RESOLUTION

RESOLUTION SUSPENDING ENFORCEMENT OF UNIFIED DEVELOPMENT ORDINANCE
SECTION 16.20.040.H.1 (EXPIRATION OF APPROVED CONDITIONAL USE PERMITS) FOR
SOLAR FARM USES

WHEREAS, Solar farm use are defined in the Unified Development Ordinance (UDO) Section 16.08 (Definitions) and are only permitted only by Conditional Use Permit as regulated by UDO Section 16.20.040 (Conditional Use); and

WHEREAS, UDO Section 16.20.040.H(1) requires that an approved Conditional Use that requires a building permit must obtain the building permit within two (2) years of the Conditional Use Permit approval or the Conditional Use Permit expires; and

WHEREAS, the McHenry County Board recognizes the unique circumstance of establishing a solar farm use that requires the allocation of state requisition credits prior to construction of the facility; and

WHEREAS, the McHenry County Board Planning, Environment, and Development Committee has reviewed this resolution.

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois, that it hereby directs the Department of Planning and Development to suspend enforcement of Unified Development Ordinance Section 16.20.040.H.1 (Expiration of Approved Conditional Use Permits) with respect to Conditional Use Permits for solar farm uses for a period of one (1) year from the date of adoption of this resolution or until Unified Development Ordinance Section 16.20.040 (conditional Use) is amended or eliminated, whichever occurs first; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Director of Planning and Development and the County Administrator.

DATED at Woodstock, Illinois, this 16th day of March, A.D., 2020.

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Jack D. Franks, Chairman
McHenry County Board

ATTEST:

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Joseph J. Tirio, County Clerk
TO: McHenry County Board  
FROM: Dennis Sandquist  
DATE: March 16, 2020  
SUBJECT: Resolution Suspending Enforcement of Unified Development Ordinance Section 16.20.040.H.1 (Expiration of Approved Conditional Use Permits) for Solar Farm Uses

**Board / Committee Action Requested:**
Approve a resolution suspending enforcement of Unified Development Ordinance Section 16.20.040.H.1 (Expiration of Approved Conditional Use Permits) as it applies to approved Conditional Use Permits for Solar Farm uses for a period of one (1) year. During this one (1) year enforcement moratorium, the Planning, Environment, and Development Committee and the County Board will consider amending the Unified Development Ordinance to eliminate or otherwise modify this section of the ordinance.

**Background and Discussion:**
Unified Development Ordinance (UDO) Section 16.20.040.H(1) requires that building permits for establishment of an approved Conditional Use must be issued within two (2) years of the Conditional Use Permit approval. In the past few years, the County Board has approved twenty four (24) Conditional Use Permits for the establishment of solar farms throughout the county. These solar farm operations require funding from the State of Illinois and must work with the public utility companies prior to construction. Given the number of solar farm proposals in the state, a lottery system was established in order to chose facilities to receive state requisition credits. Of the twenty four (24) approved solar farms proposed in McHenry County, only five (5) were selected during the first round of requisition credit allocations. Without the state funding allocations, the facility operators will not be able to proceed with construction within the two year period required by the UDO. Since the twenty four (24) Conditional Use Permits were approved beginning in July, 2018, the approved conditional use permits will begin to expire July, 2020. Without this enforcement moratorium, solar farm operators would need to complete the conditional use permit approval process again prior to construction.

Given the state requirements and need for the construction of solar farm facilities which are unique to this business enterprise, it is reasonable to suspend enforcement of this ordinance provision for one year while revisions to the ordinance are considered.

**Impact on Human Resources:** None.

**Impact on Budget (Revenue; Expenses, Fringe Benefits):** None.
Impact on Capital Expenditures: None.

Impact on Physical Space: None.

Impact on Other County Departments or Outside Agencies: None.

Conformity to Board Ordinances, Policies and Strategic Plan: The resolution is consistent with county board ordinances and policies. It has been submitted for approval by the State’s Attorney Office prior to final approval by the County Board.

HISTORY:
03/03/20 Planning, Environment & Development RECOMMENDED