

**Marshall County Zoning Board of Appeals Public Hearing  
March 16, 2017 Marshall County Courthouse – 7:00pm  
ZBA # 16-194 Application for Text Amendment-Zoning Administrator**

**Zoning Board of Appeals Members Present: Acting Chairman, Ken McKee, Rebecca Donna, Tim Gensler and Allen Toepper constituting a quorum. Members absent: Kyle Schumacher and Chuck Volker**

**Others present: Andy Stash, Chairman Zoning Committee, Hank Gauwitz, Member of Zoning Committee, Jack Johnson, Member of Zoning Committee, Gary Smith, Peoria Journal Start, Patrick Sloan, Zoning Administrator and Susie Simmons, Secretary.**

The hearing was called to order at 7:02 pm by Acting Chairman, Ken McKee.

Pat Sloan, Marshall County Zoning Committee, 552 State Route 26, Lacon, IL 61540 was identified as the petitioner.

Zoning Administrator Pat Sloan presented ZBA # 17-194, Application for Amendment. The Marshall County Zoning Committee requests to amend the ordinance regarding Solar Energy Systems, including definitions, permit requirements, fees, and permitted and special uses for all zoning districts.

PROPOSED TEXT AMENDMENT RELATING TO SOLAR ENERGY SYSTEMS  
MARSHALL COUNTY ZONING ORDINANCE  
Substitute March 16, 2017

**CHAPTER 1  
RULES AND DEFINITIONS**

...  
**1.2 DEFINITIONS**  
...

**Structure.** Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, excluding a fence. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

**Solar Energy System.** A structure which may be attached to a building or stand-alone, which generates energy which may or may not be connected to the electrical grid.

**Footprint.** The maximum fixed or operating area of a structure projected to a horizontal plane, including the roof line and all projections.

**CHAPTER 4  
GENERAL REQUIREMENTS FOR ALL ZONING DISTRICTS**

...  
**4.24 SOLAR ENERGY SYSTEMS**

1. Solar Energy Systems may be attached to existing conforming structures as long as the system does not project beyond the footprint of the existing building.
2. Solar Energy Systems may not be attached to nonconforming structures.
3. Stand-alone Solar Energy Systems shall be governed by all rules which apply to accessory buildings. For the purposes of measuring setbacks, maximum lot coverage area and building permit fees, the maximum operating footprint of the system shall be used.
4. A building permit is not required for a Solar Energy System installed on existing structures in Agricultural or Residential Districts if the system is use for personal or farm use and the amount of excess energy sold to other users is less than the amount consumed by the property owner.
5. Any upgrade to a public road that is required by the solar facility shall be subject to a Road Use Agreement with the road jurisdiction, which will identify the type of improvement or maintenance, cost and payment for the required improvements. The road district is not obligated to provide additional dust control, paving or other improvements, unless they are included in the Road Use Agreement.

6. This section applies to Solar Energy Systems which require a Special Use Permit
  - a. Coordination with Local Fire Department
    - i. The Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.
    - ii. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
    - iii. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
  - b. Materials Handling, Storage and Disposal
    - i. All solid waste as defined by Illinois State Law related to the construction, operation and maintenance of the system shall be removed from the site promptly and disposed of in accordance with all applicable federal, state and local laws.
    - ii. All hazardous materials related to the construction, operation and maintenance of the system shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
  - c. Solar Energy Systems that require a special use permit shall present a Decommissioning Plan as part of the application.
    - i. Provisions for the removal of above-ground structures, debris and under-ground foundations and cables.
    - ii. Provisions for the restoration of the soil and vegetation;
    - iii. An estimate of the decommissioning costs certified by a Professional Engineer or other qualified professional reasonably acceptable to the County, which shall be updated and submitted to the Marshall County Zoning Administrator every (4) four years;
    - iv. Financial Assurance, obtained by the Owner or Operator at a specified date following commencement of operations, for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's or other qualified professional reasonably acceptable to the County, certified estimate of the decommissioning costs.
    - v. Identification of and procedures for County access to Financial Assurances.
    - vi. A provision that the terms of Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and
    - vii. A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

**CHAPTER 6  
PERMITS, PROCEDURES AND FEES**

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**6.6 FEES**

...

C. Building permits must be obtained from the Zoning Administrator.

Building Permit Fees shall apply as follows:

Solar Energy Systems (when permit required) \$0.005/sq. ft MIN. of \$100.00

**CHAPTER 7  
AGRICULTURAL DISTRICT**

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**7.2 PERMITTED USES**

The following uses are permitted:

(Add :)

Solar Energy System attached to a building.

Stand-alone solar energy system owned by the landowner designed to generate energy that will be consumed on the property.

**7.3 SPECIAL USES**

The following uses may be allowed by special use permit:

Stand-alone solar energy system of any ownership and size.

...

**CHAPTER 8  
RESIDENCE DISTRICT**

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**8.1 R-1 RURAL RESIDENCE DISTRICT**

...

**8.1-2 PERMITTED USES:**

The following uses are permitted:

(Add :)

Solar Energy System attached to a building.

Stand-alone solar energy system owned by the landowner designed to generate energy that will be consumed on the property.

...

**8.2 R-2 SINGLE-FAMILY RESIDENCE DISTRICT**

...

**8.2-2 PERMITTED USES:**

The following uses are permitted:

(Add :)

Solar Energy System attached to a building.

**8.2-3 SPECIAL USES:**

The following uses may be allowed by special use permit in accordance with Section 6.5 of the Ordinance.

Stand-alone solar energy system owned by the landowner designed to generate energy that will be consumed on the property.

...

**8.3 R-3 GENERAL RESIDENCE DISTRICT**

...

**8.3-2 PERMITTED USES:**

The following uses are permitted:

(Add :)

Solar Energy System attached to a building.

...

## **CHAPTER 9 COMMERCIAL DISTRICT**

### **9.1-1 PERMITTED USES**

The following uses are permitted:

(Add :)

Solar Energy System attached to a building.

...

### **9.1-2 SPECIAL USES**

The following uses may be allowed by special use permit:

...

Solar energy system which is not attached to building.

...

## **CHAPTER 10 INDUSTRIAL DISTRICT**

...

### **10.1 I-1 LIGHT INDUSTRIAL DISTRICT**

#### **10.1-1 PERMITTED USES**

The following uses are permitted:

(Add :)

Solar Energy System attached to a building.

...

#### **10.1-2 SPECIAL USES**

...

Solar energy system which is not attached to a building.

...

**10.2 I-2 HEAVY INDUSTRIAL DISTRICT**

**10.2-1 PERMITTED USES**

The following uses are permitted:

(Add :)

Solar Energy System attached to a building.

...

**10.2-2 SPECIAL USES**

...

Solar energy system which is not attached to a building.

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**In the statement by the Zoning Administrator, Pat Sloan addressed the board to clarify the amendments Chapter 1 1.2, Chapter 4 4.24, Chapter 6 6.6, Chapter 7 7.2, 7.3, Chapter 8 8.1 8.1-2, 8-2, 8.2-2, 8.2-3, 8.3, 8.3-2, Chapter 9 9.1.1, 9.1-2, Chapter 10 10.1, 10.1-1, 10.1-2, 10.2, 10.2-1, 10.2-2. Mr. Sloan stated that the Marshall County Zoning Committee requests to modify seven sections in the Marshall County Zoning Ordinance.**

**Verification of publication and notices sent by registered mail, Pat Sloan stated the ZBA #17-195 was published in the following publications on March 22, 2017. Lacon Home Journal, Henry News Republican, Wenona Index and Toluca Star Herald.**

**In the statement by the Petitioner, Pat Sloan reported that the zoning office has been receiving calls from Solar Companies inquiring about our ordinances on Solar Farms in Marshall County.**

**A discussion at a recent Zoning Committee Meeting about the prospect of developers wanting to build solar farms in our county and what rules and regulations that should be included in our ordinance.**

**Pat Sloan stated that the attached modified ordinance would address most issues concerning solar farms. It defines the difference between solar roof panels and a standalone solar farm on acres of cropland.**

**The committee discussed fees per acre for building a solar farms and in which districts should be defined as special use areas. Also a discussion on rules to be followed when dismantling a solar farm.**



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**The petitioner's closing statement, Pat Sloan stated that the amendment presented could be modified if needed.**

**A motion was made by Tim Gensler to recommend to the Marshall County Board to GRANT the Application for Text Amendments #17-164. Allen Toepper, Seconded. A vote of All Ayes. Motion Carried**

**Tim Gensler made a motion to adjourn the hearing at 7:50 pm. Rebecca Donna, Seconded. A vote of All Ayes. Motion carried.**

