**DU PAGE COUNTY ZONING BOARD OF APPEALS**
**JACK T. KNUEPFER ADMINISTRATION BUILDING**
**421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187/ 630-407-6700**

# AGENDA

**THURSDAY, AUGUST 27, 2026**
**ZONING BOARD OF APPEALS**
**6:00 P.M.**
**RM: 3-500 B**

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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC COMMENT**

4. **APPROVAL OF MINUTES**

5. **PUBLIC HEARING**

   **CASES:**

   **CASE**

   **Text Amendments T-2-26**
   To consider proposed Text Amendments T-2-26 to the DuPage County Zoning Ordinance to update the ordinance to be in compliance with Public Act 104-0458 regarding Commercial Wind Energy Facilities, Commercial Solar Energy Facilities, and Energy Storage Systems (ESS), which requires *"…(e) A county with an existing zoning ordinance in conflict with this Section shall amend that zoning ordinance to comply with this Section within 120 days after the effective date of this amendatory Act of the 104th General Assembly."*

   The proposed amendments will establish zoning regulations for Small Wind Energy Systems, Private Solar Energy Systems, Commercial Wind Energy Facilities, Commercial Solar Energy Facilities, and Energy Storage Systems (ESS), consistent with State law.

6. **OLD BUSINESS**

7. **NEW BUSINESS**

8. **ADJOURNMENT**

**DU PAGE COUNTY ZONING BOARD OF APPEALS**
**JACK T. KNUEPFER ADMINISTRATION BUILDING**
**421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187/ 630-407-6700**

**T-2-26 Text Amendments**

**The DuPage County Zoning Board of Appeals will conduct the following public hearing:**

**NOTICE OF PUBLIC HEARING:** 6:00 p.m. **THURSDAY, AUGUST 27, 2026,** 3-500 B, JACK T. KNUEPFER ADMINISTRATION BUILDING, 421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187

**Please be advised that access to the 421 JACK T. KNUEPFER ADMINISTRATION BUILDING is limited to the main entrance located in the center on the east side of the building.**

**PLEASE NOTE:** Public comment may also be submitted through the County Website at: https://dupagecounty-ktgfp.formstack.com/forms/publiccomment.

*The deadline to submit online public comment via the County website is Wednesday, August 26, 2026, at 3:00 P.M. Public comment will be made part of the public record.

**PETITIONER**: DUPAGE COUNTY

**REQUEST:** To consider proposed Text Amendments T-2-26 to the DuPage County Zoning Ordinance to update the ordinance to be in compliance with Public Act 104-0458 regarding Commercial Wind Energy Facilities, Commercial Solar Energy Facilities, and Energy Storage Systems (ESS), which requires *"...(e) A county with an existing zoning ordinance in conflict with this Section shall amend that zoning ordinance to comply with this Section within 120 days after the effective date of this amendatory Act of the 104th General Assembly."*

The proposed amendments will establish zoning regulations for Small Wind Energy Systems, Private Solar Energy Systems, Commercial Wind Energy Facilities, Commercial Solar Energy Facilities, and Energy Storage Systems (ESS), consistent with State law.

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**EXHIBIT A:**

Amend and add to ARTICLE III. - RULES AND DEFINITIONS, Section 37-302: DEFINITIONS:

**Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.**

**Building-Integrated Solar Energy Systems: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings**

**Commercial solar energy facility: Shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Commercial wind energy facility: Shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Energy Storage System (ESS): Shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Excused service interruption: For the purposes of energy storage system, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Facility owner: For the purposes of commercial solar energy facilities, commercial wind energy facilities, and energy storage systems, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Force majeure: For the purposes of energy storage system, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**NFPA: For the purposes of energy storage system, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Nonparticipating property: For the purposes of commercial solar energy facilities, commercial wind energy facilities, and energy storage systems, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Nonparticipating residence: For the purposes of commercial solar energy facilities, commercial wind energy facilities, and energy storage systems, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Occupied community building: For the purposes of commercial solar energy facilities, commercial wind energy facilities, and energy storage systems, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Off-Grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.**

**Participating property: For the purposes of commercial solar energy facilities, commercial wind energy facilities, and energy storage systems, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Protected lands*:* For the purposes of commercial solar energy facilities, commercial wind energy facilities, and energy storage systems, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Roof Mount Solar Energy System: A solar energy system that is mounted on a rack that is fastened onto a building roof.**

**Solar Collector: An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.**

**Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.**

**Solar Energy System, Private: A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot, planned development, commercial and industrial park, or subdivision on which or in which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.**

**Solar Hot Air System: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re- circulating conditioned building air.**

**Solar Hot Water System: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.**

**Supporting facilities: For the purposes of commercial solar energy facilities, commercial wind energy facilities, and energy storage systems, shall have the same meaning as defined in 55 ILCS 5/5-12.**

**Wind Energy System, Small: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW that does not meet the kilowatt capacity in total nameplate generating capacity as defined by 55 ILCS 5/5-12 and which is intended to primarily reduce onsite consumption of utility power. If all applicable regulations are met a small wind energy system may contain more than one wind energy conversion system. This system may power properties in planned developments, commercial and industrial parks, or subdivisions on which or in which said system is located.**

**Wind Tower: For the purposes of commercial solar energy facilities and commercial wind energy facilities, a wind tower shall have the same meaning as defined in 55 ILCS 5/5-12.**

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Create and add **Section 37-426: - SMALL WIND ENERGY SYSTEMS.**

**A.** ***Total height.*** **There is no limitation on tower height, except as imposed by setback, clear zone and FAA regulations.**

**B.** ***Setback.*** **The wind energy system shall be set back a distance equal to one hundred ten (110) percent of the hub height from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.**

**C.** ***Clear zone.*** **The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred ten (110) percent of the hub height. This clear zone shall be maintained free of any occupied structures on adjoining properties, tanks containing combustible/flammable liquids, and above-ground utility/electrical lines.**

**D.** ***Noise.*** **Wind energy systems shall not exceed sixty (60) dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.**

**E.** ***Tower security.*** **Any climbing apparatus must be located at least twelve (12) feet above the ground, and the tower must be designed to prevent climbing within the first twelve (12) feet.**

**F.** ***Lighting.*** **Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.**

**G.** ***Signs/advertising.*** **No tower should have any sign, writing, or picture that may be construed as advertising.**

**H.** ***Visual effects and safety.*** **All reasonable visual and safety concerns of adjacent property owners must be resolved before a construction permit will be issued.**

**I.** ***Multiple*** **wind energy** ***systems.*** **Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all noncommercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the hub height.**

**J.** ***Approved*** **wind** ***turbines.*** **At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one (1) of the following national certification programs such as the California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.**

**K.** ***On-site electrical use.*** **On the construction/use permit application, the applicant must certify that the proposed system will be used primarily to reduce on-site consumption of electricity.**

**L.** ***Compliance with the National Electrical Code.*** **Construction/use permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.**

**M.** ***Removal of defective or abandoned*** **wind energy** ***systems.*** **Any wind energy system found to be unsafe by an authorized County official shall be repaired by the owner to meet Federal, State and local safety standards or removed within six (6) months. If any wind energy system is not operated for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provide forty-five (45) days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice from the County.**

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Create and add **Section 37-427: - SOLAR ENERGY SYSTEM, PRIVATE.**

**A.** ***Roof mounted for on-site*** **energy** ***consumption.*** **Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof-mounted or building-integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of this chapter. Roof-mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on site shall be exempt from building permits. The use of roof-mounted solar panels for on-site energy consumption shall comply with all applicable Federal, State, and local laws and the rules of the local electrical utility.**

**B.** ***Freestanding for on-site*** **energy** ***consumption.*** **Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures in all zoning districts, provided that the system is no larger than necessary to provide one hundred twenty (120) percent of the electrical and/or thermal requirements of the structure, planned development, commercial and industrial park, or subdivision to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. Private freestanding solar energy systems may be the first structure constructed on lots zoned residential, business, or manufacturing. Freestanding solar panels shall be permitted if they comply with the standards listed in this chapter. Ground- or**

**pole-mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which they are located. Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply with all applicable Federal, State, and local laws and the rules of the local electrical utility.**

**C.** ***Setback requirements.*** **Unless otherwise stated in this ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions. No solar energy system shall be located in any front yard of any residentially zoned or used property.**

**D.** ***Design standards.*** **Active solar energy systems shall be designed to conform to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.**

**(1) Building-integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.**

**(2) Solar energy systems using roof-mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.**

**(3) All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.**

**(4) Damaged field drain tile shall be repaired or rerouted on a timetable approved by the County Building and Zoning Department.**

**E.** ***Coverage.*** **Roof- or building-mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for firefighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.**

**F.** ***Plan approval required.*** **All solar energy systems shall require administrative plan approval by the County Building Official via the review of the application for a building permit.**

**(1) Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.**

**(2) For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.**

**(3) For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.**

**(4) Applications that meet the design requirements of this chapter and do not require an administrative variance shall be granted administrative approval by the Building and Zoning Administrator and do not require Development Committee review. Zoning plan approval does not indicate compliance with building or electrical codes.**

**G.** ***Approved solar components.*** **Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.**

**H.** ***Compliance with Building Code.*** **All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County-adopted building codes will apply and take precedence where applicable.**

**I.** ***Utility notification.*** **All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.**

**J.** ***Building permit requirements and fees.*** **All solar energy systems will be required to have a County building permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the building permit application. The plat/drawing must show the location of the system on the building or on the property (for a ground-mount system, show arrangement of panels), with all property lines and setback footages indicated. Fees for processing the applications for building permits shall be established by the County Board. Any solar energy system for which construction has started before a building permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes.**

**K.** ***Decommissioning plan.***

**(1)** **Upon the request of the County Building and Zoning Department, an owner of a solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have one hundred eighty (180) days, after notification from the County Building and Zoning Department, to remove the solar energy system from the property.**

**(2)** **Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.**

**L.** ***Other requirements.***

**(1)** **No fencing is required; however, if installed on the property, the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.**

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

**(3)** **Electric solar energy system components must have a UL listing and must be designed with anti-reflective coatings.**

**(4)** **Solar energy systems must be in compliance with all State plumbing and energy codes.**

**(5)** **For solar energy systems located within five hundred (500) feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare 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 Federally Obligated Airports, or most recent version adopted by the FAA.**

**M.** ***Applicability.*** **The regulations in this section apply only to private solar energy systems and do not apply to commercial solar energy facilities.**

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Create and add **Section 37-428: - COMMERCIAL SOLAR ENERGY FACILITY AND TEST SOLAR ENERGY SYSTEMS.**

**A.** **All commercial solar energy facilities and test solar energy systems located within one and one-half (1½) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property.**

**B.** **The setbacks for commercial solar energy facilities shall be measured from the nearest edge of any above ground component of the facility as follows, excluding fencing:**

| | |
|---|---|
| **Occupied community buildings or dwellings on nonparticipating properties** | **150 feet from the nearest point on the outside wall of the structure** |
| **Boundary lines of participating properties** | **None** |
| **Boundary lines of nonparticipating properties** | **50 feet to the nearest point on the property line of the nonparticipating property** |
| **Public road rights-of-way** | **50 feet from the nearest edge of the public right-of-way** |

**The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, State Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.**

**C.** **A commercial solar energy facility's perimeter shall be enclosed by fencing having a height of at least six (6) feet and no more than twenty-five (25) feet.**

**D.** **No component of a solar panel as part of a commercial solar energy facility shall have a height of more than twenty (20) feet above ground when the solar energy facility's arrays are at full tilt.**

**E.** **The above setback, fencing, and component height requirements may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal.**

**F.** **Sound limitations for components in commercial solar energy facilities shall follow the sound limitations established by the State Pollution Control Board, unless waived by a participating property, participating residence, nonparticipating property, nonparticipating residence, or any combination of those properties or residences following the procedure outlined in State law.**

**G.** **The County shall not require standards for construction, decommissioning, or deconstruction of a commercial solar energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.**

**H.** **A vegetative screening shall be placed between a commercial solar energy facility and nonparticipating residences. Vegetative screening requirements shall be limited in height at full maturity to avoid reduction of the productive energy output of the commercial solar energy facility and shall be a maximum five feet (5') in height when first installed or prior to commercial operation date. The screening requirements shall take into account the size and location of the facility, visibility from nonparticipating residences, compatibility of native plant species, cost and feasibility of installation and maintenance, and industry standards and best practices for commercial solar energy facilities.**

**I.** **Commercial solar energy facility applicants shall provide the results and recommendations from consultations with the State Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial solar energy facility applicant shall adhere to the recommendations provided through this consultation.**

**J. Reserved.**

**K. A facility owner shall provide evidence at the time of application submittal of consultation with the State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.**

**L. A commercial solar energy facility owner shall plant, establish, and maintain for the life of the facility vegetative ground cover consistent with State law and the guidelines of the State Department of Natural Resources' vegetative management plans. The vegetation management plan shall be required at the time of application submittal.**

**M. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the County Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.**

**N. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial solar energy system within a reasonable time after construction of the commercial solar energy facility is complete. The specific time shall be set in the conditional use permit.**

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Create and add **Section 37-429: - COMMERCIAL WIND ENERGY FACILITY AND TEST WIND TOWERS.**

**A. The following conditions apply to all commercial wind energy facilities located outside the one and one-half (1½) mile zoning jurisdiction of municipalities and within the one and one-half (1½) mile zoning jurisdictions of municipalities under intergovernmental agreements with the County for zoning services. All commercial wind energy facilities located within one and one-half (1½) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property, unless not required to do so by applicable law.**

**B. 1. The setbacks for wind towers as measured from the center of the base of the wind tower shall be as follows:**

| | |
|---|---|
| **Occupied community buildings or nonparticipating residences** | **2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure** |
| **Participating residences** | **1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure** |
| **Boundary lines of participating properties** | **None** |
| **Boundary lines of nonparticipating properties** | **1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property** |
| **Public road rights-of-way** | **1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way** |
| **Overhead communication and electric transmission and distribution facilities (not** | **1.1 times the maximum blade tip height of the wind tower to the nearest edge of the** |

| | |
|---|---|
| **including overhead utility service lines to individual homes or outbuildings)** | **property line, easement, or right-of-way containing the overhead line** |
| **Overhead utility service lines to individual houses or outbuildings** | **None** |
| **Fish and wildlife areas and State Nature Preserve Commission protected lands** | **2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife or protected land** |

**2. The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, State Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.**

**3. A wind tower of a commercial wind energy facility shall be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions.**

**4. The above setback may be waived subject to the written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal.**

**C. Sound limitations for wind towers in commercial wind energy facilities shall follow the sound limitations established by the State Pollution Control Board, unless waived by a participating property, participating residence, nonparticipating property, nonparticipating residence, or any combination of those properties or residences following the procedure outlined in State law.**

**D. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy system or related financial assurances to be more restrictive than the agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.**

**E. Reserved.**

**F. The commercial wind energy facility shall follow applicable Federal regulations pertaining to blade tip height maximums.**

**G. Commercial wind energy systems applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources that obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial wind energy system applicant shall adhere to the recommendations provided through this consultation.**

**H. Reserved.**

**I. A facility owner shall demonstrate avoidance of protected lands as identified by the State Department of Natural Resources and the State Nature Preserve Commission or consider the recommendations of the State Department of Natural Resources for setbacks from protected lands, including areas identified by the State Nature Preserve Commission.**

**J. A facility owner shall provide evidence at the time of application submittal of consultation with the State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.**

**K. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the County Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.**

**L. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy system within a reasonable time after construction of the commercial wind energy facility is complete. The specific time shall be set in the conditional use permit.**

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Create and add **Section 37-430: - ENERGY STORAGE SYSTEMS.**

**A. All energy storage systems located within one and one-half (1½) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property.**

**B. The energy storage facility shall comply with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems in effect on September 29, 2026, or any successor standard issued by the NFPA in effect on the date of conditional use permit approval.**

**C. The setbacks for energy storage systems as measured from the nearest edge of the nearest battery or other electrochemical or electromechanical enclosure shall be as follows:**

| | |
|---|---|
| **Occupied community buildings or and nonparticipating residences** | **One hundred fifty feet (150') from the nearest point on the outside wall of the occupied community building or nonparticipating residence** |
| **Boundary lines of occupied community buildings and nonparticipating residences** | **Fifty feet (50') to the nearest point on the property line of the occupied community building or nonparticipating property** |
| **Public road rights-of-way** | **Fifty feet (50') from the nearest edge of the right-of-way** |

**D. An energy storage system's facility's perimeter shall be enclosed by fencing having a height of at least seven feet (7') and no more than twenty-five feet (25').**

**E. The setbacks listed in c and d above do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, State Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.**

**F. The setbacks listed in c and d above may be waived subject to written consent of the owner of each affected nonparticipating property or nonparticipating residence.**

**G. Sound limitations for energy storage systems shall follow the sound limitations established by the State Pollution Control Board. The facility owner shall provide to the County upon request from the County, not more than once, octave band sound pressure level measurements from a reasonable number of sample locations at the perimeter of the energy storage system to demonstrate compliance.**

**H. A facility owner shall file a farmland drainage plan with County and impacted drainage districts that outlines how surface and subsurface drainage of farmland will be restored during and following the construction or deconstruction of the energy storage system. The plan shall be created independently by the facility owner and**

**shall include the location of any potentially impacted drainage district facilities to the extent the information is publicly available from the County or drainage district and plans to repair any subsurface drainage affected during construction or deconstruction using procedures outlined in the decommissioning plan. The drainage plan and decommissioning plan shall be included with the application submittal for the conditional use permit. All surface and subsurface damage shall be repaired as soon as reasonably practicable.**

**I. A decommissioning plan shall be provided to the County at the time of application submittal. The decommissioning plan shall include all requirements for decommissioning plans in NFPA 855 and shall also require the facility owner to do the following:**

**(1) State how the energy storage system will be decommissioned, including removal to a depth of three feet (3') of all structures that have no ongoing purposes and all debris and restoration of the soil and any vegetation to a condition as close as reasonably practicable to the soil's and vegetation's preconstruction condition within eighteen (18) months of the end of project life or facility abandonment.**

**(2) Include provisions related to commercially reasonable efforts to reuse or recycle of equipment and components associated with the commercial offsite energy storage system**

**(3) Include financial assurance in the form of a reclamation or surety bond or other commercially available financial assurance that is acceptable to the County, with the County or participating property owner as beneficiary. The amount of the financial assurance shall not be more than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a professional engineer licensed to practice engineering in Illinois with expertise in preparing decommissioning estimates, retained by the applicant.**

**The financial assurance shall be provided to the County incrementally as follows:**

| | |
|---|---|
| **Before the start of full commercial operation** | **Twenty-five percent (25%)** |
| **Before the start of the 5th year of commercial operation** | **Fifty percent (50%)** |
| **By the start of the 10th year of commercial operation** | **One hundred percent (100%)** |

**(4) Update the amount of the financial assurance not more than every five (5) years for the duration of commercial operations. The amount shall be calculated by a professional engineer license to practice engineering in Illinois with expertise in decommissioning, hired by the facility owner.**

**(5) Decommission the energy storage system, in accordance with an approved decommissioning plan, within eighteen (18) months after abandonment. An energy storage system that has not stored electrical energy for twelve (12) consecutive months or that fails, for a period of six (6) consecutive months, to pay a property owner who is party to a written agreement, including, but not limited to, an easement, option, lease, or license under the terms of which an energy storage system is constructed on the property, amounts owed in accordance with the written agreement shall be considered abandoned, except when the inability to store energy is the result of an event of force majeure or excused service interruption.**

**J. The facility owner shall provide the results and recommendation from consultation with the Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool prior to the zoning hearing on the application.**

**K.** **An energy storage system shall adhere to the recommendations provided by the Department of Natural Resources in an Agency Action Report. The facility owner shall demonstrate the avoidance of protected lands identified by the Department of Natural Resources and the Illinois Nature Preserve Commission or shall consider the recommendations of the Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.**

**L.** **The facility owner shall provide evidence of consultation with the Illinois Historic Preservation Division to assess potential impacts on State-registered historic sites under applicable law. Proof of such consultation shall be supplied at the time of application submittal for the conditional use permit.**

**M.** **The conditional use permit shall allow parties that control the subject property to periodically augment the site plan to maintain the approximate original capacity of the energy storage system without the need to submit applications for amendments to the conditional use permit.**

**N.** **The facility owner shall submit to the County prior to the issuance of a final certificate of occupancy permit a commissioning report meeting the applicable requirements of NFPA 855, as published in 2023, or the most recent version of NFPA 855.**

**O.** **The facility owner shall submit to the County prior to the issuance of a final certificate of occupancy permit a hazard mitigation analysis meeting the applicable requirements of NFPA 855 or the most recent version of NFPA 855.**

**P.** **The facility owner shall submit to the County prior to the issuance of a final certificate of occupancy permit an emergency operations plan meeting the applicable requirements of NFPA 855, as published in 2023, or the most recent version of NFPA 855.**

**Q.** **The facility owner shall provide the County a warning that complies with the applicable requirements of NFPA 855, published in 2023, or the most recent version of NFPA 855.**

**S.** **The energy storage system shall adhere to the principles for responsible outdoor lighting provided by the International Dark-Sky Association and shall limit outdoor lighting to that which is minimally required for safety and operational purposes. Any outdoor lighting shall be shielded and downcast from all residences and adjacent properties. A photometric plan shall be submitted at the time of application submittal for the conditional use permit.**

**T.** **The energy storage system shall comply with fire and safety standards and guidance established for the installation of lithium-ion battery storage systems set by the NFPA.**

**U.** **Prior to the issuance of a final occupancy permit, the facility owner shall offer to provide training for the local fire departments and emergency responders in accordance with the facility emergency operations plan. A copy of the emergency operations plan shall be given to the facility owner, the local fire department, and DU-COMM. The facility owner shall provide the County proof of the offer of training and proof of delivery of the emergency operations plan to the local fire department and any other emergency responding agencies prior to the issuance of the final certificate of occupancy permit.**

**V.** **All batteries integrated within an energy storage system shall be listed under the UL 1973 standard. All batteries integrated within an energy storage system shall be listed in accordance with UL 9540 standard, either from the manufacturer or by a field evaluation.**

**W. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the County Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.**

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Add to Sections 37-701.1; 37-702.1; 37-703.1; 37-704.1; 37-705.1; 37-706.1; 37-707.1; 37-801.1; 37-802.1; 37-901.1; 37-902.1; 37-1001.1; and 37-1002.1: - PERMITTED USES:

**Small wind energy system, subject to the conditions of 37-426: - SMALL WIND ENERGY SYSTEMS.**

**Private Solar Energy System, subject to the conditions of 37-427: - SOLAR ENERGY SYSTEM, PRIVATE.**

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Remove from Sections 37-701.1; 37-702.1; 37-703.1; 37-704.1: - PERMITTED USES:

~~**Structures and appurtenances and equipment thereto relating to solar and wind energy including but not limited to roof mounted solar panels and wind turbines.**~~

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Add to Sections 37-701.2; 37-702.2; 37-703.2; 37-704.2; 37-705.2; 37-706.2; 37-707.2; 37-801.2; 37-802.2; 37-901.2; 37-902.2; 37-1001.2; and 37-1002.2: - CONDITIONAL USES:

**Commercial solar energy facility and test solar energy systems, subject to the conditions of Section 37-428: - COMMERCIAL SOLAR ENERGY FACILITY AND TEST SOLAR ENERGY SYSTEMS.**

**Commercial wind energy facility and test wind towers, subject to the conditions of Section 37-429: - COMMERCIAL SOLAR ENERGY FACILITY AND TEST SOLAR ENERGY SYSTEMS.**

**Energy storage systems, subject to the conditions of Section 37-430: - ENERGY STORAGE SYSTEMS.**

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Amend and add to Section 37-1413.3: - PUBLIC HEARING.

**C. In cases involving conditional use permit applications or applications for major amendments to existing conditional use permits for commercial solar energy facilities, commercial wind energy facilities, and energy storage systems, the ZBA shall conclude the public hearing not more than sixty (60) days after the filling of the application and the County Board shall make its decision not more than thirty (30) days after the conclusion of the public hearing.**

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Amend and add to Section 37-1413.11: TIME LIMIT FOR CONDITIONAL USES.

**A.** Conditional uses granted hereunder shall not be transferable and shall not run with the fee ownership of the land unless otherwise specified by the terms of the conditional use. **Except in cases involving conditional use permits for commercial wind energy facilities, commercial solar energy facilities, or energy storage systems,** no ordinance of the county board granting a conditional use shall be valid for more than eighteen (18) months from the date of such ordinance unless the building permit is obtained or the use is commenced within such time period. Application may be made for an extension of the time period to commence the authorized conditional use. Extensions in the conditional use schedule may be recommended by the Zoning Board of Appeals and granted by the county board. If the county board so stipulates when acting favorably on a conditional use application, the Zoning Board of Appeals may be delegated the authority of granting extensions in the building schedule for periods of time not to exceed a total of one year each.

**B.** **In cases of commercial wind energy facilities and commercial solar energy facilities, where a conditional use has not been established within five (5) years from the date of conditional use permit approval, the County Board may revoke the conditional use. The County shall allow an applicant to request an extension of the deadline based upon reasonable cause for the extension request. The exemption shall not be unreasonably withheld, conditioned, or denied. If a revocation is proposed, the ZBA shall hold a public hearing (following the procedures outlined in Section 37-1415 "Public Hearings" and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice at least fifteen (15) days in advance of the hearing.**

**C.** **In cases of energy storage systems, where a conditional use has not been established within three (3) years from the date of conditional use permit approval, the County Board may revoke the conditional use. The County shall allow an applicant to request an extension of the deadline based upon reasonable cause for the extension request. The extension shall not be unreasonably withheld, conditioned, or denied. If a revocation is proposed, the ZBA shall hold a public hearing (following the procedures outlined in Section 37-1415 "Public Hearings" and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice at least fifteen (15) days in advance of the hearing.**

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**END**