

**Proposed Statutory Changes to Wind and Solar Policy
As of January 9, 2024**

The following proposals have been submitted to date for consideration by the Task Force. Task Force members are invited to suggest additional proposals for this list with the goal of providing a comprehensive list of proposals for the Task Force to discuss and possibly include in future legislation. Proposals ideas can be offered during Task Force meeting or by submitting them to Legislative Advocacy and Research Manager Nekya Hall at nhall@isacoil.org.

1. Allow counties to make commercial wind and solar projects permitted uses in zoning districts, thus negating the need for public hearings.
2. Allow counties to grant variances to State law following the procedures outlined in 55 ILCS 5/5-12009.
3. Clarify that when counties are considering applications for special use permits for commercial wind and solar project, counties may evaluate these applications using the same criteria that is used when evaluating other special use permit applications (i.e. the LaSalle Factors).
4. Clarify that all reports, studies, agreements, and nonparticipating property owner waivers required by State law be submitted at the time of application submittal. Counties that do not receive this information at the time of application submittal may consider the application incomplete.
5. In several sections of the law, the word “may” is used. Are we to assume that “may” is discretionary and “shall” is mandatory? Is that what the State intended?
6. There have been some proposals circulating in bill form granting municipalities the right to approve these applications. I would be opposed to granting municipalities veto power over these special use permits, but I would be in favor of requiring commercial wind and solar projects to annex to municipalities in certain cases.
7. In 55 ILCS 5/5-12020 (b), clarify that counties can regulate commercial solar projects within 1.5 miles of a municipality.
8. In 55 ILCS 5/5-12020 (d), add language that allows counties to amend their zoning ordinances within 120 days of the effective date of any subsequent amendments to State law.
9. In 55 ILCS 5/5-12020 (h), counties have to allow commercial wind and solar projects in any districts that allow agricultural and industrial uses. I would recommend that this be changed to “any district that allows agricultural and industrial uses as the primary purpose of the zoning district”. Some counties allow agricultural uses in their residential

zoning districts. Also, there is the issue of the agricultural exemption to zoning regulations in general.

10. The law should be amended to allow counties to adopt special use permits for commercial wind and solar projects in the same manner as they adopt other special use permits.
 - State law allows counties to use a hearing officer instead of a ZBA. State law also allows county boards to delegate the issuance of special use permits to a ZBA or hearing officer if they so choose.