



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2988

by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12020

Amends the Counties Code. In provisions concerning wind farms and electric-generating wind devices, makes the provisions applicable even if a county has or has not formed a zoning commission and adopted formal zoning. Clarifies that only a county may establish standards for wind farms, electric-generating wind devices, and commercial wind energy facilities in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and the 1.5 mile radius surrounding the zoning jurisdiction of a municipality. Effective immediately.

LRB101 10750 AWJ 55868 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section
5 5-12020 as follows:

6 (55 ILCS 5/5-12020)

7 Sec. 5-12020. Wind farms, electric-generating wind
8 devices, and commercial wind energy facilities.

9 Notwithstanding any other provision of law or whether the
10 county has formed a zoning commission and adopted formal zoning
11 under Section 5-12007, a county may establish standards for
12 wind farms and electric-generating wind devices. The standards
13 may include, without limitation, the height of the devices and
14 the number of devices that may be located within a geographic
15 area. A county may also regulate the siting of wind farms and
16 electric-generating wind devices in unincorporated areas of
17 the county outside of the zoning jurisdiction of a municipality
18 and the 1.5 mile radius surrounding the zoning jurisdiction of
19 a municipality. There shall be at least one public hearing not
20 more than 30 days prior to a siting decision by the county
21 board. Notice of the hearing shall be published in a newspaper
22 of general circulation in the county. A commercial wind energy
23 facility owner, as defined in the Renewable Energy Facilities

1 Agricultural Impact Mitigation Act, must enter into an
2 agricultural impact mitigation agreement with the Department
3 of Agriculture prior to the date of the required public
4 hearing. A commercial wind energy facility owner seeking an
5 extension of a permit granted by a county prior to July 24,
6 2015 (the effective date of Public Act 99-132) must enter into
7 an agricultural impact mitigation agreement with the
8 Department of Agriculture prior to a decision by the county to
9 grant the permit extension. Counties may allow test wind towers
10 to be sited without formal approval by the county board. Any
11 provision of a county zoning ordinance pertaining to wind farms
12 that is in effect before August 16, 2007 (the effective date of
13 Public Act 95-203) may continue in effect notwithstanding any
14 requirements of this Section.

15 A county may not require a wind tower or other renewable
16 energy system that is used exclusively by an end user to be
17 setback more than 1.1 times the height of the renewable energy
18 system from the end user's property line.

19 Only a county may establish standards for wind farms,
20 electric-generating wind devices, and commercial wind energy
21 facilities, as that term is defined in Section 10 of the
22 Renewable Energy Facilities Agricultural Impact Mitigation
23 Act, in unincorporated areas of the county outside of the
24 zoning jurisdiction of a municipality and the 1.5 mile radius
25 surrounding the zoning jurisdiction of a municipality.

26 (Source: P.A. 99-123, eff. 1-1-16; 99-132, eff. 7-24-15;

1 99-642, eff. 7-28-16; 100-598, eff. 6-29-18.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.