

ORDINANCE NO. 2026- 5-45

**AN ORDINANCE AMENDING CHAPTER 40 (ZONING CODE) OF THE REVISED  
CODE OF ORDINANCES OF THE COUNTY OF CLINTON AND APPROVING A  
TEXT AMENDMENT REGARDING SOLAR ENERGY SYSTEMS**

**WHEREAS**, Clinton County, Illinois ("County") is a body politic pursuant to the Illinois Constitution and the Illinois Counties Code; and

**WHEREAS**, the Clinton County Zoning Board of Appeals filed a petition proposing certain amendments to the text of the Clinton County, Illinois Zoning Code ("Zoning Code") regarding regulations for Article V, Supplementary Regulations, Solar Energy Systems; and

**WHEREAS**, the Petition was referred to the Zoning Board of Appeals and a public hearing was held on May 6, 2026, pursuant to notice thereof given in the manner required by law, and, after considering all the testimony and evidence presented at the public hearing, the Zoning Board of Appeals recommended approval of the Proposed Zoning Text Amendment, as set forth in the advisory report of the Zoning Board of Appeals in this matter, a copy of which is attached hereto as Exhibit "A"; and

**WHEREAS**, the Clinton County Board, having all the powers and authority granted to it pursuant to law, including the powers relative to zoning within the County, believe it is in the best interest of the County that the Proposed Zoning Text Amendment be approved, and the Zoning Code be amended as provided in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CLINTON COUNTY BOARD,  
CLINTON COUNTY, ILLINOIS, AS FOLLOWS:**

1. The recitals stated above are restated, realleged and adopted as paragraph one herein.
2. Chapter 40 of the County Code shall be amended as follows:

**ADD THE FOLLOWING:**

**ARTICLE V – SUPPLEMENTARY REGULATIONS**

**40-5-23      SOLAR ENERGY SYSTEMS.**

**(A)      Definitions**

**Commercial Solar Energy Facility (CSEF):** means a Commercial Solar Energy System (CFES) as defined in Section 10-720 of the Property Tax Code. Any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property. No Commercial Solar Energy Facility or Substation governed by this Section shall be constructed, erected, installed or located within the County, unless prior siting approval has been obtained for each individual Commercial Solar Energy Facility or for a group of Commercial Solar Energy Facilities under a joint siting application pursuant to this Section. CSBF and CSBS are synonymous for the purpose of this code.

**Supporting Facilities:** means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial wind energy facility or commercial solar energy facility. "Supporting facilities" includes energy storage systems capable of absorbing energy and storing it for use at a later time, including, but not limited to, batteries and other electrochemical and electromechanical technologies or systems.

**(D)      Commercial Solar Energy Facility (CSEF).** All CSEF will require a special use permit, which can be applied for in Agricultural or Industrial Districts.

**(1)      Setback and Height Restrictions.** pursuant to 55 ILCS 5/5-12020 are adopted.

**Clinton County recommended setbacks:**

- (a)** All solar panels be kept at least seven hundred fifty (750) feet from a residence that is not part of the specific solar energy system permit/plan.
- (b)** All aspects and components be set back no less than one hundred (100) feet from any lot line, two hundred (200) feet from County roads, two hundred (200) feet from Township roads and two hundred (200) feet from Interstate and State Route easements or right-of-way.

**(2)      Fencing and Weed/Grass Control**

- (a)** The perimeter shall be secured by security chain link fencing of at least six(6) feet in height. Fencing must be maintained and kept free of growing vegetation.
- (b)** The applicant shall submit and adhere to an acceptable weed/grass control plan for property inside and outside the fenced area. To include maintaining

grasses at a height of 12 inches or less at all times, unless alternate vegetation plan is approved as part of the special use permit.

(8) Application for Special Use

(d)

(vii) An executed agreement between the owner/operator and all road district authorities affected by the solar project. The road agreement must also include a transportation impact analysis requirement to be submitted prior to obtaining the building permit with notification procedures for road closures and lane restrictions, and approved delivery truck route. Township road use agreements should request signatures from the road commissioner and counter signed by the township supervisor. Municipal road agreements should request signatures from the mayor and city clerk. County road use agreements should request signatures from the county board.

(xi) Site plan containing all supporting facilities including operations or maintenance buildings, temporary or permanent meteorological towers, concrete batch plants, laydown yards, underground mines, private or public airports, or energy storage systems.

(k) File a farmland drainage plan with the county and impacted drainage districts outlining how surface and subsurface drainage of farmland will be restored during the following construction or deconstruction of the facility. The plan is to be created independently by the facility developer and shall include the location of any potentially impacted drainage district facilities to the extent this information is publicly available from the county or the drainage district, plans to repair any subsurface drainage affected during construction or deconstruction using procedures outlined in the AIMA agreement entered into by the commercial solar energy facility owner and procedures of the repair and restoration of surface drainage affected during construction or deconstruction. All surface and subsurface damage shall be repaired as soon as reasonably practicable.

(l) Results and recommendations from consultation with the Illinois State Historic Preservation Office (SHPO) regarding potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act;

(m) The facility owner shall enter into an "Agricultural Impact Mitigation Agreement" (AIMA) with the Illinois Department of Agriculture (IDOA) and shall submit a fully executed AIMA to the county as part of its special use application. All impacted agricultural land, whether impacted during construction, operation,

or decommissioning activities, must, at a minimum, be remediated by the applicant pursuant to the terms of the AIMA.

- (n) Demonstrate avoidance and setbacks from protected lands as identified by Department of Natural Resources and the Illinois Nature Preserves Commission.
- (o) Noise levels from Commercial Solar Energy Facilities and Supporting Facilities shall be in compliance with applicable Illinois Pollution Control Board ("IPCB") regulations. The applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics necessary for a competent noise analysis. The applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its special use permit application.
- (p) A copy of all communication and interference studies demonstrating the potential impacts of the project on television, radio, telephone (including mobile phone communications transportation communication devices, emergency and law enforcement communications including E911 communications, and weather radar utilized by the National Weather Service or others to communicate weather events to the public.
- (q) the county board may stipulate conditions, guarantees, and restrictions upon the establishment, location, construction, maintenance, and operation of the facility as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this ordinance. The owner shall construct and operate the project in conformance with the special use hearings and any conditions assigned thereof.

10) Indemnification and Liability

- (a) The owner shall defend, indemnify and hold harmless the county and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the indemnified parties) from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the special use permit or the construction, operation, maintenance and removal of the and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the owner or the operator under this Ordinance or the special use permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such

indemnified parties. This general indemnification shall not be construed as limiting or qualifying the county's other indemnification rights available under the law.

- (b) Commencing with the issuance of a building permit, the applicant shall maintain a current general comprehensive liability policy, pollution liability and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least \$10,000,000 per occurrence and \$20,000,000.00 in the aggregate during the life of the project. The applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a building permit, and at each subsequent renewal, annually thereafter.
- (c) Any third-party costs shall be billed and paid for by the applicant/owner including but not limited to direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/or negotiations.

11) **Decommissioning Plan**

- (c)
  - (i) The amount of any decommissioning payment shall be in accordance with the financial assurance required by the agricultural impact mitigation agreements and payable to the county.

(12) **Remedies.**

- (a) The owner's failure to materially comply with any of the provisions under the special use permit, any conditions imposed on the project, building permit, and/ or failure to comply with any other law, regulation or permit shall be a default and shall be grounds for revocation of the special use permit and/or building permit.
- (b) Prior to implementation of the applicable county procedures for the resolution of defaults, the county must first provide written notice to the owner, setting forth the alleged default(s) and provide an opportunity for the owner to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the owner commence the cure within that 30-day cure period, and diligently pursues a cure, then the owner shall receive an additional 60 days to continue to pursue the cure before the county pursues procedures for the resolution of default. If the default relates to a life, health, or safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the owner shall take all necessary and available commercial measures to immediately cure the default. If the owner cannot cure the default(s) or resolve the

alleged default(s) within the cure period, then the county may pursue all remedies available at law.

(13) Water, Sewer, Materials Handling, Storage and Disposal.

- (a) All solid wastes related to the construction, operation and maintenance of the project shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws and regulations.
- (b) All hazardous materials related to the construction, operation and maintenance of the project shall be handled, stored, transported and disposed of in accordance with all applicable federal, state and local laws and regulations.
- (c) The project shall comply with existing septic and well regulations as required by the county health department and the Illinois Department of Public Health (IDPH).

REMOVE THE FOLLOWING:

**ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS**

**DIVISION I - AGRICULTURAL**

**40-4-3 SPECIAL USES**

~~Solar Farm Energy Systems.~~

**DIVISION III - COMMERCIAL DISTRICTS**

**40-4-48 SPECIAL USES.**

~~Solar Farm Energy Systems.~~

**DIVISION IV - INDUSTRIAL DISTRICT**

**40-4-64 SPECIAL USES.**

~~Solar Farm Energy Systems.~~

**ARTICLE V - SUPPLEMENTARY REGULATIONS**

**40-5-23 SOLAR ENERGY SYSTEMS.**

**(A) Definitions**

~~Solar Farm Energy System (SFES): Solar Farm Energy System (SFES): A utility-scale facility that converts sunlight into electricity for the primary purpose of selling wholesale or retail generated electricity for on-site and off-site use. A solar farm is the principal land use for the parcel on which it is located. Included within this definition of a Solar Farm~~

~~Energy System are any things defined or described in 35 ILCS 200/10-720 as a "Commercial Solar Energy System", as same may be amended from time to time, which statute is incorporated herein by reference as though fully set forth herein. (Ord. No. 2018-36; 12-17-18)~~

(B) **Building Permit Requirements and Fees.**

~~Fees for processing the applications for building permits shall be submitted to and collected by the Clinton County Zoning Department as follows:~~

~~Commercial Solar~~ \_\_\_\_\_ ~~\$.07 per sq-ft of permitted property area~~

~~The above fees do not include inspection fees, which must be paid for by the applicant. The inspector must be approved by Clinton County.~~

(D) **Solar Farm Energy Systems (SFES).** ~~Solar Farm Energy Systems (SFES) is a facility on a parcel of five (5) or more acres for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity. All Solar Farm Energy Systems (SFES) will require a Special Use Permit, which may be applied for in Agricultural, Commercial or Industrial Districts.~~

(3) **Safety/Fire Protection.**

- (j) ~~The SFES shall be designed and located to prevent glare toward any structure on nearby properties and roadways, including, but not limited to, highways and streets.~~
- (k) ~~SFES shall conform to all applicable industry standards, including those from the UL and Federal Aviation Administration (FAA) and, when applicable, all SFES shall conform to any applicable Air Installation Compatible Use Zone (AICUZ) study, and the requirements of any overlay district, including but not limited to the Airport Overlay (AO) District. All applicable county, state, and national construction and electric codes shall be followed.~~

(8) **Application**

(d) **Site Plan of proposed conditions:**

- (vi) ~~All SFES structures including, but not limited to, fencing, gates, substation, interconnect substation that is to be the connection point for the solar farm, and location and voltage of any overhead transmission lines.~~
- (ix) ~~A plan for ongoing maintenance of the SFES.~~
- (x) ~~A decommissioning plan with a description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life or cessation of operations. Provisions for the removal of structures, debris, and associated equipment on the surface to a level of not less than five (5) feet~~

below the surface, and the sequence and timing in which the removal is expected to occur.

- ~~(k) All Commercial Solar Energy Systems (Facilities) located within one and one-half (1.5) miles of a municipality shall annex into the municipality or obtain executed annexation agreement with the municipality allowing the municipality's regulations to flow through the property.~~

(9) **Zoning Certificate of Compliance.**

- (a) The owner or operator of the SFES shall enter into an Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture prior to commencement of construction. A copy of the agreement must be submitted to the Zoning Department.
- (g) The owner or operator shall cooperate with the local fire department or district to develop an emergency response plan and shall cooperate with all local fire and rescue authorities to provide specialized training, if necessary (at the owner or operator's expense) to personnel who are to respond to emergencies on the site. The site and emergency plan shall be submitted to the local fire department or district whose jurisdiction is included in whole or in part within the SFES project area.

(10) **Indemnification and Liability.**

- ~~(a) The applicant, owner and/or operator of the solar farm energy system project shall defend, indemnify, and hold harmless the County of Clinton and its officials (elected and appointed), employees, departments, agents, and attorneys from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the SFES project.~~
- ~~(b) The applicant, owner, and/or operator of the solar farm energy system project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Two Million Dollars (\$2,000,000.00) per occurrence and Four Million Dollars (\$4,000,000.00) in the aggregate. Evidence of liability coverage must be reported to the Clinton County Zoning Department on an annual basis, and any loss coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operations pursuant to section below.~~

(11) **Decommissioning Plan**

- (c) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction by natural or man-made causes, the owner and/or operator shall obtain and deliver to the

County of Clinton ("County") a performance bond or similar financial assurance, for removal of all components. ("Decommissioning Security"). Any such bond must be issued for a term of at least **five (5) years** and must not be cancelable during that term. The plan shall state that in form and substance, reasonably satisfactory to the County securing the owner and/or operator obligation, Clinton County shall have access to the project and to the funds to affect or complete decommissioning if the applicant, owner, or operator fails to complete removal and decommissioning of the SFES strictly according to the terms of the decommissioning plan within **forty-five (45) days** of notice from the Clinton County Zoning Administrator or by such additional time granted by the Clinton County Zoning Administrator.

- (i) ~~The Decommissioning Security shall be equal to one hundred ten percent (110%) of the estimated cost of decommissioning.~~
- (ii) The applicant shall provide the Clinton County Zoning Administrator with a new estimate of the cost of decommissioning the SFES every **five (5) years**, due on the anniversary of the Special Use being granted. Failure to provide a new estimate and/or acceptable financial plan estimate shall be considered a cessation of operations.
- (iv) Applicants and/or owners of SFES shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the Zoning Administrator and/or Clinton County Board. SFES shall conform to all applicable industry standards, including those from the UL and Federal Aviation Administration (FAA) and, when applicable, all SFES shall conform to any applicable Air Installation Compatible Use Zone (AICUZ) study, and the requirements of any overlay district, including but not limited to the Airport Overlay (AO) District.

3. All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

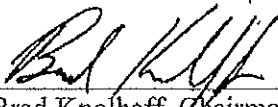
4. Each section, paragraph, clause, and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than the part affected by such decision.

5. Except as to the Zoning Text Amendment set forth above in this Ordinance, all Chapters and Sections of the Clinton County, Illinois Zoning Code, as amended, shall remain in full force and effect.

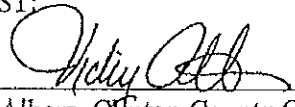
6. This Ordinance shall take full force and effect upon passage and approval of the County Board of Clinton County, Illinois.

| COUNTY BOARD MEMBERS | AYE | NAYE | ABSENT |
|----------------------|-----|------|--------|
| Gary Arentsen        | ✓   |      |        |
| Jeff Crisel          | ✓   |      |        |
| Curt Haselhorst      |     |      | ✓      |
| Nelson Heinzmann     | ✓   |      |        |
| Mike Hilmes          |     |      | ✓      |
| Joe Jansen           | ✓   |      |        |
| Brad Knolhoff        | ✓   |      |        |
| Ken Knolhoff         | ✓   |      |        |
| Michael Rakers       | ✓   |      |        |
| Bruce Rapien         |     |      | ✓      |
| Greg Riechman        | ✓   |      |        |
| Kurt Schmitz         | ✓   |      |        |
| Ann Schroeder        | ✓   |      |        |
| Michael Strieker     | ✓   |      |        |
| David Veizer         | ✓   |      |        |

ADOPTED, ORDAINED AND APPROVED this 18<sup>th</sup> day of May, 2026, by a roll call vote of the Corporate Authorities of the County of Clinton, Illinois.

  
Brad Knolhoff, Chairman  
Clinton County Board

ATTEST:

  
Vicky Albers, Clinton County Clerk

**ADVISORY REPORT  
FINDINGS OF FACT AND RECOMMENDATION  
OF THE CLINTON COUNTY ZONING BOARD OF APPEALS**

This is the Finding of Facts and Recommendation of the Clinton County Zoning Board of Appeals concerning an application for a text amendment to the Clinton County zoning ordinance as follows:

Chapter 40, Article V of the Zoning Code for Supplementary Regulations, Solar Energy Systems. After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this Case # 2026MYTA1 on May 6, 2026 in the County Board Room, 810 Franklin, Carlyle, IL, 62231 and hereby report their findings as to the recommendation of the amendment.

- 1. Is the proposed text amendment consistent with the public interest, and is it in the best interest of the citizens of the county?**

The proposed text amendment will make solar ordinance more consistent with state law.

- 2. Is the proposed text amendment consistent with and does it assist in implementing the goals and objectives of the comprehensive plan?**

The zoning code is being amended due to state law which will limit financial risk to the county.

**RECOMMENDATION**

We find that the proposed text amendment is in the public interest and recommend approval by the Clinton County Board.

**ROLL CALL VOTE**

The roll call vote was three members for approval and 2 opposed.

|                         |      |
|-------------------------|------|
| Brian Krausz - Chairman | -Yes |
| Rob Gerstenecker        | -No  |
| Travis Hemker           | -Yes |
| Gary Knolhoff           | -Yes |
| Mark Litteken           | -No  |

**Approved 3-2**

Respectfully submitted this 6<sup>th</sup> day of May, 2026 by the Clinton County Zoning Board of Appeals.