animals or plants. In addition local water retention shall be minimized by restricting impervious surfaces to the foundations anchoring the systems to the ground and by maintaining grass or other suitable penetrable media below all elevated components so as to permit adequate infiltration and percolation of precipitation into the ground.

**19.02.02 Minimum lot size**. No solar farm shall be erected on any lot less than \_\_\_\_\_ acres in size (Dekalb says 3 acres)—certain requirements with Illinois Department of Natural Resources if proposed site is more than 5 acres.

**19.02.03** **Foundation**. The manufacturer’s engineer, or other qualified engineer, shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

**19.02.04 Height.** Systems, equipment, and structures that are part of the composition of the solar farm shall not exceed \_\_\_\_\_\_ feet in height (**SOME SAY 20 FT. AND SOME SAY 30 FT.)** when oriented in a maximum tilt position. Excluded from this height requirement are electric transmission lines and utility poles.

**19.02.05 Setbacks.** (**POTENTIAL OPTIONS LISTED)**

Yard Setback Requirements: Setbacks from adjacent residentially used properties, with the exception of industrially zoned properties, shall be one hundred fifty feet zero inches (150'0"). All non-residentially used or industrially zoned properties shall be ten feet zero inches (10'0"). Setbacks shall be measured from the outer edge of the system to the adjacent property line.

**OR**

The ground mounted solar energy system comprising the solar farm shall have a setback for all electrical equipment, excluding fences, a minimum of 100 feet on the front, and 50 feet from all other property lines, with the exception that if the solar farm abuts a residentially zoned property, the solar energy system setback shall be 100 feet from that residentially zoned property. The setback distance is to be measured from the property line of the solar farm to the property line of the residentially zoned lot or existing residential property. Contiguous parcels comprising the solar farm shall not be subject to setbacks between the contiguous parcels. The Village Zoning Board may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining properties or public right-of-way, and if the owners of the adjoining properties agree to waiver of such setback requirements. (from Village of Hopkins Park in Kankakee County). Any waiver of any setback requirement shall only be considered an effective compliance with this subsection if said waiver runs with the land and is recorded as part of the chain of title and the deed of the subject property.

**OR**

Components of the solar collector system shall be located such that they are one hundred fifty feet (150') from public and private roads. All other setbacks shall meet the same distance as defined by the zoning district in which the parcel is located.

**19.02.06 Screening, Fencing, and Landscaping.** System equipment and structures shall be fully enclosed and secured by a fence with a minimum height of \_\_\_\_\_ feet (Village of Hopkins Park says 8 feet). Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Applicant shall minimize the disruption of natural environment, retain existing vegetation and native plant species to the maximum extent feasible and replant with native vegetation if existing vegetation is disturbed during construction. Landscaping shall be used as part of screening from adjacent residentially used and street view areas. The landscape plan shall include a maintenance plan.

**19.02.07** **Enclosure Requirement.** Any equipment necessary to the regulation, storage or control of electricity shall be enclosed in a primary building or accessory structure, unless otherwise required to be exposed to view for purposes of compliance with applicable code provisions or by interconnection or metering requirements imposed by any public utility.

**19.02.08 Perennial Vegetation**. Perennial vegetation, consisting of grasses and wildflowers native to the region, shall be maintained at all times as ground cover beneath the ground mounted PV Arrays

**19.02.09 Lighting**. If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto any adjacent parcel that is not part of the solar farm.

**19.02.10 Noise**. Noise levels measured at the property line shall not exceed \_\_\_\_\_\_ decibels (Village of Hopkins Park says 50) when located adjacent to an existing residence or residential district.

**19.02.11 Warning and Other Signage.** Signs warning of the high voltage associated with the solar farm shall be posted at every entrance to the facility, at the base of all pad mounted transformers and substations. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building. Unobtrusive manufacturer labeling signage is also allowed, but advertising signage is strictly prohibited. All signage must comply with the Village’s sign ordinance. Further, no attention-getting device is permitted on any solar energy system.

**19.02.12 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 in which the solar farm is located. In any event, all outdoor storage areas shall be fenced with impervious fencing or screened to a height of at least \_\_\_\_\_\_ feet to prevent viewing from adjoining properties and uses.

**19.02.13 Electrical Components.** All electrical components of a solar farm shall conform to all applicable local utility standards and National Electric Codes. All electrical wires and lines that are used in conjunction with the solar farm shall be installed underground with the exception of main service connection at the utility company right-of-way.

**19.02.14 High Water Mark.**  High water mark of navigable waterways/public parks/public conservation lands: One hundred fifty feet (150').

**19.02.15 Access Roads.** The applicant shall minimize the number and width of access roads, minimize cut and fill on sloping terrain and use natural terrain where feasible for these access points.

**19.02.16 Other Standards and Codes.** All solar farms shall be in compliance with any applicable local, state, and federal regulatory standards, and the National Electrical Code, as amended.

**19.03 Form of Solar Farm Applications.** The form of all solar farm applications shall be as follows:

         1.   All applications shall be in writing on paper of eight and one-half inches by eleven inches (81/2" x 11) with the size of any exhibits or supporting documentation to be based on the size necessary in order to easily read the same, but which are to be at least on paper of the size of 8-1/2 x 11 inches.

         2.   The pages of the application shall be consecutively numbered, and all exhibits clearly marked and identified.

         3.   In addition to the hard copies of the application referenced in paragraph (a) above, the text portion of the application, along with the exhibits or graphic presentations shall also be furnished in an electronic format.

**19.04 Filing Requirement for a Special Use Solar Farm.**

**19.04.01 Submittal Packet Process.**

**19.04.01.01 Copies.** The applicant for a solar farm Special Use Permit shall file fourteen (14) copies of application, including full size copies of all exhibits with the Village Deputy Clerk together with the appropriate site review application fee. The applicant is to provide additional copies of the application to the Village upon request. (**IS THE SITE REVIEW APPLICATION FEE IN UDO?)**

**19.04.01.02 Village Deputy Clerk Procedure**. The Village Deputy Clerk, upon receiving said application, shall do the following:

         1.   Accept for filing, and date stamp as filed, any application that is filed. The date stamp of the Village Deputy Clerk should be considered the official filing date for all time limit purposes. Receipt and acceptance of an application by the Village Deputy Clerk is pro forma, and does not constitute an acknowledgment that the applicant has complied with the Village ordinances.

         2.   The Village Deputy Clerk shall make available a copy of the application and public record concerning the application for public inspection during the normal business hours of the Village Administrative Office. Additionally, the Village Deputy Clerk shall provide to any person so requesting, copies of the application or the public record, upon payment by such persons for the actual cost of reproduction in accordance with the Village’s FOIA requirements.

**19.05** **Content of the Solar Farm Application.**  Every solar farm application shall include the following information and documentation:

      **1. Evidence of Physical Control.**  The applicant shall provide evidence of the physical control of the site to be developed. Acceptable evidence shall include a lease agreement (with the amount of rent to be paid allowed to be redacted), Agreement for Deed, or deed as proof of ownership. If a lease or Agreement for Deed is involved, the permit application shall be cosigned by the owner of the parcel on which the solar farm is to be located.

      **2.   Applicant Information.**  The applicant shall describe itself, its legal standing as to whether it is a corporation, limited liability company, individual, or other legal entity and shall identify its officers and directors, shareholders, and members. It shall also identify its parent and subsidiary companies. The same information shall be provided for all owners and operators of the solar farm. In addition, the applicant shall identify the property owners that have entered into leases or agreements with the applicant and proof must be included that the applicant has the legal authority to present the application in the name of such property owners. For all so named, physical address, e-mail address, and telephone contact information shall be provided.

      **3.   Project Description.** The applicant shall provide a general description of the project, which includes the following:

1. General description of the project including its total generating capacity affected area.
2. The manufacturer, type, and nameplate capacity of all photovoltaic panels to be used in the project.
3. Total rated nameplate capacity of the solar energy system.
4. Name of installer.
5. Equipment detail that outlines basic construction, electrical lines, and substation location.
6. Fencing and landscaping location and description proposed for buffering and maintenance plan.
7. The total height of the solar arrays and other structures needed for the functioning of the solar farm, including, but not limited to, the maximum height of panels at maximum inclination as mounted.

 **4. Site Plan with Existing Conditions.** The applicant shall submit a site plan with EXISTING CONDITIONS showing the following in order to enable the addressing of all relevant issues and to establish the beginning condition of the property for purposes of future restoration:

1. Existing property lines and property lines extending 100 feet from the exterior boundaries, with inclusion of the names and addresses of adjacent property owners and current use of those properties.
2. Existing public and private roads, showing widths of the roads and any associated easements and right-of-ways.
3. Location and size of any abandoned wells or sewage treatment systems.
4. Existing buildings and any impervious surfaces.
5. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
6. Existing vegetation (list type and percent of coverage: e.g. cropland/plowed fields, grassland, wooded areas, etc.)
7. Waterways, watercourses, lakes and public water 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 generated flood plain district boundary, if applicable, and not provided on the copy of the current FEMA FIRM map.
11. Mapped soils according to the Winnebago County Soil Survey
12. Surface water drainage patterns
13. The location of any subsurface drainage tiles, as can reasonably be determined.
14. The location of all existing underground and above ground utilities.
15. Wooded areas and public conservation lands.

      **5.   Site Plan of Proposed Conditions.**  The applicant shall provide a site plan of the PROPOSED CONDITIONS which shall include:

 a. All proposed buildings and structures on the property, including, but not limited to, collectors, substations, and service roads.

 b. Location, size, and spacing of solar panels.

 c. All proposed setback dimensions.

 d. Location and type of lighting;

 e. Location, height, and type of any fencing.

 f. The location and name of adjacent roadways;

 g. Location of access roads and access points, and showing the roads and right-of-ways that will be utilized for both the construction and operation of the solar farm, all routes for both ingress and egress need to be shown.

 h. Ingress and egress from the site as proposed during construction and thereafter, which indicates:

             i.   Proposed road surface and cover.

             ii. Dust control.

            iii. Width and length of access route and location of ingress.

           iiii.    The applicant shall provide details of expected construction timelines regarding the development's local traffic impact.

 i. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation, or other electric load.

 j. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure(s) on adjacent land.

 k. Topographic site information for the subject property and the adjacent properties within 250 feet of the property line of the subject property indicating contours in five foot (5') intervals.

 l. Location of any property lines within the project boundaries;

 m. Location of any easements for ingress, egress, drainage, storm water detention or otherwise;

 n. Location and type of any proposed landscape screening;

 o. Any proposed changes to grade or elevation;

 p. Location of all power inverters, control units, and other electrical equipment;

 q. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.

 r. Location of substation, if any;

 s. Point of grid interconnection, if any;

 t. Location of transmission lines

 u. Location of any occupied buildings within the project area or on any adjacent properties located within two hundred fifty feet (250') of any project area boundary;

 v. Contact information for the project manager or site supervisor;

 **6. Routing.** The routing that will be used for construction and maintenance purposes shall be subject to the approval of the Village Superintendent of Streets in coordination with the Village Public Works Director. The applicant shall provide and complete a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The applicant shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the applicant. The applicant shall provide a letter of credit or a surety bond in an amount approved by the Village Board and form approved by the Village Attorney.

**7. Manufacturer Information.** Manufacturer’s specifications for all major equipment, including solar panels, mounting systems, and foundations for poles or racks, shall be provided with “as built” drawings.

 **8.** **Cost Estimate.** A reasonably itemized cost estimate of the entire construction costs of the project.

    **9. Environmental Impact.** The application shall provide an environmental impact analysis which will include how the project will take measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. Applicant must arrange for the completion of a Natural Resource Inventory through the Winnebago County Soil and Water Conservation District and provide that to the Village Engineer for review with the LESA scoring system. A formal consultation with the Illinois Department of Natural Resource Ecological Compliance Assessment shall be completed and provided as part of the formal submittal for the special use.

 **10. Impact Study.** The applicant shall provide a current property value impact study of adjacent properties prepared and signed by a licensed appraiser. This impact study shall be made available to the public.

     **11.** **Easements, Contracts, Waivers, and Options.** Certified easements, contracts, waivers, and option agreements for proposed use of the land.

**12.** **Reclamation Plan.** Revegetation or reclamation plan of the areas that will be disturbed.

       **13.   Drainage plan and erosion control plan.** Applicant shall complete a drain tile survey of the site. Applicant shall work with all neighboring landowners and farmers to locate tile. Applicant will submit a drain tile survey as part of the storm water review for any site development permit and building permit application. Tiles that are either marked or unmarked that are damaged during construction or in the lifetime of the facility, the facility owner will repair or replace the damaged portion or implement a storm water management plan that will replicate the function of the drain tile. Any repairs done from the damage from construction shall be approved by the farmer, landowner, and the Village Engineer at the cost of the applicant. The plan shall also state that any damage to waterways, drainage ditches, field tiles or any other infrastructures caused by the construction or maintenance of the solar farm shall be completely repaired to near original condition and so as not to impede the natural flow of water. All repairs shall be completed within a reasonable amount of time. All existing drainage tiles that will be crossed by private access roads shall be removed and replaced with load resistant tiles as specified by the Village Engineer and the Village Superintendent of Streets. This shall be done before the private access roads are used for construction purposes. The load resistant tiles shall extend a minimum of thirty feet (30') across the private access roads and shall be of the same diameter of the existing tiles. To ensure that all drainage tiles are located, reasonable measures shall be made to locate all existing tiles in the vicinity of the private access roads by exploratory trench or other appropriate methods. Financial assurances in the form of cash or an escrow account, surety bond or a letter of credit in a form and amount acceptable to the Village Attorney shall be posted to assure compliance with this section.

**14.** **Hours of Operation.** Description of hours of operation for construction and maintenance of the facility, numbers of employees and type of traffic expected to be generated from the site.

 **15. Water Flow Impact Report.** A written report from a qualified professional engineer which indicates that the proposed installation will not increase water flow rates from the applicant's property.

 **16.** **Solar Glare Hazard Analysis.** If any portion of the proposed site is within five hundred feet (500') of an airport, or is located within an identified Runway Protection Zone (RPZ), a Solar Glare Hazard Analysis Tool (SGHAT) report consistent with the FAA's then-current policy on solar energy projects.

 **17. Planned Public Meeting.** A statement of the date and location of the planned meeting required hereunder, which date shall be not less than seven (7) days, nor more than sixty (60) days after the date of filing the application.

 **18.** **Ecological Compliance Assessment Tool Report.** If the proposed site is more than five (5) acres, an Ecological Compliance Assessment Tool (EcoCAT) report from the Illinois Department of Natural Resources conducted within two (2) years prior to the filing of the application, indicating that there are no threatened or endangered species or natural areas in the vicinity of the project, or, if so, that adverse effects are unlikely pursuant to the proposed site plan, or indicating other measures taken to address concerns raised by the consultation;

 **19.** A plan for operation and maintenance of the Solar Farm, setting forth, at a minimum, the following:

 a. Measures for maintaining safe and secure access to the site;

 b. General procedures for operational maintenance of the site;

 c. An emergency response plan, approved by the Win-Bur-SewFire Chief;

 d. Storm water management plans;

 e. Landscape maintenance plans and arrangements; and

 f. On-site staffing, if applicable.

 **20.** **Decommissioning Plan.** A decommissioning plan for removal of all PV Arrays and equipment upon cessation of operations, indicating the party financially responsible for such removal. The decommissioning plan must show the final site conditions after the ground-mounted solar farm system has been removed from the property. Prior to Special Use Permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after the ground-mounted solar farm system has been removed from the property. This shall also include a specific restoration plan.

 **21.** **Professional Estimate on System Removal Cost.** Prior to Special Use Permit issuance, the operator shall submit an estimate from a professional engineer or contractor who has expertise in the removal of solar farm systems, of the probable cost for decommissioning the solar energy system and restoring the site in accordance with the approved decommissioning plan. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. Upon review and approval of the estimate by the Village Board the operator shall obtain a bond, letter of credit, or other form of surety acceptable to the permitting authority in the amount of 130% of the engineer’s estimate.

**19.06 Application Fees.** (from Village of Hopkins Park)

**19.06.01** No solar far Special Use Permit application shall be accepted until the filing fee of $\_\_\_\_\_\_\_\_\_is paid (Village of Hopkins Park says $5,000.00), and accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant, that the applicant shall pay to the Village additional fees to reimburse the Village 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 immediately stop all proceedings if an invoice for reimbursement to the Village is not paid to the Village Deputy Clerk within \_\_\_\_\_\_\_ days (Village of Hopkins says 10) after the invoice has been presented to the appropriate corporate officer or official legal representative of the applicant. Further, applicants and/or owners of solar farms shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the Village Board.

**19.07 Public Meeting Requirement.**

**19.07.01** A public meeting shall be held by the applicant prior to the approval of any application for the construction of a Solar Farm in accordance with the provisions of this Section:

1. The meeting shall be held at a suitable location with the corporate limits of the Village of Winnebago.
2. All owners of property directly adjacent to the property on which the Solar Farm is to be constructed shall be provided notice of the meeting in the form required by subsection (4) hereof, via certified mail, return receipt requested, addressed to the owner of each such property as indicated upon the Winnebago County Assessor's records as of the date of mailing, at the address so indicated for such persons, of the date and time of the meeting. A copy of said notice shall also be provided to the Village Deputy Clerk. The applicant shall provide all original certified mail receipts to the Village Deputy Clerk upon receipt.
3. In addition to the mailed notice required under subsection (b)(ii) above, a notice shall published no less than one (1) time in a newspaper of general circulation within the Village of Winnebago in the form required by subsection (4) below.
4. The notice required by this Section shall be in substantially the following form:

YOU ARE HEREBY NOTIFIED that [Applicant] is requesting the issuance of a building permit for the construction of a Solar Farm consisting of approximately \_\_\_\_\_ acres of coverage, at [Address of Site]. A meeting to present discuss the site plan and provide an opportunity for public comment will be held at [Location of Meeting], at [Date and Time of Meeting]. THIS WILL BE YOUR ONLY OPPORTUNITY TO PRESENT CONCERNS OR OBJECTIONS TO THE PROJECT.

1. At the time and place of the meeting, the applicant (or an appropriate representative thereof if applicant is a business entity) shall be present and provide a detailed explanation of the proposed project, which shall include, at a minimum:
	1. A copy of a completed Special Use Permit Application, including a full-size site plan, in the form and containing all of the information required for the Special Use Permit application available for review by attendees for a reasonable time before and after the meeting.
	2. An opportunity for attendees to ask questions, and answers thereto provided in a meaningful and informative manner.
	3. Contact information for the applicant, or applicant's representative responsible for public inquiries, for the purpose of registering concerns or issues regarding construction, maintenance, or operations.
	4. Contact information for the Village Deputy Clerk (?Community Development Committee Chairman)

**19.08 Solar Farm Special Use Permit Application Review**.

**19.08.01** The Planning and Zoning Committee Committee, in conjunction with input from the Community Development Committee, Village Building Official, Public Works Director, Superintendent of Streets, Village Engineer, and Village Attorney **(anyone else?)** shall review the permit application, all supporting documentation, and comments, if any provided by adjoining landowners at the meeting required hereby, if applicable.

**19.08.02** If an application is complete, and all applicable requirements of this article are met, including, but not limited to, applicable Electrical and Building codes, the Village Building Official, after granting of the Special Use Permit by the Village Board of Trustees, shall promptly issue a permit for the construction of the facility in accordance with the application. However, if the Village Building Official, in his or her reasonably exercised discretion, believes that any portion of the application is incomplete, or any element thereof is deemed deficient in terms of compliance with accepted trade practices or the interests of public safety, the Village Building Official may deny the application, subject to the provisions of subsection (b) of this Section. (**CONFIRM WHO ELSE REVIEWS UNDER UDO.)**

**19.08.03** In the event the Village Building Official denies any application, the Village Building Official may either deny the application outright, or in the alternative, may require alterations or additions to the proposed site plan or application to address any such issues. In either such case, the Village Building Official shall provide written findings indicating the reasons for the denial, and the revisions or remedies to the proposed installation, if any, which he or she deems necessary in order to allow a permit to issue

**19.08.04** Any decision to approve or deny an application, or requiring modifications to the site plan as a condition to approval, shall be provided in writing to the applicant within fourteen (14) days of the date of the public meeting required herein.

**19.08.05** If the applicant does not agree with any finding or condition imposed by the Village Building Official the applicant may appeal the decision of the Village Building Official in the manner provide for appeals of permit denials generally under this Unified Development Ordinance. Any application which is complete shall be presumed valid for purposes of any appeal, and the burden shall be on the Village Building Official to show by a preponderance of the evidence that the proposed installation, or a component thereof, is not in accordance with accepted trade practices or will create a danger to the public health or safety. **(CONFIRM ANY PROCEDURE UNDER UDO FOR PERMIT DENIALS)**

**19.09** **BUILDING PERMIT APPLICATION REQUIREMENTS**.

**19.09.01** The building permit application shall include, in addition to any necessary updating of the information in the initial application, the following information

1. Plans, if any, for traffic control and/or requested roadway closures during construction.
2. The expected dates for start and completion of construction.
3. A description of the method of connecting the array to a building or substation.
4. 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 is what Village of Hopkins Park says). 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 Zoning Board, the County Board, or affected road authority.
5. A description of the method of connecting the array to a building or substation.
6. Fire protection plan for the construction and the operation of the facility, and emergency access to the site.
7. Acceptable weed control plan for property inside the fenced area of the solar farm.
8. Name and contact information for all contractors who will be working on the project.

**19.10 OPERATIONS.**

**19.10.01 Compliance with Health and Safety Regulations.** The operator of the Solar Farm shall adhere to the following health and safety regulations:

1. Solar Farms shall be operated in conjunction with all health and safety regulations applicable to other properties with the corporate limits of the Village of Winnebago.
2. The operator of a Solar Farm shall be responsible to take all reasonably necessary steps to ensure public health and safety as it pertains to any electrical connections, transmission lines, or equipment located upon or adjacent to, any public right of way or easement.
3. The operator shall:
	1. Control access to the property, by persons and/or wildlife, in order to prevent any public nuisance or hazard to public health and safety;
	2. Provide access to the project area by emergency management and law enforcement personnel at all times;
	3. Ensure that any approved lighting is maintained in operating condition.
4. The solar farm owner/operator 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 do so, there may be imposed a fine of \_\_\_\_\_\_ per week (Village of Hopkins Park says $500.00) if the fence is not secure or the weed/grass control plan is not followed.
5. **Vegetation Control.** A vegetation and weed control plan shall be provided that protects against the creation of a prey habitat and/or aesthetic impacts to the surrounding area.
6. **Cleaning Supplies and Solvents.** Cleaning chemicals and solvents used during the operation or maintenance of the solar farm facility shall consist of biodegradable products and shall be low in volatile organic compounds.
7. **Reflection Angles.** Reflection angles for solar collectors shall be oriented such that they do not directly glare onto adjacent residential parcels.
8. **Lighting.** Lighting that is used for security for the site shall be designed such that there is no reflective light that is projected onto adjacent properties.
9. **Emergency Plan.** An emergency plan shall be provided that has been approved by the local Fire Department having jurisdiction for the site.

**19.10.02 Maintenance; Inspections.** The maintenance of all of the solar farm grounds, plantings, and fencing shall be inspected monthly by the Land Use Department to ensure compliance. If compliance is not met, the applicant shall be notified to bring the site into compliance. Failure to do so shall require the applicant to provide to Grundy County a maintenance bond.

**19.11** **General Provisions**

**19.11.01 Complaint Resolution**. The applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the solar farm. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The applicant shall provide to the nearby residents a phone number of the project manager during the construction of the facility if a problem should arise.

**19.11.02 Waste Disposal.** All solid waste generated from supplies, equipment, parts, packaging or operation of the facility shall be removed from the site immediately and disposed of in an appropriate manner. Any hazardous waste that is generated by the facility, including, but not limited to, lubricating materials, shall be removed consistent with all local, State and Federal rules and regulations.

**19.11.03 Conformance to Industry and Code Standards/Engineer Certification.** The solar farm shall comply with all applicable local and County Codes for the electrical, mechanical and structural components of the facility. All documents provided for building plan review shall be stamped and signed by a professional engineer. All solar collection system panels shall be certified by the Solar Collector and Certification Corporation (SRCC).

**19.11.04 Annual Inspection.** Each applicant or successor in interest shall have the facility inspected annually by third party qualified solar power professionals at its own expense. The third party qualified solar power professional shall be subject to the approval of the Village Electrical Inspector. Within fifteen (15) days of the inspection a copy of all reports shall be provided to the Village Electrical Inspector. Failure to provide this annual certification may cause the revocation of the Special Use Permit as issued by the Village Board.

**19.11.05 Licensed Contractors.** No work shall be performed on any Solar Farm system, nor any component thereof, by any person who is not a licensed Commercial Contractor

 **19.12 Liability Insurance.** The owner or operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name Grundy 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).

**19.13 Decommissioning or Abandonment of Solar Farm**

**19.13.01 Decommissioning.**

 **19.13.01.01** Prior to receiving a Special Use Permit for the solar farm, the operator/owner shall provide for a decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy. The decommissioning plan must show the final site conditions after the ground-mounted solar farm system has been removed from the property. If the solar farm is out of service or not producing electrical energy for a period of nine (9) months, it will be deemed nonoperational, and decommissioning and removal of that facility will need to commence according to the decommissioning plan provided and approved. The owner shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the permitting authority by certified mail of the proposed date of discontinued operations and plans for removal. The removal shall be at the expense of the landowner on which the PV Array is located. This provision shall apply regardless of any cost shifting provision contained in a contract between the property owner and the operator of the Solar Farm concerning decommissioning. Decommissioning shall consist of:

1. Physical removal of all solar energy systems, structures, equipment, security barriers and electrical wiring lines from the site. Foundations, pads and underground electrical wires shall be removed to reclaim the site to a depth of four feet (4') below the surface of the ground.
2. Physical removal of all above ground improvements, outside storage, and anything else necessary to restore the property to its original condition before the solar farm was installed.
3. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
4. Stabilization or re-vegetation of the site as necessary to minimize erosion. The permitting authority may allow the owner or operator to leave landscaping or designated below-grade foundations or electrical wiring in order to minimize erosion and disruption to vegetation.
5. Access roads, fencing, groundcover, and landscaping may remain only if it can be shown to be compatible with the future use of the property.

**19.13.02 Abandonment.**

**19.13.02.01** Any solar farm wind energy conversion system that is out of service for a continuous nine (9) month period shall be deemed abandoned. The Village shall issue a Notice of Abandonment to the (**?owner ?operator)**, and said individual (s) shall be jointly and severally responsible for completely removing the system from the property.

**19.13.02.02** Within thirty (30) days of a Notice of Abandonment the holder of the Special Use Permit may request that the Village delay its designation of abandonment by submitting satisfactory documentation that the system has not been abandoned, along with a date when the system will be fully operational and in good working order. If the request is satisfactory upon examination of the supporting documents and an onsite inspection, the Notice of Abandonment shall be rescinded by the Village.

**19.13.03 Decommissioning Plan and Assurances.**

19.13.03.01. If the property owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the permitting body having jurisdiction retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned ground-mounted solar energy system and lien the property for such costs. As a condition of Site Plan and/or Special/Conditional Use Permit approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

**19.14 Administration and Enforcement**. The Village Building Official shall enforce the provisions of this section through an inspection of the solar farm every year. The Village Building Official 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 operator/owner of the facility. It shall be unlawful to install, relocate, or operate a Solar Farm within the Village of Winnebago without a valid Special Use Permit. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this ordinance shall, upon conviction, be fined not less than One hundred and 00/100 ($100.00) nor more than Seven hundred fifty and 00/100 ($750.00) for each offense. Each component of the solar farm shall be the subject of a separate violation and further each day that a violation is permitted to exist shall constitute a separate offense. Other actions may be taken by law or in equity to prevent or to remedy any violation of this section and these remedies shall be in addition to any other remedies, damages or penalties.

**SECTION III**

This ordinance shall be effective upon its passage by the Village of Winnebago Board of Trustees, its approval, and its publication as provided by law.

**SECTION IV**

All ordinances or parts of ordinances in conflict with this ordinance are repealed insofar as they conflict with the instant ordinance.

**SECTION V**

If any section, clause, or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the the ordinance as a whole or any part thereof other than the part so declared to be invalid, and this Village Board of Trustees expressly declares that it would have enacted this ordinance even with the invalid portion deleted.

**PASSED BY A ROLL CALL VOTE OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WINNEBAGO, ILLINOIS**, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Sally Jo Huggins, Village Clerk

YEAS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAYS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

ABSTAIN: \_\_\_\_\_\_\_\_\_\_\_\_

VOTED AS PRESENT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPROVED by** the Village President of the Village of Winnebago, this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 202\_\_\_\_

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 Franklin J. Eubank, President

 Village of Winnebago

**PUBLISHED IN PAMPHLET FORM:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_