

Exhibit A: Amendments to Chapter 151 of the Lake County, Illinois Code of Ordinances

Underline and ~~Strikethrough~~ = Staff recommendations

I. Energy Facilities

Amendment #1

Amend Section 151.050(E)(2) to read as follows:

(c) *County Board review and action.* After receiving the required recommendations, the County Board shall review the application and act to approve, approve with conditions, or deny the application based on the conditional use approval criteria of subsection (F).

COMMENTARY:

Public hearings for commercial solar energy systems, ~~and~~ commercial wind energy systems, and commercial energy storage systems ~~must be held not more than 45 days~~ shall conclude not more than 60 days after the filing of a completed ~~the~~ application for the facility. Counties must make siting and permitting decisions not more than 30 days after the conclusion of the public hearing.

Amendment #2

Amend Section 151.050(F) to read as follows (to include Energy Storage Systems):

(F) *Conditional use approval criteria.* Conditional use permits may be approved only if all of the following criteria are met:

- (1) The use in its proposed location will be consistent with the stated purpose and intent of § 151.005;
- (2) The proposed use in its proposed location complies with all applicable standards of this chapter, including any applicable use standards of § 151.112; and
- (3) The proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of application or as they may be developed in the future due to implementation of the Regional Framework Plan:
 - (a) Adjacent property;
 - (b) The character of the neighborhood;
 - (c) Natural resources;
 - (d) Infrastructure;
 - (e) Public sites; or
 - (f) Any other matters affecting the public health, safety, or general welfare.

COMMENTARY:

Conditional use permit applications for commercial solar energy systems, ~~and~~ commercial wind energy systems and commercial energy storage systems, shall be approved if found to be in compliance with the requirements of § 151.112(U), ~~(XXZZ)~~ and ~~(DDDDFF)~~.

II. Solar Energy Systems (Commercial)

Amendment #1

Create new Section 151.167(L) to read as follows and renumber subsequent sections accordingly:

(L) *Commercial solar energy systems.* Landscaping for all new commercial solar energy systems shall be determined by amount, location and species on a site-specific basis.

III. Energy Storage Systems (ESS)

Amendment #1

Amend Section 151.070(A) to read as follows:

§ 151.070 SITE CAPACITY CALCULATIONS/SITE PLAN REVIEW PROCEDURES.

This section sets out the procedures for site capacity calculations and site plan review. No site development permit or building permit shall be issued for a development that is subject to the site capacity calculation and site plan review procedures of this section until the Planning, Building and Development Director has approved the application.

(A) Applicability.

(1) All of the following shall be subject to the site capacity calculation and site plan review procedures of this section unless otherwise expressly exempted:

- (a) Any conservation development;
- (b) Any mobile home park and any recreational vehicle park;
- (c) Any conventional residential development consisting of three or more dwelling units or lots;
- (d) Any nonresidential development on any parcel that is 40,000 square feet in area or larger; and
- (e) Any site development activity on any parcel with an area of 200,000 square feet or more, except when the parcel is being developed with no more than two single family dwellings.

(2) All of the following shall be subject to the site plan review procedures of this section regardless of the size of the subject parcel, unless otherwise expressly exempted:

- (a) Service stations;
- (b) Any nonresidential use with drive-through service;
- (c) Convenience stores;
- (d) Car washes;
- (e) Motor vehicle display, sales, rental, or service;
- (f) Shopping centers;
- (g) Taverns;

- (h) Marinas;
- (i) Commercial, accessory large-scale, and accessory medium-scale solar energy systems; ~~and~~
- (j) Commercial wind energy systems, and
- (k) Commercial Energy storage systems

Amendment #2

Amend Section 151.111/Use Table to allow ESS as a principal use by delegated Conditional Use Permit (CUP). Also clarify that ESS is permitted as an accessory use to a commercial solar or wind energy facility.

		Residential												Nonresidential									
Use Category	Use Types	AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II	OS	Use Standard	CUP Decision		
Energy Storage Systems	Commercial	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§151.112(U)	ZBA		

		Residential												Nonresidential									
Use Category	Use Types	AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II	OS	Use Standard	CUP Decision		
Solar Energy Systems	Solar Energy System, Commercial ¹¹	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§151.112(WWW ZZ)	ZBA		
Wind Energy Facilities	Commercial ¹¹	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§151.112(DDD FFF)	Co Bd		
¹¹ Energy storage systems are permitted as an accessory use, subject to Appendix V.																							

Amendment #3

Amend Section 151.112/Use Standards to read as follows and renumber subsequent sections accordingly:

(U) Energy storage systems, commercial. Commercial energy storage systems shall require a conditional use permit in all zoning districts. Except as expressly provided for in this section, the following standards shall apply to all principal use commercial energy storage systems:

(1) Approval. Commercial energy storage systems shall be subject to the site capacity calculation/site plan review procedures of § 151.070. Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) Buffering. All commercial energy storage systems shall be require landscape buffering and/or fencing to be determined on a site-specific basis.

(3) Site development permits. A site development permit shall be required, per regulations set forth in § 151.145(B).

(4) Location and setbacks.

(a) All structures associated with commercial energy storage systems shall be located a minimum of 50 feet from the surrounding property lines.

(b) Waivers. Commercial energy storage systems requirements for setback limitations may be waived by the written consent of the owner(s) of each affected nonparticipating property. The applicant does not need to obtain a variance from the county upon waiver by the property owner of any of the

above setback requirements. Any waiver agreement of the above setback requirements shall be in the form of a covenant or deed restriction and require approval from the Director of Planning, Building and Development. Once approved, the agreement shall be recorded with the Recording Division of the Lake County Clerk's Office and shall run with the land.

(5) Signage. Signs on commercial energy storage systems shall comply with the signage requirements of the underlying zoning district. An identification sign consistent with the standards of § 151.173 shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Amendment #4

Amend Section 151.260/Solar Energy Systems, Commercial to read as follows:

§ 151.260 SOLAR ENERGY SYSTEMS, COMMERCIAL

(A) *General.* The provisions in this section are in addition to the general violation, penalties, and enforcement provisions of this subchapter. Lake County shall retain authority to enforce the height and setbacks for solar energy systems in §§ 151.112(~~YY~~ZZ) and additional requirements and standards for solar energy systems as identified in Appendix T and accessory energy storage systems as identified in Appendix V.

Amendment #5

Amend Section 151.261/Wind Energy Facilities, Commercial to read as follows:

§ 151.261 WIND ENERGY FACILITIES, COMMERCIAL

(A) *General.* The provisions in this section are in addition to the general violation, penalties and enforcement provisions of this subchapter. Lake County shall retain authority to enforce the height and setbacks and operating requirements for commercial wind facilities in § 151.112 (~~EEEE~~FFF), and additional requirements and standards for wind energy facilities as identified in Appendix Q and accessory energy storage systems as identified in Appendix V.

Amendment #6

Create Section 151.263/Energy Storage Systems, Commercial to read as follows:

§ 151.263 ENERGY STORAGE SYSTEMS, COMMERCIAL.

The provisions in this section are in addition to the general violation, penalties, and enforcement provisions of this subchapter. Lake County shall retain authority to enforce the setbacks for energy storage systems in § 151.112(U) and additional requirements and standards for energy storage systems as identified in Appendix V.

(A) *Decommissioning plan and assurances.* The applicant (or owner, if different from applicant) must submit a decommissioning plan with cost estimation to the county as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application. Prior to receiving any building permit for the energy storage system facility, the applicant or owner shall provide a decommissioning agreement and post the required financial assurances for the benefit of the county. The owner must update the decommissioning plan, cost estimations, and provide updated financial assurances to the benefit of the county at least every five (5) years for the duration of commercial operations. The amount of the financial assurance shall be calculated by a professional engineer licensed to practice engineering in Illinois with expertise in decommissioning, hired by the applicant.

(B) Removal requirements.

(1) Any commercial energy storage system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 18 months after the date of discontinued operations. The owner or operator shall notify the county by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(a) Physical removal of all structures associated with the energy storage system, equipment, security barriers, and electrical wiring from the site; and

(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and

(c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The county may allow the owner or operator to leave landscaping in order to minimize erosion and disruption to vegetation.

(2) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a commercial energy storage system shall be considered abandoned when it fails to operate for more than one year without the written consent of the county. If the owner or operator of the energy storage system fails to remove the installation in accordance with the requirements of this section within 18 months of discontinued operations, the county may seek a court order to require the property owner to remove an abandoned, hazardous, or decommissioned energy storage system. The county also retains the right, after the receipt of an appropriate court order, to enter the premises and remove the energy storage system and lien the property for such costs. As a condition of site plan and/or conditional use permit approval, the applicant and landowner shall agree to allow entry to remove any abandoned or decommissioned installation.

Amendment #7

Amend Section 151.271/Terms Defined to read as follows:

ENERGY STORAGE SYSTEM, COMMERCIAL. A facility with an aggregate energy capacity that is greater than 1,000 kilowatts and that is capable of absorbing energy and storing it for use at a later time, including, but not limited to, electrochemical and electromechanical technologies.

SOLAR ENERGY SYSTEM. A device or structural design feature to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Supporting Facilities may include accessory energy storage systems.

SUPPORTING FACILITIES. The transmission lines, substations, switchyards, access roads, meteorological towers, storage containers, and equipment associated with the generation, ~~and~~ storage and dispatch of electricity by the commercial solar energy facility, WECS, or commercial energy storage system.

WIND ENERGY FACILITY, COMMERCIAL. A wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. Also referred to as "wind energy conversion system" or "WECS" or "WECS project". Supporting Facilities may include accessory energy storage systems.

Amendment #8

Create Appendix V: Energy Storage Systems as follows:

§ 1.0 APPLICATION REQUIREMENTS FOR COMMERCIAL ENERGY STORAGE SYSTEMS AND ACCESSORY ENERGY STORAGE SYSTEMS

See § 151.112(U) Energy Storage Systems, Commercial for information on setbacks requirements. See §§ 151.250 through 151.263 for violations, penalties and enforcement. Other local and state regulations shall apply.

A. Project proposal.

- 1) Owner name, address, and phone number.
- 2) Photos of existing site conditions for proposed facility
- 3) Project summary including an electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods and an equipment specification sheet.

B. Site plan (drawn to scale).

- 1) Existing and proposed contours, at a minimum of two-foot intervals.
- 2) Location, setbacks, exterior dimensions, and square footage of all structures on the owner's property and abutting properties within 100 feet.
- 3) Location and size of existing waterways, wetlands, 100-year floodplain, sanitary sewers, field drain tiles, storm sewer systems, and water distribution systems.
- 4) Location of any overhead or underground power lines and utility easements.

C. Waivers.

- 1) All setback waiver agreements shall be submitted with the application for the energy storage system.
- 2) Any setback waiver agreement between the property owner and adjacent property owner shall be recorded against the impacted properties with the Recording Division of the Lake County Clerk's Office.

D. Engineering plans, drawings, and schematics.

- 1) Manufacturer's specifications of the energy storage system(s) and detailed drawing of electrical components and installation details.
- 2) All electrical wire and lines connecting modules and any related structures. All electrical wires and lines connecting each facility shall be installed underground.

E. Utility connection.

- 1) Developers of commercial or accessory energy storage systems connected to the utility grid must provide written authorization from the local utility company acknowledging and approving such connection prior to building permit issuance.

F. Signage.

- 1) Signs on commercial or accessory energy storage systems shall comply with the signage requirements of the underlying zoning district. A sign consistent with the standards of § 151.173 shall be required to identify the owner and provide a 24-hour emergency contact phone number.

G. *Lighting.*

1) Lighting associated with commercial or accessory energy storage systems shall be consistent with § 151.168. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded and downcast from all residences and abutting properties. Security lighting and any emergency lighting shall be dark sky compliant and kept to the minimum required.

H. *Natural Resource Protection.*

1) Applicants shall provide a copy of the consultation application to the Illinois Department of Natural Resources pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/11) and the Illinois Natural Areas Preservation Act (525 ILCS 30/17).

I. *Emergency Management Plan.*

1) Applicants shall submit a final emergency management plan to the local fire protection district and Lake County Emergency Management Agency and provide a copy of the submittals and plan.