

**CONSERVATION, PLANNING, AND ZONING COMMITTEE**  
**WOODFORD COUNTY, ILLINOIS**  
**Monday, January 9, 2023**  
**5:30 P.M.**

1. Call to Order:
2. Roll Call: Nick Miller, Blake Parsons, Dan Steffen, Nathan Schertz, Zack Ferris
3. Approval of Monthly claims:
4. Approval of December 12, 2022 minutes:
5. Review of Executive Session
6. Public Input:
7. Unfinished Business:
8. New Business:
9. Planning and Zoning Issues:
  - a) Tri-County Regional Planning – General Overview of the Comprehensive Plan update process – Michael Brunner
  - b) Senate Bill 4412 Amendment #1 Solar and Wind Energy Regulations
10. Executive session (if necessary)
11. Any action coming out of Executive Session:
12. Adjournment

## What is a comprehensive plan?

A comprehensive plan is a document that gives a snapshot of a community. It can be used as a guide or blueprint to achieve a community's vision for the future.



## What does a comprehensive plan examine?

An effective comprehensive plan consists of three parts:

### 1. Inventory of existing conditions

The first part answers the question, "Where are we now?" It includes analysis of data and identification of trends to arrive at projections pertaining to land use, population, housing, economic development, transportation, community infrastructure, natural resources, and other components. The strengths and weaknesses of a community are also identified during this step.

### 2. Vision statement

The second part answers the question, "Where do we want to be?" Existing conditions, strengths and weaknesses, and community input will help paint a picture of what the community strives to offer in the future.

### 3. Action plan

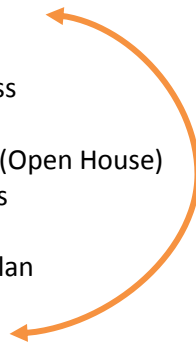
The third part answers the question, "How do we get there?" It consists of goals identified by the community and objectives that, when completed, will achieve the goals. The action plan also includes a future land use map, which identifies the areas of a community best suited for residential, commercial, open space, and other uses.

## How can the public participate?

A steering committee, comprised of local government personnel, stakeholders, and citizens, facilitates the planning process. By holding public open houses and comment periods, the committee ensures that the community has ample opportunities to participate and provide input. Public participation is imperative to identify how a community can become an even better place to live, work, and play.

## Steps for completing the planning process:

1. Meet with local leaders and stakeholders
2. Review past plans
3. Structure and schedule the planning process
4. Gather and analyze data
5. Identify problems, issues, and concerns (Open House)
6. Prioritize problems, issues, and concerns
7. Develop a "Vision" for the plan
8. Develop goals, objectives, and an action plan
9. Adopt the plan
10. Monitor the results and impacts



## What to look for and what questions to ask

- Understand what data has been collected
  - Is this still relevant to this plan?
  - Is there something that stands out?
  - Should any of it be expanded upon?
- Identify specified vision statements
  - Should they be revisited?
  - Should some portions be removed?
  - Should new information be added?
- Identify existing goals and strategies
  - Which ones have been completed?
  - Which ones are no longer relevant?
  - Which ones should be included in this planning process?
- Is there anything missing from these plans that would be relevant to add to this planning process?



LRB102 30084 AWJ 42288 a

1                                    AMENDMENT TO SENATE BILL XXXX

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill XXXX by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The Counties Code is amended by changing  
5 Section 5-12020 as follows:

6            (55 ILCS 5/5-12020)

7            Sec. 5-12020. Commercial ~~Wind farms, electric generating~~  
8 ~~wind devices, and commercial~~ wind energy facilities and  
9 commercial solar energy facilities.

10            (a) As used in this Section:

11            "Commercial solar energy facility" has the meaning  
12 ascribed to it by Section 10 of the Renewable Energy  
13 Facilities Agricultural Impact Mitigation Act.

14            "Commercial wind energy facility" has the meaning ascribed  
15 to it by Section 10 of the Renewable Energy Facilities  
16 Agricultural Impact Mitigation Act.

1       "Facility owner" means (i) a person with a direct  
2 ownership interest in a commercial wind energy facility or a  
3 commercial solar energy facility, or both, regardless of  
4 whether the person is involved in acquiring the necessary  
5 rights, permits, and approvals or otherwise planning for the  
6 construction and operation of the facility, and (ii) at the  
7 time the facility is being developed, a person who is acting as  
8 a developer of the facility by acquiring the necessary rights,  
9 permits, and approvals or by planning for the construction and  
10 operation of the facility, regardless of whether the person  
11 will own or operate the facility.

12       "Nonparticipating property" means real property that is  
13 not a participating property.

14       "Nonparticipating residence" means a residence that is  
15 located on nonparticipating property and that is existing and  
16 occupied on the date that an application for a permit to  
17 develop the commercial wind energy facility or the commercial  
18 solar energy facility is filed with the county.

19       "Occupied community building" means any one or more of the  
20 following buildings that is existing and occupied on the date  
21 that the application for a permit to develop the commercial  
22 wind energy facility or the commercial solar energy facility  
23 is filed with the county: a school, place of worship, day care  
24 facility, public library, or community center.

25       "Participating property" means real property that is the  
26 subject of a written agreement between a facility owner and

1 the owner of the real property that provides the facility  
2 owner an easement, option, lease, or license to use the real  
3 property for the purpose of constructing a commercial wind  
4 energy facility, a commercial solar energy facility, or  
5 supporting facilities.

6 "Participating residence" means a residence that is  
7 located on participating property and that is existing and  
8 occupied on the date that an application for a permit to  
9 develop the commercial wind energy facility or the commercial  
10 solar energy facility is filed with the county.

11 "Protected lands" means real property that is:

12 (1) subject to a permanent conservation right  
13 consistent with the Real Property Conservation Rights Act;  
14 or

15 (2) registered or designated as a nature preserve,  
16 buffer, or land and water reserve under the Illinois  
17 Natural Areas Preservation Act.

18 "Supporting facilities" means the transmission lines,  
19 substations, access roads, meteorological towers, storage  
20 containers, and equipment associated with the generation and  
21 storage of electricity by the commercial wind energy facility  
22 or commercial solar energy facility.

23 "Wind tower" includes the wind turbine tower, nacelle, and  
24 blades.

25 (b) Notwithstanding any other provision of law or whether  
26 the county has formed a zoning commission and adopted formal

1 zoning under Section 5-12007, a county may establish standards  
2 for commercial wind energy facilities, commercial solar energy  
3 facilities, or both ~~wind farms and electric generating wind~~  
4 ~~devices~~. The standards may include all of the requirements  
5 specified in this Section but may not include requirements for  
6 commercial wind energy facilities or commercial solar energy  
7 facilities that are more restrictive than specified in this  
8 Section, ~~without limitation, the height of the devices and the~~  
9 ~~number of devices that may be located within a geographic~~  
10 ~~area~~. A county may also regulate the siting of commercial wind  
11 energy facilities with standards that are not more restrictive  
12 than the requirements specified in this Section ~~wind farms and~~  
13 ~~electric generating wind devices~~ in unincorporated areas of  
14 the county that are outside ~~of~~ the zoning jurisdiction of a  
15 municipality and that are outside the 1.5-mile radius  
16 surrounding the zoning jurisdiction of a municipality.

17 (c) If a county has elected to establish standards under  
18 subsection (b), before the county grants siting approval or a  
19 special use permit for a commercial wind energy facility or a  
20 commercial solar energy facility, or modification of an  
21 approved siting or special use permit, the county board of the  
22 county in which the facility is to be sited or the zoning board  
23 of appeals for the county shall hold ~~There shall be~~ at least  
24 one public hearing. The public hearing shall be conducted in  
25 accordance with the Open Meetings Act and shall be held not  
26 more than 45 days after the filing of the application for the

1 facility. The county shall allow interested parties to a  
2 special use permit an opportunity to present evidence and to  
3 cross-examine witnesses at the hearing, but the county may  
4 impose reasonable restrictions on the public hearing,  
5 including reasonable time limitations on the presentation of  
6 evidence and the cross-examination of witnesses. The county  
7 shall also allow public comment at the public hearing in  
8 accordance with the Open Meetings Act. The county shall make  
9 its siting and permitting decisions not more than 30 days  
10 after the conclusion of the public hearing ~~prior to a siting~~  
11 ~~decision by the county board.~~ Notice of the hearing shall be  
12 published in a newspaper of general circulation in the county.  
13 A ~~commercial wind energy facility owner, as defined in the~~  
14 ~~Renewable Energy Facilities Agricultural Impact Mitigation~~  
15 ~~Act,~~ must enter into an agricultural impact mitigation  
16 agreement with the Department of Agriculture prior to the date  
17 of the required public hearing. A commercial wind energy  
18 facility owner seeking an extension of a permit granted by a  
19 county prior to July 24, 2015 (the effective date of Public Act  
20 99-132) must enter into an agricultural impact mitigation  
21 agreement with the Department of Agriculture prior to a  
22 decision by the county to grant the permit extension. Counties  
23 may allow test wind towers or test solar energy systems to be  
24 sited without formal approval by the county board. ~~Any~~  
25 ~~provision of a county zoning ordinance pertaining to wind~~  
26 ~~farms that is in effect before August 16, 2007 (the effective~~

1 ~~date of Public Act 95-203) may continue in effect~~  
2 ~~notwithstanding any requirements of this Section.~~

3 (d) A county with an existing zoning ordinance in conflict  
4 with this Section shall amend that zoning ordinance to be in  
5 compliance with this Section within 120 days after the  
6 effective date of this amendatory Act of the 102nd General  
7 Assembly.

8 (e) A county may ~~not~~ require:

9 (1) a wind tower of a commercial wind energy facility  
10 to be sited as follows, with setback distances measured  
11 from the center of the base of the wind tower: ~~or other~~  
12 ~~renewable energy system that is used exclusively by an end~~  
13 ~~user to be setback more than 1.1 times the height of the~~  
14 ~~renewable energy system from the end user's property line.~~

| <u>Setback Description</u>                    | <u>Setback Distance</u>   |
|---|---|
| <u>Occupied Community</u><br><u>Buildings</u> | <u>2.1 times the maximum blade tip</u><br><u>height of the wind tower to the</u><br><u>nearest point on the outside</u><br><u>wall of the structure</u> |
| <u>Participating Residences</u>               | <u>1.1 times the maximum blade tip</u><br><u>height of the wind tower to the</u><br><u>nearest point on the outside</u><br><u>wall of the structure</u> |



|    |                                    |  |
|----|------------------------------------|--|
| 1  | <u>Nonparticipating Residences</u> | <u>2.1 times the maximum blade tip</u> |
| 2  |                                    | <u>height of the wind tower to the</u> |
| 3  |                                    | <u>nearest point on the outside</u>    |
| 4  |                                    | <u>wall of the structure</u>           |
| 5  | <u>Boundary Lines of</u>           | <u>None</u>                            |
| 6  | <u>Participating Property</u>      |  |
| 7  | <u>Boundary Lines of</u>           | <u>1.1 times the maximum blade tip</u> |
| 8  | <u>Nonparticipating Property</u>   | <u>height of the wind tower to the</u> |
| 9  |                                    | <u>nearest point on the property</u>   |
| 10 |                                    | <u>line of the nonparticipating</u>    |
| 11 |                                    | <u>property</u>                        |
| 12 | <u>Public Road Rights-of-Way</u>   | <u>1.1 times the maximum blade tip</u> |
| 13 |                                    | <u>height of the wind tower</u>        |
| 14 |                                    | <u>to the center point of the</u>      |
| 15 |                                    | <u>public road right-of-way</u>        |
| 16 | <u>Overhead Communication and</u>  | <u>1.1 times the maximum blade tip</u> |
| 17 | <u>Electric Transmission Lines</u> | <u>height of the wind tower to the</u> |
| 18 | <u>(Not Including Overhead</u>     | <u>center point of the easement</u>    |
| 19 | <u>Utility Service Lines to</u>    | <u>containing the overhead line</u>    |
| 20 | <u>Individual Houses or</u>        |  |
| 21 | <u>Outbuildings)</u>               |  |

1 Overhead Utility Service None  
 2 Lines to Individual  
 3 Houses or Outbuildings

4 Fish and Wildlife Areas 2.1 times the maximum blade  
 5 and Illinois Nature tip height of the wind tower  
 6 Preserve Commission to the nearest point on the  
 7 Protected Lands property line of the fish and  
 8 wildlife area or protected  
 9 land

10 (2) a wind tower of a commercial wind energy facility  
 11 to be sited so that industry standard computer modeling  
 12 indicates that any occupied community building or  
 13 nonparticipating residence will not experience more than  
 14 30 hours per year of shadow flicker under planned  
 15 operating conditions;

16 (3) a commercial solar energy facility to be sited as  
 17 follows, with setback distances measured from the nearest  
 18 edge of any component of the facility:

19 Setback Description Setback Distance  
 20 Occupied Community 150 feet from the nearest  
 21 Buildings and Dwellings on point on the outside wall

1     Nonparticipating Properties     of the structure

2     Boundary Lines of             None

3     Participating Property

4     Public Road Rights-of-Way     50 feet from the nearest

5   edge

6     Boundary Lines of             50 feet to the nearest

7     Nonparticipating Property     point on the property

8   line of the nonparticipating

9   property

10             (4) a commercial solar energy facility to be sited so

11             that the facility's perimeter is enclosed by fencing

12             having a height of at least 6 feet and no more than 25

13             feet; and

14             (5) a commercial solar energy facility to be sited so

15             that no component of a solar panel has a height of more

16             than 20 feet above ground when the solar energy facility's

17             arrays are at full tilt.

18             The requirements set forth in this subsection (e) may be

19             waived subject to the written consent of the owner of each

20             affected nonparticipating property.

21             (f) A county may not set a sound limitation for wind towers

22             in commercial wind energy facilities or any components in

1 commercial solar energy facility that is more restrictive than  
2 the sound limitations established by the Illinois Pollution  
3 Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

4 (g) A county may not place any restriction on the  
5 installation or use of a commercial wind energy facility or a  
6 commercial solar energy facility unless it adopts an ordinance  
7 that complies with this Section. A county may not establish  
8 siting standards for supporting facilities that preclude  
9 development of commercial wind energy facilities or commercial  
10 solar energy facilities.

11 A request for siting approval or a special use permit for a  
12 commercial wind energy facility or a commercial solar energy  
13 facility, or modification of an approved siting or special use  
14 permit, shall be approved if the request is in compliance with  
15 the standards and conditions imposed in this Act, the zoning  
16 ordinance adopted consistent with this Act, and the conditions  
17 imposed under State and federal statutes and regulations.

18 (h) A county may not adopt zoning regulations that  
19 disallow, permanently or temporarily, commercial wind energy  
20 facilities or commercial solar energy facilities from being  
21 developed or operated in any district zoned to allow  
22 agricultural or industrial uses.

23 (i) A county may not require permit application fees for a  
24 commercial wind energy facility or commercial solar energy  
25 facility that are unreasonable. All application fees imposed  
26 by the county shall be consistent with fees for projects in the

1 county with similar capital value and cost.

2 (j) Except as otherwise provided in this Section, a county  
3 shall not require standards for construction, decommissioning,  
4 or deconstruction of a commercial wind energy facility or  
5 commercial solar energy facility or related financial  
6 assurances that are more restrictive than those included in  
7 the Department of Agriculture's standard wind farm  
8 agricultural impact mitigation agreement, template 81818, or  
9 standard solar agricultural impact mitigation agreement,  
10 version 8.19.19, as applicable and in effect on December 31,  
11 2022. The amount of any decommissioning payment shall be  
12 limited to the cost identified in the decommissioning or  
13 deconstruction plan, as required by those agricultural impact  
14 mitigation agreements, minus the salvage value of the project.

15 (k) A county may not condition approval of a commercial  
16 wind energy facility or commercial solar energy facility on a  
17 property value guarantee and may not require a facility owner  
18 to pay into a neighboring property devaluation escrow account.

19 (l) A county may require certain vegetative screening  
20 surrounding a commercial wind energy facility or commercial  
21 solar energy facility but may not require earthen berms or  
22 similar structures.

23 (m) A county may set blade tip height limitations for wind  
24 towers in commercial wind energy facilities but may not set a  
25 blade tip height limitation that is more restrictive than the  
26 height allowed under a Determination of No Hazard to Air

1 Navigation by the Federal Aviation Administration under 14 CFR  
2 Part 77.

3 (n) A county may require that a commercial wind energy  
4 facility owner or commercial solar energy facility owner  
5 provide:

6 (1) the results and recommendations from consultation  
7 with the Illinois Department of Natural Resources that are  
8 obtained through the Ecological Compliance Assessment Tool  
9 (EcoCAT) or a comparable successor tool; and

10 (2) the results of the United States Fish and Wildlife  
11 Service's Information for Planning and Consulting  
12 environmental review or a comparable successor tool that  
13 is consistent with (i) the "U.S. Fish and Wildlife  
14 Service's Land-Based Wind Energy Guidelines" and (ii) any  
15 applicable United States Fish and Wildlife Service solar  
16 wildlife guidelines that have been subject to public  
17 review.

18 ~~Only a county may establish standards for wind farms,~~  
19 ~~electric generating wind devices, and commercial wind energy~~  
20 ~~facilities, as that term is defined in Section 10 of the~~  
21 ~~Renewable Energy Facilities Agricultural Impact Mitigation~~  
22 ~~Act, in unincorporated areas of the county outside of the~~  
23 ~~zoning jurisdiction of a municipality and outside the 1.5 mile~~  
24 ~~radius surrounding the zoning jurisdiction of a municipality.~~

25 (o) A county may require a commercial wind energy facility  
26 or commercial solar energy facility to adhere to the

1 recommendations provided by the Illinois Department of Natural  
2 Resources in an EcoCAT natural resource review report under 17  
3 Ill. Admin. Code Part 1075.

4 (p) A county may require a facility owner to:

5 (1) demonstrate avoidance of protected lands as  
6 identified by the Illinois Department of Natural Resources  
7 and the Illinois Nature Preserve Commission; or

8 (2) consider the recommendations of the Illinois  
9 Department of Natural Resources for setbacks from  
10 protected lands, including areas identified by the  
11 Illinois Nature Preserve Commission.

12 (q) A county may require that a facility owner provide  
13 evidence of consultation with the Illinois State Historic  
14 Preservation Office to assess potential impacts on  
15 State-registered historic sites under the Illinois State  
16 Agency Historic Resources Preservation Act.

17 (r) To maximize community benefits, including, but not  
18 limited to, reduced stormwater runoff, flooding, and erosion  
19 at the ground mounted solar energy system, improved soil  
20 health, and increased foraging habitat for game birds,  
21 songbirds, and pollinators, a county may (1) require a  
22 commercial solar energy facility owner to plant, establish,  
23 and maintain for the life of the facility vegetative ground  
24 cover, consistent with the goals of the Pollinator-Friendly  
25 Solar Site Act and (2) require the submittal of a vegetation  
26 management plan in the application to construct and operate a

1 commercial solar energy facility in the county.

2 No later than 90 days after the effective date of this  
3 amendatory Act of the 102nd General Assembly, the Illinois  
4 Department of Natural Resources shall develop guidelines for  
5 vegetation management plans that may be required under this  
6 subsection for commercial solar energy facilities. The  
7 guidelines must include guidance for short-term and long-term  
8 property management practices that provide and maintain native  
9 and non-invasive naturalized perennial vegetation to protect  
10 the health and well-being of pollinators.

11 (s) If a facility owner enters into a road use agreement  
12 with the Illinois Department of Transportation, a road  
13 district, or other unit of local government relating to a  
14 commercial wind energy facility or a commercial solar energy  
15 facility, the road use agreement shall require the facility  
16 owner to be responsible for (i) the reasonable cost of  
17 repairing roads used by the facility owner to construct the  
18 commercial wind energy facility or the commercial solar energy  
19 facility and (ii) the reasonable cost of repairing roads used  
20 by the facility owner during construction of the commercial  
21 wind energy facility or the commercial solar energy facility  
22 so that those roads are in a condition that is safe for the  
23 driving public after the completion of the facility's  
24 construction. Roadways improved in preparation for and during  
25 the construction of the commercial wind energy facility or  
26 commercial solar energy facility shall be repaired and



1 restored to the improved condition at the reasonable cost of  
2 the developer if the roadways have degraded or were damaged as  
3 a result of construction-related activities.

4 The road use agreement shall not require the facility  
5 owner to pay costs, fees, or charges for road work that is not  
6 specifically and uniquely attributable to the construction of  
7 the commercial wind energy facility or the commercial solar  
8 energy facility. Road-related fees, permit fees, or other  
9 charges imposed by the Illinois Department of Transportation,  
10 a road district, or other unit of local government under a road  
11 use agreement with the facility owner shall be reasonably  
12 related to the cost of administration of the road use  
13 agreement.

14 (t) Notwithstanding any other provision of law, a facility  
15 owner with siting approval from a county to construct a  
16 commercial wind energy facility or a commercial solar energy  
17 facility is authorized to cross or impact a drainage system,  
18 including, but not limited to, drainage tiles, open drainage  
19 districts, culverts, and water gathering vaults, owned or  
20 under the control of a drainage district under the Illinois  
21 Drainage Code without obtaining prior agreement or approval  
22 from the drainage district, except that the facility owner  
23 shall repair or pay for the repair of all damage to the  
24 drainage system caused by the construction of the commercial  
25 wind energy facility or the commercial solar energy facility  
26 within a reasonable time after construction of the commercial

1 wind energy facility or the commercial solar energy facility  
2 is complete.

3 (u) The amendments to this Section adopted in this  
4 amendatory Act of the 102nd General Assembly do not apply to  
5 (1) an application for siting approval or for a special use  
6 permit for a commercial wind energy facility or commercial  
7 solar energy facility if the application was submitted to a  
8 unit of local government before the effective date of this  
9 amendatory Act of the 102nd General Assembly or (2) a  
10 commercial wind energy facility or a commercial solar energy  
11 facility if the facility owner has submitted an agricultural  
12 impact mitigation agreement to the Department of Agriculture  
13 before the effective date of this amendatory Act of the 102nd  
14 General Assembly.

15 (Source: P.A. 100-598, eff. 6-29-18; 101-4, eff. 4-19-19.)".