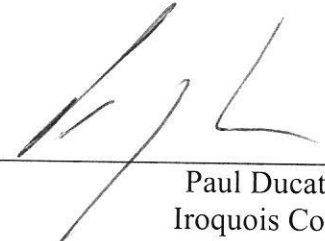


ORDINANCE NO. 2025-2

AN ORDINANCE AMENDING THE ORDINANCE REGULATING THE SITING OF WIND ENERGY CONVERSION SYSTEMS IN IROQUOIS COUNTY

BE IT ORDAINED by the Iroquois County Board of Iroquois County, Ordinance Regulating the Siting of Wind Energy Conversion Systems in Iroquois County be and the same is hereby amended to change the Ordinance Regulating the Siting of Wind Energy Conversion Systems in Iroquois County originally adopted by the Iroquois County Board on the 8th day of June, 2004 and subsequently amended on December 11, 2007, December 13, 2011, September 10, 2013, April 14, 2015, May 24, 2023, and September 12, 2023. This amendment makes substantial changes throughout the ordinance and changes the name of the Ordinance Regulating the Siting of Wind Energy Conversion Systems in Iroquois County to the Iroquois County Commercial Wind Energy Facility Siting Ordinance.

Dated this 4th day of January, 2025.



Paul Ducat, Chairman
Iroquois County Board

ATTEST:



Breann B. Suter, County Clerk

Ayes 14 Nays 0

Absent 1

IROQUOIS COUNTY COMMERCIAL WIND ENERGY FACILITY SITING ORDINANCE

Adopted by: Iroquois County

June 8, 2004

Revised: December 11, 2007

Revised: December 13, 2011

Revised: September 10, 2013

Revised: April 14, 2015

Revised: May 24, 2023

Revised: September 12, 2023

Revised: January 14, 2025

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I. INTRODUCTION

A. Title

This Ordinance shall amend the Iroquois County Zoning Ordinance and be - known, cited and referred to as the Iroquois County Commercial Wind Energy Facility Siting Ordinance.

B. Purpose

This Ordinance is adopted for the following purposes:

1. To ensure that any development and production of wind generated electricity in all of Iroquois County is safe and effective.
2. To assure the protection of health, safety, welfare, and property values for all Iroquois County residents and landowners.
3. To facilitate economic opportunities for local residents.
4. To promote the supply of wind energy in support of Illinois statutory goal of increasing energy production from renewable energy sources.
5. To mitigate the impact of a Commercial Wind Energy Facility site on environmental resources such as important agricultural lands, forests, wildlife and other protected resources.

II. DEFINITIONS

A. Abandonment

The cessation of operations and/or maintenance as measured by output of an individual Wind Tower or entire Commercial Wind Energy Facility for six (6) months and without prior communication to the Iroquois County Board plans for its continued use, repurposing, or proper decommissioning.

B. Aircraft Detection Lighting Systems (ADLS)

A system that utilizes surveillance radar to track aircraft operating in proximity to the wind utility site. ADLS will activate the obstruction lighting system when aircraft enter the light activation volume and will deactivate when all aircraft depart.

C. Applicant

The entity or person who submits to Iroquois County, pursuant to Section VII of this Ordinance, an Application for a Conditional Use Permit for any Commercial Wind Energy Facility or Substation.

D. Commercial Wind Energy Facility (CWEF)

A wind energy conversion facility of equal or greater than 500 kilowatts (KW) in total nameplate generating capacity used for generating utility scaled electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside. It includes the supporting facilities as specified in the siting approval application pursuant to Section VII of this Ordinance. Wind Energy Conversion Systems (WECS) and CWEF are interchangeable in this Ordinance.

- E. Facility Owner
An entity with a direct ownership interest in a CWEF, regardless of whether the entity is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, an entity who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the entity will own or operate the facility.
- F. Financial Assurance
Cash in escrow deposited in an account that is held by the County Treasurer of Iroquois County as the beneficiary with an insured financial institution.
- G. Licensed Illinois Professional Engineer
A qualified individual who is licensed as a professional engineer in Illinois.
- H. Meteorological Tower
A tower which is erected primarily to measure wind speed and direction plus other data relevant to the siting and operation of a CWEF Project. For purposes of this ordinance, Meteorological towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.
- I. Nonfunctioning Wind Turbine
A wind turbine or component that is not able to generate electricity for six consecutive months.
- J. Nonparticipating Property
Real property that is not a participating property.
- K. Nonparticipating Residence
A residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the CWEF is accepted by the County.
- L. Occupied Community Building
Any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.
- M. Operator
The entity responsible for the day-to-day operations and maintenance of the CWEF, including any third-party subcontractors.
- N. Participating Property
Real property that is the subject of a written agreement between a CWEF owner and the owner of the real property that provides the Facility Owner an easement, option, lease, or license to use the real property for the purpose of constructing a Commercial Wind Energy Facility or supporting facilities. "Participating property"

also includes real property that is owned by a Facility Owner for the purpose of constructing a Commercial Wind Energy Facility or supporting facilities.

O. Participating Residence

A residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the Commercial Wind Energy Facility is accepted by the County.

P. Primary Structure

Is for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, churches, schools and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

Q. Protected Lands

Real property that is:

1. Subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or
2. Registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

R. Shadow Flicker

The phenomena that occurs when rotating wind turbine blades cast moving shadows upon stationary objects.

S. Solicitor

Any person intending to solicit a landowner in person for the lease, purchase, or use of property for a portion of a Commercial Wind Energy Facility.

T. Substation

The apparatus that connects the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission lines.

U. Supporting Facilities

Includes, but not limited to the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation of electricity by the Commercial Wind Energy Facility.

V. WECS Tower Height

The distance from the rotor blade's tip at its highest point to the top surface of the WECS foundation.

W. Wind Energy Conversion System (WECS)

All necessary devices that together convert wind energy into electricity, including the blades, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, meteorological towers, and electrical cabling from the WECS Towers to the Substation(s). WECS and CWEF are interchangeable in this Ordinance.

X. Wind Tower

Includes the wind turbine tower, nacelle, and blades.

III. APPLICABILITY

This Ordinance governs the siting of Meteorological Towers, Commercial Wind Energy Facilities and Substations that generate electricity to be sold to wholesale or retail markets, except that Facility Owners of a private wind facility with an aggregate generating capacity of 500 KW or less who locate the facility on their own property are not subject to this Ordinance. Any regard for a Solar Energy Conversion Facility and/or Battery Energy Storage Facility must be applied for separately using their appropriate application process.

IV. PROHIBITION

No Commercial Wind Energy Facility nor any component of, governed by Section III of this ordinance, shall be constructed, erected, installed, or located within Iroquois County, until the sites has been approved by the Iroquois County Board through issuance of a Conditional Use Permit and a Building Permit.

V. SOLICITATION

- A. Any person intending to solicit a landowner in person for the lease, purchase, or use of property for a portion of Commercial Wind Energy Facility shall obtain a Solicitor Permit from the Zoning Administrator prior to contacting any property owner or owners' representative regarding the lease, purchase or use of said property. At the time of the Application, the Applicant shall remit a processing fee for the Application in the amount of \$100 and submit to a criminal background check.
- B. Upon approval by the Zoning Administrator, a Solicitor permit may be issued upon receipt of a \$1,000. permit fee. A Solicitor permit shall be valid for one calendar year from the date of issuance and permits are not transferrable to any other person.

VI. METEOROLOGICAL TOWER

- A. When a meteorological tower(s) is to be included in the site study and/or plan, an Iroquois County permit shall be required from the Zoning Administrator for each tower. The yearly fee per tower shall be \$5,000. This fee shall also apply to all permanent Meteorological Towers located in or around the CWEF. A copy of the agreement where the landowner has authorized the placement of a Meteorological Tower on their property shall be included with each permit application. The towers are able to be moved within the proposed site plan and the current location of each tower must be communicated to the Zoning Administrator. Failure to communicate changes in tower location shall be a default.
- B. All Meteorological Towers must be painted in seven, equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and

ending with orange at the base. There shall be three (3) orange marker balls at least 36 inches in diameter on each quadrant of guy wires, one twenty feet from the ground level, one approximately half the way to the top, and one fifteen feet from the top. Flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground. Towers shall be lit with a strobe light during daylight hours and with a flashing red light during nighttime hours, each of which is visible for a minimum of 2.5 miles.

VII. CWEF CONDITIONAL USE APPLICATION PROCESS

To obtain site approval, the Applicant must first submit a CWF Conditional Use Application to the Iroquois County Zoning Administrator. This Application must be submitted in English. The Applicant shall submit ten copies of the Commercial Wind Energy Facilities Conditional Use Application and the required fee in the form of a cashier's check. One copy shall be submitted as an electronic copy in a DOCX or PDF format. The following fees and information are required to be included with the Conditional Use Permit Application:

A. Application Fees

Prior to processing any Conditional Use Permit Application for a CWEF, the Applicant must submit a cashier's check made payable to Iroquois County for the Conditional Use Permit Application Fee equal to \$5,000 per megawatt of proposed nameplate generating capacity, up to a maximum fee of \$250,000. These funds shall be placed in an insured money-market account and will be used to cover the County's costs incurred in processing the Conditional Use Permit Application. All fees noted above include but are not limited to those costs corresponding with all direct, indirect, or third-party costs associated with any hearing, permitting, operations, and studies. If the County's expenses exceed the amount of the initial application fee, the Applicant will be billed and shall reimburse the County for said excess expenses within 30 days of each invoice.

B. Additional Information

The Conditional Use Application shall contain or be accompanied by the following information:

1. The name(s), address(es), phone number(s), and electronic contact information of the Applicant(s), Facility Owner and Operator, and all Participating Property Owner(s), including their respective business structures. The Applicant shall be required to include copies of all leases, easements, licenses, or other ownership interest in the properties.
2. A Wind Energy Conversion System project summary, including but not limited to: a description of the project, its approximate total name plate generating capacity in megawatts; the potential equipment manufacturer(s), type(s) of wind towers, number of wind towers, and name plate generating capacity of each Wind Tower; the maximum height of the Wind Towers and maximum diameter of the Wind Towers' rotors, the location of the project and the project name.

3. Provide certified audited financial statements and other documents to verify that the Applicant, Facility Owner, Company, and parent company/companies, have the financial capability to complete the CWEF project as proposed.
 4. A site plan for the CWEF Project showing its planned location of each Wind Tower including legal descriptions, site addresses (911), and parcel number(s) for each site. Also the Participating and Nonparticipating Residences, Occupied Community Buildings property boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings, and electrical cabling from each Wind Tower to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, Protected Lands and scenic and natural areas within two thousand five hundred (2,500) feet of the proposed CWEF, the location of all known communications towers within two (2) miles of a proposed wind tower, and the layout of all structures within the geographical boundaries of any applicable setback.
 5. If a Wind Tower is found to be in the direct path of an existing emergency communications physical structure(s), regardless of the frequency or frequencies, the Wind Tower shall be offset to a minimum of 500 feet out of the direct path of the emergency communications line of site.
 6. The Zoning Administrator shall obtain all required studies, reports, certifications, and approvals demonstrating compliance with provisions of this Ordinance; and including but not limited to DNR, FAA, EPA, U.S. Fish and Wildlife, IDNR and IEPA.
 7. The Applicant will supply an EcoCAT study from the Illinois Department of Natural Resources done within the last 12 months from the date of the Application.
 8. Any other information normally required by the County as part of its Zoning Ordinance.
- C. Zoning Districts
1. Commercial Wind Energy Facilities shall be located in A1 or A2 zoning districts and shall need a Conditional Use Permit before applying for a WCES Building Permit.
 2. The design standards and bulk regulations listed in the A1 and A2 Agriculture Districts of the Iroquois County Code for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all WECS and the regulations herein shall apply instead. All other design standards and bulk regulations of the respective districts shall apply.
 3. Any Wind Tower or Meteorological Tower site proposed within one and one half (1½) mile of the corporate limits of any incorporated village or city shall require an approval sign-off by that corporate authority.

D. Utility Agreement

At the time of applying for the Conditional Use Permit, written proof shall be provided that the Applicant has an interconnect agreement with an electric utility company.

E. Existing Conditions

The Applicant shall submit the following:

1. Existing property lines and property lines extending five hundred feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
2. Existing public and private roads, showing widths of the roads and any associated easements.
3. Location and size of any existing and abandoned wells and sewage treatment systems.
4. Existing buildings and any impervious surfaces.
5. Contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
6. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grasslands, wooded areas, etc.).
7. Waterways, watercourses, lakes and public water wetlands.
8. Any delineated wetland boundaries.
9. A copy of the current FEMA FIRM map that shows the subject property along with the one hundred (100) year flood elevation showing regulated flood protection elevation.
10. Floodway, flood fringe and/or general flood plain district boundary, if applicable, and not provided on the copy of the current FEMA FIRM map.
11. Mapped soils, according to the Iroquois County Soil Survey.
12. Surface water drainage patterns.
13. A tile survey to identify the location of all subsurface drainage tiles.

F. Coordination with Local Fire Departments

1. The Facility Owner shall submit to the local fire department(s) with jurisdiction over the CWEF and the Eastern Illinois Mutual Aid Association, a copy of the site plan.
2. Upon request by the local fire department, the Facility Owner shall cooperate with the local fire department to develop the fire department's emergency response plan. In addition, at no cost to the local fire department, the Facility Owner shall provide to the local fire department any and all specialized and necessary new rescue or retrieval equipment occasioned by the use of the particular equipment being used at the project (i.e., gurney, body harnesses, PPE, etc.). In addition, the Facility Owner shall have the requirement to update, at no cost to the local fire department, such equipment in possession of the local fire department as any updates are presented to the Facility Owner in the normal course of business. Failure to comply shall be deemed a default resulting in an immediate shutdown of the CWEF.

3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
- G. Consideration for Public Road Use
In consideration of use of public roads, a proposed access route map shall be included with the Conditional Use Permit Application. Also to be included shall be the list of the impacted road authorities complete with the contact information and proof that they were notified of the Conditional Use Permit Application. (Note) Before the issuance of any Building Permits are considered, fully funded and executed Public Road Use Agreements from each road authority shall need to be received by the Tax/Planning/Zoning Committee.
- H. Agricultural Impact Agreement
The Facility Owner must enter into an agricultural impact mitigation agreement with the Illinois Department of Agriculture and property owner(s) prior to the date of the required public hearing.
- I. Changes in Information
The Applicant shall notify the Zoning Administrator of any changes to the information provided in form(s) pursuant to Section VII, B, 1 and 2 above that occur while the Conditional Use Permit Application approval is pending. Failure to notify the County Zoning Administrator shall be a default subject to immediate rejection of the application.
- J. All Costs to be Paid by Facility Owner.
In addition to all fees noted above, the Facility Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. These include, but are not limited to, the direct or indirect costs associated with any hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/or negotiations, during the Conditional Use Permit Application Process and the Building Permit Requirements sections.
- K. Application Acceptance
A Conditional Use Permit Application shall be deemed complete when it contains all of the information and documents identified and the requirements and terms of this Ordinance are fulfilled. The date of the acceptance of the Application will be established when it is formally accepted by the Tax/Planning/Zoning Committee at its next scheduled meeting.
- L. Public Hearing
In accordance with the Illinois Compiled Statutes, at least one public hearing must held within 45 days of the Application's acceptance. The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the Board and the County but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments. The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The

Applicant shall reimburse the county for the fees and costs charged by the facilitator.

M. Material Changes

Material changes to the application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the County Board.

N. Permit Expiration

A CWF Building Permit must be applied for and approved within two years from the date of the Conditional Use Permit's approval by the County Board or the Iroquois County issued permits will no longer be valid.

VIII. BUILDING PERMIT REQUIREMENTS

Following the Conditional Use Permit approval by the Iroquois County Board, the Applicant is eligible to apply for a Commercial Wind Energy Facility Building Permit with the following requirements and conditions:

A. All Costs Are Current

All costs for fees and studies required by the Conditional Use Permit Application and during the Building Permit Application Process must be current and paid in full.

B. CWF Building Permit Fee

Prior to the issuance of the Building Permit, the Facility Owner must deposit a CWF Building Permit fee equating to \$10,000 per megawatt of total nameplate capacity of the CWF. The Applicant shall pay the fee in the form of a cashier's check made payable to Iroquois County.

C. Site Plan of Proposed Conditions

The Applicant shall submit the following:

1. Location map with the address(es), number, and spacing of the proposed Wind Towers.
2. Location of access roads and access points.
3. Planned location of underground or overhead electric lines connecting the Wind Towers of the CWF to a substation or other electrical off-site loads.
4. New electrical equipment other than the existing building or substation that is to be the connection point for the CWF.
5. Drawings of elevation of the premises prepared by an Illinois Licensed Professional Engineer accurately depicting the proposed CWF and its relationship to structure on adjacent land.

D. Setbacks

Setback distances shall be measured beginning from the center of the base of the Wind Tower or Meteorological Tower.

1. **Occupied Community Buildings:** A minimum setback of 2.1 times the wind tower's maximum blade tip height to the nearest point on the outside wall of the structure.

2. **Participating Residences:** A minimum setback of 1.1 times the maximum blade tip height to the nearest point on the outside wall of the residence.
3. **Nonparticipating Residences:** A minimum setback of 2.1 times the maximum blade tip height to the nearest point on the outside wall of the residence.
4. Boundary Lines of **Nonparticipating Property:** A minimum setback of 1.1 times the maximum blade tip height to the nearest point on the property line.
5. Public Road Rights-of-Way: A minimum setback of 1.1 times the maximum blade tip height to the center point of the public road right-of-way line.
6. Overhead Communication and Electric Transmission and Distribution Facilities: A minimum setback of 1.1 times the maximum blade tip height to the nearest edge of the property line, easement, or right-of-way containing the overhead line.
7. Fish and Wildlife Areas and Illinois Nature Preserve Commission **Protected Lands:** A minimum setback of 2.1 times the maximum blade tip height to the nearest point on the property line of the protected land.

A two-mile radius around an existing private airstrip recognized by the FAA will be left free of Wind and Meteorological Towers. The airstrip owner may waive this regulation.

E. Interference

1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan (or various project summaries and site plans if the Applicant should seek approval of differently sized project and/or projects constructed with differing wind turbine generators), as set forth in Section VII (B) (2) of this Ordinance. To the extent that (a) the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s) and (b) the United States Federal Communication Commission ("FCC") agrees with such demonstrated interference, then the Applicant shall take all measures prescribed by the FCC to mitigate or eliminate such anticipated interference in compliance with then-existing, FCC-promulgated regulations. If, after construction of the CWEF, the Facility Owner receives a written complaint from the FCC related to the above-mentioned, or any other type of interference with the regulated airwaves, the Facility Owner shall take all steps required by the FCC to mitigate or eliminate such complaint. All interference issues must first be taken to the Facility Owner for consideration before going to the FCC.
2. Prior to construction of the CWEF, the Facility Owner shall conduct a study related to interference with local broadcast residential television and wireless internet services, if it is demonstrated a likelihood of interference may result from the WECS, the Applicant shall take measures to mitigate such anticipated interference. If, after construction of the CWEF, the Facility Owner receives a reasonable written complaint related to interference with local

broadcast residential television and wireless internet services the Facility Owner shall take steps to rectify the complaint, such as providing alternate service to each individual resident or property owner.

F. Fully Executed and Funded Public Road Use Agreements

All CWEF Building Permit Applications shall be accompanied by fully funded and executed Public Road Use Agreements from each road authority with infrastructure affected by the CWEF project. The financial assurance funding will be in the form of a cashier's check(s) for the amount required of each of these Road Use Agreements. Also included are completed escrow agreements between the parties.

These Public Road Use Agreements shall include at a minimum:

1. A final map identifying the roads and rights-of-way that will be utilized for the construction, operation, and decommissioning of the CWEF.
2. A list of all the affected road authorities and contacts shall be included.
3. Other inclusions as specified or required by the Iroquois County Board, Iroquois County Engineer or affected road authorities.
4. The agreement shall contain a Limitation on Liability Clause.
5. Any road damage caused by the transportation, installation, maintenance, or removal of the facility CWEF equipment, must be completely repaired to the reasonable satisfaction of the County Engineer or appropriate local roadway authority. The Iroquois County Engineer may choose to require the remediation of road repair upon completion of the Commercial Wind Energy Facility and is authorized to collect fees for overweight and/or oversized load permits. Further, Financial Assurance shall be provided in an amount to be fixed by the Iroquois County Engineer to ensure the County, that future repairs are completed to reasonable satisfaction. This Financial Assurance is cash in escrow deposited in an account that is held by Iroquois County or the appropriate road authority as the beneficiary with a financial institution.
6. All repairs and improvements to County public roads and roadway appurtenances shall be subject to the prior approval of the County Engineer before being made and shall also be subject to inspection and acceptance by the Iroquois County Highway Engineer after such repairs and improvements are completed. The County's Public Road Use Agreement, and any further agreements contemplated therein, regarding the maintenance and repair of public roads and highways, must be approved by the Iroquois County Highway Engineer prior to the approval of any Commercial Solar Energy Facility Building Permit applications related to the construction of the proposed CWEF.

G. Decommissioning Plan

The Applicant must submit a completed and fully funded decommissioning plan including a breakdown of the cost estimates of the decommissioning to ensure that the CWEF shall be properly decommissioned. (See Article XII)

H. Minimum Rotor or Wind Vane Clearance

The lowest point of the arc created by rotating wind vanes or blades on a Wind Tower shall be no less than 15 feet measured from the highest point of the terrain within one blade radius from the base of the tower.

I. Shadow Flicker

A Licensed Illinois Professional Engineer hired by Iroquois County, with the cost invoiced to the Facility Owner, shall conduct an analysis on the potential shadow flicker onto adjacent properties as part of the Building Permit Application Process and the analysis shall identify the locations of the Shadow Flicker and the expected durations of the flicker over the course of a year. Shadow Flicker shall not affect an Occupied Community Building or Nonparticipating Residence more than 30 hours per year under planned operating conditions. Planned operating conditions are defined as those conditions that would exist if the sun were to shine every day of the year with no cloud cover. Measures to alleviate the effects of Shadow Flicker shall be outlined by the Applicant. These measures shall at a minimum include landscape screens and/or window coverings at the discretion of the Tax/Planning and Zoning Committee and paid for by the Facility Owner.

J. Ice Impact

As part of the Building Permit Application process, there shall be provided an ice impact risk assessment performed by a Licensed Illinois Professional Engineer hired by Iroquois County with the cost invoiced to the Facility Owner, in accordance with the most updated International Energy Wind TCP and the most current turbine model be used, assessing the risk on public walkways, roads, barns, homes, huts, persons, and livestock. The calculated risk shall be no more than a risk level of 1×10^{-5} (1/100,000). If the risk level is higher than this at any of these locations, the risk shall be considered unacceptable and the turbine or turbines creating this unacceptable risk(s) shall be relocated or removed.

K. Compliance with the Federal Aviation Administration

The Facility Owner of the CWEF shall comply with all applicable FAA requirements.

L. Lighting

On wind turbines, there shall be no strobe lighting, intermittent white lighting, or other lighting, unless expressly required by the FAA. To the extent that such tower lighting is available, and is approved by the FAA for a CWEF Project, the Applicant shall install Aircraft Detection Lighting Systems ("ADLS") or other similar technology to reduce light pollution and visual impacts caused by the CWEF. If lighting is provided at a substation, the lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or residence.

M. Foundations

Prior to the Building Permit approval(s) under this Ordinance, a Licensed Illinois Professional Engineer, hired by Iroquois County with the cost invoiced to the Facility Owner, shall review and verify that each foundation and tower design of the CWEF is within accepted professional standards, given local soil and climate

conditions. Failure to make payment to the County within 30 days of the invoice date shall be deemed a default. It being understood that an Applicant may submit different building permit applications hereunder in keeping with the project flexibility based on equipment type to be used allowed for in Section VII B 2 here of, it being further understood that any and all such permit applications shall still be verified by a Licensed Illinois Structural Engineer as contemplated hereunder.

N. Color

Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color as approved by the County Board.

O. Other Standards and Codes

The CWEF shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL") or an equivalent third party. All WECS's equipment should be manufactured within the United States of America (made in the USA).

P. Controls and Brakes

All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

Q. CWEF Building Permit Approval

Once all of these criteria and standards have been met, the Tax/Planning/Zoning Committee will vote to approve a Building Permit issuance at its next regularly scheduled meeting and construction can proceed.

IX. CONSTRUCTION STANDARDS

After receiving the Building Permit for the CWEF, the Facility Owner can begin the construction phase of the project. Construction must begin within 12 months of the date of issuance of the Building Permit or it will become invalid. The necessary inspections will be carried out along the way by County employees, contracted individuals, or 3rd party vendors. The Facility Owner is responsible for the cost of these inspections. Expectations and inspections will include but are not limited to the following subject matter:

A. Power and Communication Lines

1. Power and communication lines running between wind tower units and/or to electric substations or interconnections with buildings within the perimeter of the CWEF shall be buried according to the National Electric Code (NEC) as adopted by the Iroquois County Board at the time of acceptance of the Building Permit Application. All power and communication lines shall be buried no less than 6 feet deep. During the installation and before wires and lines are covered there will be an inspection for compliance by an

independent inspector hired by Iroquois County with the cost invoiced to the Facility Owner. Failure to make payment to the County within 30 days of the invoice date shall be deemed a default. Exemptions or variances may be granted by the Iroquois County Board in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.

2. All power and communication lines shall be geo-located for inclusion on record drawings.
3. The Facility Owner or Operator of the CWEF shall be a member of J.U.L.I.E. and follow their rules and regulations. J.U.L.I.E. shall be contacted before commencing any excavations.
4. All electrical components of the CWEF shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI, UL and International Electrotechnical Commission).

B. Drainage Tiles

1. All drainage tiles shall be repaired or restored to same or better condition as to when the project began. There will be an inspection for compliance by an independent inspector chosen and hired by Iroquois County with the cost invoiced to the Facility Owner.
2. Local drainage districts and all property owners affected shall be contacted prior to beginning development to locate drainage district tiles.

C. Warning Signs

1. A 911 address sign which conforms to the specifications of the County Ordinance for size, color and reflectivity shall be placed and maintained by the Facility Owner at the entrance to each Wind Tower access road from a public road. A sign or posting no more than four (4) square feet in area shall be placed and maintained in conjunction with, but in a subordinate position of, that same 911 sign and shall provide the tower number(s) and a toll-free telephone number, answered by a person twenty-four hours a day seven days per week, for emergency calls and informational inquiries.
2. A 911 compliant visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
3. Warning signs identifying underground wire locations shall be placed at all road crossings, creek, waterway, and ditch crossings, and at the base of the Wind Towers.
4. No Wind Tower or Meteorological Tower or site shall include any advertising signage, but logos not to exceed four square feet, of the wind tower manufacturer shall not be considered "advertising" for the purpose of this Ordinance.

D. Climb Prevention

All WECS installations shall be protected from unauthorized access through one or more of the following control measures:

1. Fences with locking portals at least eight (8) feet in height.

2. Anti-climbing devices twelve (12) feet vertically from the base of the Wind Towers.
3. Locked Wind Tower doors.

E. Record Maps and Plans

Prior to the go live date of the Commercial Wind Energy Facility, the Facility Owner shall deliver Record maps and plans, including a final site plan and engineering plans for the Facility that have been signed and stamped by a Licensed Professional Engineer to the Iroquois County Board for final approval and acceptance to operate.

X. PRIOR TO GO LIVE APPROVAL

Each Commercial Wind Energy Facility shall be required to have a final inspection by an independent qualified inspector, hired by Iroquois County with the cost invoiced to the Facility Owner, at the completion of the construction of the project and prior to receiving approval to begin operations (go live date). This inspection is to verify compliance with the zoning regulations, building permit conditions, and other applicable regulatory codes such as with the National Electric Code. Also, before a "go live" date is determined and approved by the Iroquois County Board, all items within this Ordinance must be complied with, all inspections passed, all Financial Assurances deposited with the County Treasurer and/or appropriate authority and all costs to the County be reimbursed.

XI. ONGOING OPERATION REQUIREMENTS

The following items must be complied with throughout the lifetime of the project.

A. Semi-annual Report.

The Facility Owner must submit a semi-annual operational report to the Iroquois County Board, based on the date of the project's completion as established by the initial commercial output. This report shall contain the following information:

1. The monthly electrical output of the facility reported in kwh for the prior 6 months,
2. A general description of any physical repairs, replacements or modification(s) to the facility and/or its infrastructure,
3. Proof of liability insurance,
4. The Facility Owner of the CWEF must submit, on a semi-annual basis, a summary of the operation and maintenance reports to the County Board. In addition, the summary shall include complaints pertaining to noise, appearance, safety, lighting and use of any public roads received by the Facility Owner concerning the facility and the resolution of such complaints.

Failure to provide the semi-annual report shall be considered a default of this Ordinance and subject to all appropriate remedies.

B. Maintenance

Any physical modification to the CWEF that alters any of the major electrical components so that such modification requires re-certification from the original

third-party certifying entity of the CWEF (e.g., ANSI, UL, etc.), will require the Facility Owner of the CWEF to obtain such re-certification for the affected CWEF components from such third-party entity in accordance with its then-existing design standards and processing times for re-certification certificates. Like-kind replacements shall not require recertification. Prior to making any physical modification (other than a like kind replacement), the Facility Owner shall confer with the County Board to determine whether the physical modification requires re-certification.

C. Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation, maintenance and decommissioning of the CWEF shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials related to the construction, operation, and maintenance of the CWEF shall be handled, transported and disposed of in accordance with all applicable local, state and federal laws.
3. The outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed. Chemicals and hazardous materials must be kept inside a storage shed. The Zoning Administrator or their in determining whether the outdoor storage is in compliance with this provision. All outdoor storage areas shall have at the minimum a gravel surface covering.

D. Inspections

The facility shall be inspected annually for three years following the go live date to verify continued compliance with the Ordinance's requirements. These inspections will include on-site visits from the staff of the local fire departments to ensure that that necessary protective equipment is provided. Thereafter, inspections shall be performed at least every three years (triennially). Additional inspections necessitated by complaints or otherwise shall not replace annual or triennial inspection requirements. The cost of all inspections shall be invoiced to the Facility Owner by the County with payment due 30 days from the invoice date. Upon completion of inspections, a report shall be prepared and submitted to the County Board and Facility Owner. Should the Facility Owner fail to make payment to the County within 30 days of the invoice date, the said party shall be deemed to be in default.

XII. DECOMMISSIONING PLAN

As part of the Building Permit Application Requirements, the County and the Facility Owner must agree to a Decommissioning Plan that ensures that the CWES project is properly and completely decommissioned. This plan must also be compliant with any Illinois Department of Agricultural Impact Mitigation Agreement and this Ordinance. Prior to receiving any Building Permits, the Applicant shall provide Financial Assurance to Iroquois County to cover those decommissioning costs in the event of default or abandonment. Components and conditions of the plan include:

A. Financial Assurances to Iroquois County to include:

1. A basis formed by a Licensed Illinois Professional Engineer's cost estimate for demolition and removal of the CSEF, repairs to be made to bring roads back to the same condition as they were immediately preceding actual decommissioning and any expenses associated with the cost of clean-up after abandonment. The Licensed Illinois Professional Engineer, hired by Iroquois County with the cost invoiced to the Facility Owner, shall certify and provide the original decommissioning cost estimate prior to the issuance of the Conditional Use Permit. A new cost estimate shall be prepared every three years and the Facility Owner shall reimburse Iroquois County for the engineer's fee. Payment for said engineer's fee to prepare decommissioning cost estimates is not included in the initial Application Fee.
2. A cashier's check made payable to Iroquois County and deposited in accordance with the cost basis of the Licensed Illinois Professional Engineer's cost estimate shall be placed in an escrow account acceptable to the Iroquois County Board and controlled by the Treasurer of Iroquois County prior to the issuance of a Building Permit.
Any additional financial assurance shall be supplied, if necessary, to bring the total amount of assurance to an amount at least equal to the said Engineer's estimate for demolition and removal without consideration of salvage value, plus road repairs to be made to the same condition as they were immediately preceding actual decommissioning. This assurance shall again, if necessary, be adjusted to reflect the changes in the engineer's estimates as they are adjusted every three years. Any additional assurance shall be made in the form of a cashier's check made payable to Iroquois County and deposited into an escrow account acceptable to the Iroquois County Board and controlled by the Iroquois County Treasurer.
3. Said escrow shall be partially released when the entire facility and associated infrastructures are completely decommissioned and the road repairs are properly completed as determined by the Iroquois County Highway Engineer, all affected public road authorities, and final approval by the Iroquois County Board. A ten percent (10%) holdback of the total escrow amount will be retained and held for one year past the completed initial decommissioning to settle any needs for work completion or repairs.
4. A provision that the terms of the Decommissioning Plan shall be binding upon the Facility Owner and any Participating Property Owner and any of their successors, assigns, or heirs.
5. In the event that the escrow funds are not sufficient to cover the cost of decommissioning and the Facility Owner is not capable of making up the cost's difference, the shortfall shall fall upon the landowner. In the event that the landowner defaults, then the County shall have the work performed and the decommissioning cost shall be recouped through a lien placed on the landowner's property.

6. The County shall have a subordinated right to sell any salvage material to reduce the County's expenses related to the decommissioning of any project site and shall be granted access to each site to effect or complete decommissioning.

- B. Decommissioning of the CWF or a Nonfunctioning Wind Turbine and related equipment must occur in the event they are not in use for six [6] consecutive months. The Facility Owner and/or landowner shall have six months to complete the decommission plan or the County will take the necessary decommissioning steps. The Iroquois County Board has authority by majority vote to extend the time frame to complete repairs causing inoperability upon request, with the Facility Owner outlining the reasons why an extension is needed. The request for the extension must be received no later than 60 days prior to the deadline for removal and if approved, can be extended for 6 months intervals.
- C. The plan shall include provisions for removal of all structures including but not limited to: Wind Towers, fencing, access roads, foundations and cabling to a depth of seventy-two (72) inches and a plan for the restoration of soil and vegetation. Removal of equipment must be in accordance with state and federal EPA guidelines and the panels must not be left in any condition where hazardous materials may leach into the environment.
- D. Provision for the restoration of the soil surface to the same condition that existed immediately before construction of such facilities.
- E. There will be a timely inspection for compliance of items B, C and D above, by an inspector hired by Iroquois County with the cost invoiced to the Facility Owner.
- F. An update to this decommissioning plan shall be prepared by a Licensed Illinois Professional Engineer hired by Iroquois County with the cost invoiced to the Facility Owner. This updated plan is required every three years to address any modifications caused by changes to local, state and/or federal guidelines and include any decommissioning cost changes. In addition, these decommissioning plans must be signed by the parties responsible for decommissioning including the Facility Owner and the Participating Property Owner(s).
- G. If the updated cost to decommission is determined to exceed the amount that was previously deposited with Iroquois County, then the difference must be made to Iroquois County in the form of a cashier's check within 30 days.
- H. The County reserves the right to require additional information of components to the plan as the County deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

XIII. NOISE LEVELS

- A. Noise levels from the Commercial Wind Energy Facility project shall comply at all times with applicable Illinois Pollution Control Board (IPCB) regulations and requirements of this section. Upon completion of construction and at the beginning of operation, there will be an inspection for compliance by a

professional acoustician hired by Iroquois County with the cost invoiced to the Facility Owner. Should the Facility Owner fail to make payment to the County within 30 days of the invoice date it shall be deemed in default.

The inspection shall appropriately demonstrate compliance with the noise requirements of this siting section. It shall include contour maps and at intervals of not greater than five feet. Sound pressure levels shall be measured using the measurement procedures set forth in the IPCB regulations, except that sound pressure levels for purposes of establishing a violation of this section may be measured at any point on the property not more than 150 feet from any portion of the edge of the primary structure. On no portion of the property shall the noise levels exceed those set by the IPCB.

To the extent any property has multiple uses or classifications, all the land utilized for a particular use must not exceed the IPCB noise regulations for the classification of use. The owner of the receiving land may waive compliance with local measuring points requirements pertaining to the IPCB regulations for the owner's property. Subsequential inspections will be performed at 90-day intervals until compliance is achieved. Thereafter routine inspections shall be performed on a triennial (3 year) basis unless a verified complaint is filed to the County Board in the meantime. All triennial inspections shall be performed by a professional acoustician hired by Iroquois County with the cost invoiced to the Facility Owner.

- B. The Commercial Wind Energy Facility will maintain compliance with the applicable IPCB regulations throughout the entire operational period of the Commercial Wind Energy Facility project. If at any time throughout the life of the commercial wind energy facility project, the noise levels are found to not be in compliance with this section, Facility Owner will immediately shut off enough Wind Turbines to ensure that the noise levels are within acceptable levels until a solution to the noise level violations is found and approved by the County Board.

XIV. PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation.

XV. LIABILITY INSURANCE

The Facility Owner of the CWEF shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$40 million per occurrence and \$40 million in the aggregate. The Facility Owner of the CWEF shall maintain this policy for the lifetime of the CWEF and submit a copy of same to the Iroquois County Board at each renewal. Over time the County may find it necessary to increase or decrease the amount of coverage and the Facility Owner shall be required to make the adjustment at the next renewal. The County of Iroquois and its officials shall be named as additional insureds.

XVI. PUBLIC NUISANCE

Any WECS declared to be unsafe by the Iroquois County Board by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment will be hereby declared a Public Nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in this Ordinance.

XVII. CHANGE IN OWNERSHIP

It is the responsibility of the Facility Owner listed in the application and then any subsequent Facility Owner to inform the Iroquois County Board of all changes in ownership or operation during the life of the project, including the sale or transfer of the same within 30 days of the fact.

XVIII. DEFAULTS AND REMEDIES

The Facility Owner's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance.

- A. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Facility Owner, setting forth the alleged default(s). Such written notice shall provide the Facility Owner a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- B. Any violation of this ordinance shall be an offense punishable by a fine not to exceed \$5,000 per day or as set by a court of law for each day the infraction exists and/or until each infraction is remedied. Each violation shall be a separate offense. Each day a violation occurs or continues shall be a separate offense. It is the goal of this ordinance to promote structural safety and to protect the public. The court, in setting any appropriate fine shall consider the nature of the offense, the degree of public safety involved, the efforts of the County and responsible Facility Owner to quickly and safely resolve any infraction. It is the intent that any dispute between the parties be resolved promptly and where possible by informal discussions as outlined elsewhere in this Ordinance.
- C. The County reserves the right to hire outside counsel to enforce this Ordinance. The Facility Owner is liable for payment of the County's reasonable attorney's fees for the enforcement of this Ordinance.
- D. All fees and fines related to a CWEF project shall be remitted to the County in the form of a cashier's check made payable to Iroquois County.

XIX. SEVERANCE

If any section, clause, or provision of the Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

XX. INDEMNIFICATION

The Applicant, Facility Owner and/or Operator of the CWEF project shall defend, indemnify and hold harmless the County of Iroquois and its officials, employees, committees, volunteers and agents from and against any and all claims, demands, losses, suites, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including attorney's fees, without limitation arising out of acts of omissions of the Applicant, Facility Owner and/or Operator associated with the construction, operation, and decommissioning of the CWEF project.

XXI. LASALLE FACTORS

The County Board may approve a CWEF Conditional Use Permit application, if it finds the evidence complies with state and federal law and regulations, and with the standards of this zoning code including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met:

- A. The establishment, maintenance or operation of the CWEF will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. The CWEF will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair the property values of surrounding properties.
- C. The establishment of the CWEF will not impede the normal and orderly development and improvement of the surrounding properties.
- D. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.
- E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. The proposed CWEF is not contrary to the objectives of the current comprehensive plan of the County (if any).
- G. The CWEF shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.