

PIATT COUNTY  
ZONING ORDINANCE

APPENDIX A  
STANDARDS FOR  
WIND ENERGY  
CONVERSION SYSTEMS  
OVER 500 kW

**TABLE OF CONTENTS**  
**(Amended 7-13-22; 5-17-23)**

**Appendix A**

<b>STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS OVER 500 kW</b>	
I.	INTRODUCTION <span style="float:right">Page 2</span>
	A. TITLE
	B. PURPOSE
II.	DEFINITIONS <span style="float:right">Page 2</span>
III.	APPLICABILITY <span style="float:right">Page 6</span>
IV.	PROHIBITION
V.	SPECIAL USE PERMIT APPLICATION
VI.	FEES
VII.	DESIGN AND INSTALLATION <span style="float:right">Page 10</span>
	A. DESIGN SAFETY CERTIFICATION
	B. CONTROLS AND BRAKES
	C. ELECTRICAL COMPONENTS
	D. AESTHETICS AND COLOR
	E. TURBINE CONSISTENCY
	F. COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION
	G. LIGHTING
	H. WARNINGS
	I. CLIMB PREVENTION
	J. HEIGHT
	K. BLADE CLEARANCE
	L. SETBACKS
	M. DRAINAGE REPAIR
	N. COMPLIANCE WITH ADDITIONAL REGULATIONS
	O. USE OF PUBLIC ROADS
	P. 911 ADDRESSING
	Q. TERMS
VIII.	OPERATION <span style="float:right">Page 16</span>
	A. MAINTENANCE
	B. SITE ASESMENT
	C. COMMUNICATIONS ANALYSIS: INTERFERENCE
	D. COORDINATION WITH LOCAL FIRE DEPARTMENT
	E. MATERIALS HANDLING, STORAGE AND DISPOSAL
	F. SHADOW FLICKER
IX.	NOISE LEVELS <span style="float:right">Page 20</span>
X.	ADDITIONAL TERMS AND CONDITIONS
XI.	BIRDS <span style="float:right">Page 21</span>
XII.	PUBLIC PARTICIPATION
XIII.	COMPAIN RESOLUTION
XIV.	LIABILITY INSURANCE AND INDEMNIFICATION <span style="float:right">Page 22</span>
XV.	HEARING FACTORS <span style="float:right">Page 23</span>
XVI.	DECOMMISSIONING PLAN (CESSATION OF OPERATIONS) <span style="float:right">Page 25</span>
XVII.	HEARING PROCEDURES <span style="float:right">Page 26</span>
XVIII.	REMEDIES
XIX.	PENALTIES <span style="float:right">Page 27</span>

## I. INTRODUCTION

### A. *Title*

This Ordinance shall amend the Piatt County Zoning Ordinance and be known, cited and referred to as **Appendix A Standards for Wind Energy Conversion System over 500 kW**.

### B. *Purpose*

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Piatt County is safe and effective.
2. To facilitate economic opportunities for local residents.

## II. DEFINITIONS

- A. “Applicant” means the entity or person who submits to the County, pursuant to Section V of this Ordinance, an application for the special use permit for the siting and operation of any WECS(s) or substations. All references to Applicant in this Ordinance shall include Applicant’s successors-in-interest and assigns, which includes a WECS Permittee (as defined below).
- B. “Construction Permit” means the Building Permit which shall be obtained from the Zoning Officer prior to commencing any construction on the WECS project.
- C. “Commercial Operation Date” means the calendar date on which the WECS Project produces power for commercial sale, not including test power.
- D. “Commercial Wind Energy facility” means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. “Commercial wind energy facility” includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of the amendatory Act of the 102<sup>nd</sup> General Assembly. (P.A. 102-1123)
- E. “Financial Assurance” or “Financial Security” or Decommission Security” means reasonable assurance from a credit worthy party, examples of which include a surety bond trust instrument, cash escrow, or irrevocable letter of credit, or corporate guaranty from an entity whose credit is investment grade (reviewed on an annual basis).

- F. "Hearing facilitator" – the County may unilaterally engage the services of a hearing facilitator not affiliated with any pro wind or anti wind group to preside over any required hearings resulting from the special use permit application. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the Zoning Board and County Board but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments. Upon conclusion of the evidence and final arguments, the Zoning board will prepare and submit "findings of fact" and a final recommendation to the County Board.
- The hearing facilitator shall be an attorney licensed to practice in the State of Illinois, jointly selected by the state's attorney (or his/her designee) and the County Zoning Officer and appointed by the chairman of the County Board with the consent of the County Board. The applicant shall reimburse the county for the fees and costs charged by the facilitator.
- G. "Meteorological Tower" means those towers which are erected primarily to measure wind speed and direction plus other data relevant to siting and operation of a WECS 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. Light Detection and Ranging (LiDAR) technology may be used in place of Meteorological Towers.
- H. "Nonparticipating property" means real property that is not a participating property.
- I. "Nonparticipating residence" means 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 commercial wind energy facility or the commercial solar energy facility is filed with the county.
- J. "Occupied community building" means 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 WECS Project is filed with the county, a school, place of worship, day care facility, public library, or community center.
- K. "Operator" means the person or entity responsible for the day-to-day operation and maintenance of the WECS(s), including any third-party subcontractors. The Operator must be a qualified wind power professional. All references to Operator in the Ordinance shall include Operator's successors-in-interest and assigns.

- L. “Owner” means the entity or entities with a direct equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (Unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date. This definition includes the definition of Facility Owner as defined in 55 ILCS 5/5-12020.
  
- M. “Participating property” means real property that is the subject of a written agreement between a facility 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 purposes of constructing a commercial wind energy facility, a commercial solar 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, a commercial solar energy facility, or supporting facilities.
  
- N. “Participating residence” means 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 of the commercial solar energy facility is filed with the county.
  
- O. “Professional Engineer” means a qualified individual who is licensed as a professional engineer in the State of Illinois.
  
- P. “Protected lands” means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act, or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
  
- Q “Public Conservation Lands” means land owned in fee title by County, state or federal agencies and managed specifically for conservation purposes, including but not limited to County, state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.

- R. “Rotor” means the rotating assembly in a turbine, especially a wind turbine.
- S. “Special Use Permit” means a permit approved by the County Board, after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board.
- T. “Substation” means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility’s transmission lines.
- U. “Supporting Facilities” means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the WECS.
- V. “WECS Permittee” means an Applicant who applies for and receives a Special Use Permit under this Ordinance for the siting and operation of any WECS or Substation. All references to a WECS Permittee in this Ordinance shall include a WECS permittee’s successors-in-interest and assigns.
- W. “Wind Energy Conversion System” (WECS”) means all necessary facilities that together convert wind energy into electricity and deliver that electricity to a utility’s transmission lines, including, but not limited to, the rotor, nacelle, generator, WECS Tower, Electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower to the substation(s)/switchyard(s), communications facilities, transmission lines, poles, and/or towers, operations and maintenance building, and other related devices, facilities, and equipment.
- X. “WECS Project” means the collection of WECS(s) as specified in the Special Use Permit application pursuant to Section V of this Ordinance.
- Y. “Wind Turbine” means any piece of electrical generating equipment that converts the kinetic energy of moving wind into electrical energy through the use of airfoils or similar devices to capture the wind.
- Z. “WECS Building Permit” means a permit necessary for the commencement of work performed toward the construction, erection, or installation of an approved WECS, Substation or operations and maintenance building in connection with a WECS Project. A WECS Building Permit may be issued by the county after a WECS Project has obtained a Special Use Permit from the County Board and the Zoning department determines that all conditions, if any, have been satisfied that are imposed by the Special Use Permit. The WECS Building Permit shall require the Applicant (WECS Permittee) to deliver a written “Notice to Proceed” for the WECS Project to the county prior to commencement of construction of the WEC Project, The Term “commencement of construction”, as used in the Ordinance, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work,

construction of Project-related structures and infrastructure improvements, etc.) regarding the WECS Project.

AA. “WECS Tower Hub Height” means the distance from the center of the rotor hub to the top surface of the WECS Tower foundation.

BB. “WECS Tower Tip Height” means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

CC. Wind Tower/WECS Tower – means the support structure to which the nacelle and rotor are attached. Includes the wind turbine tower, nacelle, and blades.

DD. “Shadow Flicker” means the phenomena that occurs when rotating wind turbine blades cast moving shadows upon stationary objects.

### **III. APPLICABILITY**

A. This Ordinance governs the siting of WECS(s) and Substations that generate electricity to be sold to wholesale or retail markets.

B. Owners of WECS(s) with an aggregate generating capacity of 500 kW or less who locate the WECS(s) on their own property are not subject to this Ordinance, but are subject to other special use requirements outlined in the Piatt County Zoning Ordinance.

### **IV. PROHIBITION**

No WECS or WECS Project governed by Section III of this Ordinance shall be constructed, erected, installed or located within Piatt County unless prior special use permit application has been approved for each individual WECS or WECS Project and Substation or a group of WECS Projects and Substations under an application pursuant to this Ordinance. Upon special use approval, a construction permit shall be obtained from the Zoning Officer prior to the commencement of construction of any WECS or WECS Project or any part thereof.

### **V. SPECIAL USE PERMIT APPLICATION**

**A Wind Farm Special Use Permit may only be authorized in the A-1 or AC zoning districts subject to the following standard conditions.**

A. To obtain special use approval, the Applicant must first submit a special use permit application to the Piatt County Zoning Officer.

B. The special use permit application shall contain or be accompanied by the following information:

1. A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), maximum number of WECS(s), and approximate name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures.
2. The name(s), address (es), phone number(s) and signatures of the Applicant(s), Owner and Operator, and all participating property owner(s).
3. Any waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
4. Waivers from the shadow flicker mitigation requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
5. A site plan for the WECS Project showing the planned location of each WECS Tower, including legal descriptions for each site, guy lines and anchor bases (if any), Participating and Non-participating Residences, Occupied Community Buildings parcel boundary lines (including identification of adjoining properties), setback lines and the location of the required vegetative screen and fencing, public access roads and turnout locations, Substation(s), operations and maintenance buildings, laydown yards, concrete batch plants, and permanent Meteorological Towers, electrical cabling from the WECS 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, underground mines, scenic and natural areas within one thousand five hundred (1,500) feet of the proposed WECS, the location of all known communications towers within two (2) miles of the proposed WECS, and the layout of all structures within the geographical boundaries of any applicable setback.



6. A Landscape Plan is required as part of the site plan review. The landscape plan must include
  - a. The location and dimensions of all existing and proposed structures, easements, parking lots and drives, roadways and right of way, signs, fences, electrical equipment and other structures.
  - b. The location, quantity, size and name, both botanical and common of all proposed plant material including, but not limited to, evergreen trees, ground cover, and turf.
  - c. All planting materials used shall be of good quality and meet American Association of Nurserymen standards for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations, as well as the individual site microclimates. The use of species native to Central Illinois is encouraged.
  - d. All landscaping materials shall be installed in accordance with the current planting procedures established by the AANS. All plant materials shall be free of disease and shall be installed so the soil of sufficient volume, composition and nutrient balance are available to sustain healthy growth.
  - e. Maintenance. All landscaping materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris. Any dead, unhealthy, or missing plants shall be replaced within six (6) months of notification by the County. Fences and similar landscaping elements shall be maintained in good operating condition. The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscape materials, fences and similar landscaping elements, and refuse disposal areas.
7. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
8. All applications for determinations of No Hazard to Air Navigation from the FAA.
9. Financial assurance that the project can be developed as proposed before the construction permit is issued.
10. Any other information normally required by the County as part of its Zoning Ordinance, including NRI/LESA reports for each affected parcel
11. An executed AIMA agreement with the Illinois Department of Agriculture.
12. A proposed Decommissioning Plan for the WECS Project including cost estimations.

13. Information demonstrating the WECS Project will avoid protected lands.
14. Information demonstrating that the Mahomet Valley Water Aquifer Authority has been notified of the proposed project and provided with a site plan.
15. An Applicant, Owner, or Operator proposing to use any county, municipality, township or village road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, upgrades and decommissioning, or maintenance of WECS(s) or Substation(s), shall include with the application:  
Identify all such public roads within the county to be used for transportation of WECS components or substations components and/or equipment for the construction, operation, or maintenance of the WECS (s) or substations(s).
  - 1) The list of roads to be used.
  - 2) A copy of proposed applicable weight and size permits from appropriate governmental units having jurisdiction over identified public roads; and
  - 3) A copy of each proposed written road use agreement and supporting documentation required by the appropriate governmental units having jurisdiction over identified public roads addressing:
    - a) The use and proposed repair plan for the public roads, bridges, and rights of way located within that governmental unit's jurisdiction.
    - b) The pre-construction baseline survey prepared and sealed by a State of Illinois Licensed Professional Engineer to determine existing road and bridge conditions for assessing potential damage to identified public roads.
    - c) The method to conduct a post-construction baseline survey prepared and sealed by a State of Illinois Licensed Professional Engineer to determine any actual damage to identified public roads and bridges.
    - d) Proposed remediation or compensation to the appropriate governmental unit having jurisdiction over identified public roads for any actual measured damage to public roads and bridges; and
    - e) Performance/surety bonds or other financial assurance documents required to guarantee the performance of the road use agreements.
    - f) If no such written agreement is required by the governmental unit having jurisdiction per identified public roads, an executed written statement from said unit of government stating no agreement is required shall be submitted.
16. If the applicant intends to offer a "good neighbor plan", a "property value guarantee plan" or any other financial incentive plan in connection with a proposed WECS project, a copy of such plan shall be included with the special use application at the time the application is submitted.
17. The applicant shall provide 14 complete copies of the WECS special use application upon submittal of the WECS special use application fee. A minimum of one copy shall be submitted in electronic format.

18. A map showing the location of the drainage districts delineated in Piatt County's Geographic Information System (GIS) data, that overlaps with the WECS Project, along with a list of any overlapping drainage districts ("Overlapping Drainage District"). Applicant shall forward a copy of the full Special Use Permit Application to the drainage **district commission** of any Overlapping Drainage District and that district's attorney within five (5) days of filing such an application.

C. Applications are not considered filed until reviewed and accepted.

The Applicant shall notify the County of any material changes to the information provided in Section **V.B** above that occur while the special use permit application is pending. 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,

## **VI. FEES**

- A. 1. The applicant, upon submittal of an application for a wind energy conversion special use, shall submit a certified check to the county in the amount provided in the county fee schedule. This amount shall be placed in a special fund and will be used to cover the county's costs incurred during the special use application review process and public hearings, including, but not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/or negotiations, costs of experts and attorneys retained by the county and the cost of any appeals.
2. Should the actual costs to the county exceed the cost deposit, the applicant shall remit additional funds as outlined in the county fee schedule within 15 days of the receipt of written notice from the county. The county may stay the processing of an application or continue any hearings until such time as the requested additional funds have been paid.
3. Any amount remaining in the fund after the county renders its decision, exhaustion of all appeals, and payment of all bills and invoices, shall be refunded to the applicant.

## **VII. DESIGN AND INSTALLATION**

### ***A. Design Safety Certification***

1. WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Prior to the Issuance of construction permits; Applicant shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.

All turbines shall be new equipment commercially available and manufactured by a United States based company; no used or experimental equipment shall be approved by the Zoning Officer or the Zoning Board of Appeals.

2. Following the granting of the special use permit under this Ordinance, a Professional Engineer shall certify, as part of the construction permit application that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
3. Each wind turbine shall be equipped with equipment as recommended by IDNR relating to wildlife. Each wind turbine shall be equipped with fire suppression systems.

#### ***B. Controls and Brakes***

All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, tilt, 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 over speed protection.

#### ***C. Electrical Components***

All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and International Electrical Commission).

**Intra-project Power and Communication Lines:** All power lines used to collect power from individual turbines and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement until same reach the property line or a substation adjacent to the property line.

#### ***D. Aesthetics and Color***

1. Towers and blades shall be painted a non-reflective, unobtrusive color, such as white, gray or another color that mitigates the visual impact of the structure. No advertisement shall be visible on the blades or tower.
2. A vegetative screening 150' in diameter shall be placed around each turbine. This shall consist of hardy species of fast-growing trees such as arborvitae, with a minimum height of 8' at planting. The screening shall be properly maintained, and any dead or dying trees shall be replaced at the next planting season. A pollinator friendly mix shall be maintained in the area between the tower and the required vegetative screening. This provision may be waived in

writing by the participating landowner(s).

3. Perimeter fencing having a minimum height of 6' and a maximum height of 25' shall be installed at a distance of 135' from the outside edge of the base of the turbine (approximately 270' in diameter). Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Said fence, gates and locks shall be maintained in good condition. This provision may be waived in writing by the participating landowner(s).

#### ***E. Turbine Consistency***

To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. All turbines shall rotate in the same direction.

#### ***F. Compliance with the Federal Aviation Administration***

The WECS shall comply with all applicable FAA requirements.

#### ***G. Lighting***

A lighting plan for each WECS shall be provided to the Zoning Board of Appeals. Such plan should select and submit to the FAA a request to use an Aircraft Detection Lighting System (ADLS) approved by the FAA. The applicant shall provide the County the FAA approval of the required ADLS prior to the installation of any wind turbine tower sections. The plan must describe all lighting that will be used, including any lighting that may be required by the FAA. The lighting should be planned and developed in such a way to minimize the visual impact of the WECS Towers.

#### ***H. Warnings***

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
3. A 911 address sign which conforms to the County specifications for size, color and reflectivity shall be placed and maintained by the owner/operator at the entrance to each WECS access road from a public road. A sign or posting no more than 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 numbers 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.

### ***I. Climb Prevention***

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
  - a. Fences with locking portals at least six feet high; or
  - b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower; or
  - c. Locked doors and interior ladders.

### ***J. Height***

The tower tip height for wind towers in commercial wind energy facilities shall be determined by a “Determination of No Hazard to Air Navigation” by the Federal Aviation Administration.

### ***K. Blade Clearance***

The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be 20 feet, as measured at the lowest point of the arc of the blades.

### ***L. Setback Requirements***

WECS Towers shall be sited as follows, with setback distances measured from the center of the base of the WECS Tower.

1. Occupied Community Buildings: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure.
2. Participating Residences: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure.
3. Nonparticipating Residences: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure.
4. Boundary Lines of Participating Property: None.
5. Boundary Lines of Nonparticipating Property: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the nonparticipating property.
6. Public Road Rights-of-Way: 1.1 times the maximum blade tip height of the WECS Tower to the center point of the public road right-of-way.

7. Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings): 1.1 times the maximum blade tip height of the WECS Tower to the nearest edge of the property line, easement, or right-of way containing the overhead line.
8. Overhead Utility Service Lines to Individual Houses or Outbuildings: None.
9. Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the fish and wildlife area or protected land.
10. An incorporated village or municipality must approve of the location of any tower to be located within 1.5 miles of the corporate limits of such incorporated village or municipality.

The setback requirements may be waived by the written consent of the owner(s) of each affected property. The Applicant does not need obtain a variance from the County upon waiver by the property owner of the setback requirement. Any waiver of any of the above setback requirements shall run with the land and be recorded with the Recorder of Deeds of the County.

***M. Drainage Repair***

The Owner or Operator shall repair waterways, drainage ditches, field tiles, or any other infrastructures damaged during construction, maintenance phases, upgrading, and decommissioning.

***N. Compliance with Additional Regulations***

Nothing in this Ordinance is intended to preempt other applicable state and Federal laws and regulations.

***O. Use of Public Roads***

1. An Applicant, Owner, or Operator proposing to use any county, municipality, township or village road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, upgrades and decommissioning, or maintenance of WECS(s) or Substation(s), shall, prior to the issuance of a special use permit:
  - a. Identify all such public roads within the county to be used for transportation of WECS components or substations components and/or equipment for the

construction, operation, or maintenance of the WECS (s) or substations(s).

b. Provide the County Zoning Officer prior to the issuance of building permits with:

- 1) The list of roads to be used.
- 2) An executed copy of applicable weight and size permits from appropriate governmental units having jurisdiction over identified public roads; and
- 3) An executed copy of each written road use agreement and supporting documentation required by the appropriate governmental units having jurisdiction over identified public roads addressing:
  - a) The use and proposed repair plan for the public roads, bridges, and rights of way located within that governmental unit's jurisdiction.
  - b) The pre-construction baseline survey prepared and sealed by a State of Illinois Licensed Professional Engineer to determine existing road and bridge conditions for assessing potential damage to identified public roads.
  - c) The method to conduct a post-construction baseline survey prepared and sealed by a State of Illinois Licensed Professional Engineer to determine any actual damage to identified public roads and bridges.
  - d) Proposed remediation or compensation to the appropriate governmental unit having jurisdiction over identified public roads for any actual measured damage to public roads and bridges; and
  - e) Performance/surety bonds or other financial assurance documents required to guarantee the performance of the road use agreements.
  - f) If no such written agreement is required by the governmental unit having jurisdiction per identified public roads, an executed written statement from said unit of government stating no agreement is required shall be submitted.

2. Reasonable dust control measures will be required during construction of the WECS.

**P. 911 Addressing** Prior to the issuance of building permits, the applicant shall provide in a GIS shape file format the turbine locations and access roads. This information will be used for E-911 addresses for each of the wind turbines.

**Q. TERMS**

**Notwithstanding** any other provisions of the Piatt County Zoning Ordinance, a special use permit for a WECS shall be effective and may be relied upon so long as construction of the WECS is commenced within 36 months after issuance of the special use permit, which period may be extended by the County Board without further public hearing.



**R. USE OF DRAINAGE DISTRICT FACILITIES/DRAINAGE TO FARMLAND**

1. To the extent practical, in cooperation with the drainage district, Owner or Operator shall locate all existing agricultural drainage facilities, including but not limited to drainage tiles, open drainage ditches, culverts, and water gathering vaults, prior to establishing staging areas, construction access lanes or driveways construction of the WECS, substations, and installation of underground wiring or cabling. Applicant, Owner or Operator shall contact affected landowners and tenants for their knowledge of the drainage facilities locations prior to the proposed construction.
2. All identified drainage tiles lines shall be located and marked prior to construction.

**VIII. OPERATION**

**A. Maintenance**

Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section **VII.A.1** of this Ordinance. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the Owner or Operator shall confer with a relevant third-party certifying entity identified in Section **VII.A.1** of this Ordinance to determine whether the physical modification requires re-certification.

**B. Site Assessment**

To ensure that the subsurface conditions of the site will provide proper support for the WECS Towers and soil restoration, the Applicant, at its expense, shall provide soil and geotechnical boring reports to the County Engineer with respect to each WECS Tower location, as part of its WECS Building Permit. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the County Soil and Water Conservation District (or equivalent regulatory agency). The Applicant shall submit grading plans for the proposed Substations for review and comment by the County Soil and Water Conservation District prior to the issuance of any WECS Building Permit for the construction of said substations

**C Communications Analysis; Interference**

1. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an appropriate analysis of the television reception documenting the television stations that are received

within one and one-half (1 ½) miles of the footprint of the WECS Project. The results of said study shall be public record and will serve as a baseline reading for television reception conditions prior to the construction of the WECS Project and shall be submitted as part of the Special Use Permit application.

2. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), conduct a communications analysis that indicates that the E9-1-1 communications, emergency communications or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed wind power facility. Said communication analysis shall be a public record and shall be submitted as part of the Special Use Permit application.
  
3. The Applicant and the Operator, at the Applicant's expense, shall take immediate actions to minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals and to eliminate any such interference that impacts local government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, caused by the operation of the WECS, INCLUDING weather radar. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the WECS Project Summary and Site Plan, as set forth in Section V(B)(1) and V(B)(3) of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant and the Operator, at Applicant's expense, shall take reasonable measures to minimize and mitigate such anticipated interference and with regard to interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant and the Operator, at Applicant's expense, shall take all necessary and available commercial measures to eliminate any such interference. If, after construction of the WECS, the Applicant (WECS Permittee) or Operator receives a written complaint related to the above-mentioned interference, the Applicant (WECS Permittee) shall take commercially reasonable steps to respond to the complaint, except in the case of a complaint of interference with local,

government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications. In the case of local, government public safety communications, the Applicant (WECS Permittee) and the Operator, at the Applicant's expense, shall immediately take all necessary and available commercial measures to eliminate any such interference.

4. If, after construction of the WECS, the Applicant (WECS Permittee) or Operator receives a written complaint related to interference with local broadcast residential television, or local weather radar interference, the Applicant (WECS Permittee) shall take commercially reasonable steps to respond to the complaint. A summary of the complaint and subsequent response from the Applicant shall be forwarded to the Piatt County Board for review. Once the construction is complete and a television reception complaint is received by the zoning officer, who will have thirty (30) calendar days to verify the complaint, the Applicant (WECS Permittee) will be given fifteen (15) calendar days to respond, in writing (validation date). Said response shall be addressed and forwarded to both the County Board and the complainant. Such a response shall include but not be limited to the following: an acknowledgment that a complaint was made and evaluated by the Applicant (WECS Permittee). If considered valid by the Applicant (WECS Permittee): an explanation, including a timeline, as to what the Applicant (WECS Permittee) intends to do about the complaint. The Applicant (WECS Permittee) of the wind power facility will be given an additional fifteen (15) calendar days from the validation date to resolve said TV reception issue. If considered invalid by the Applicant (WECS Permittee), an explanation, including supporting documentation and expert opinions, as to why the Applicant (WECS Permittee) believes the complaint is not valid. Television reception complaints must be filed within six (6) months from the date each wind turbine generator goes online.

#### ***D. Coordination with Local Fire Department***

1. Prior to issuance of building permits the Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.

2. Prior to the issuance of building permits, the Owner or Operator shall cooperate with the local fire department to develop and implement a fire protection plan in coordination with local emergency response authorities to ensure that all the appropriate emergency services agencies are cognizant of actions required in the event of a fire or other emergency at the wind power facility. In addition, the owner or operator of the wind power facility shall provide training for, and the necessary equipment to, local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the wind project.
3. Prior to issuance of building permits, an emergency operation plan shall be submitted to the Piatt County EMA director for review and approval.
- .4. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

**E. *Water, Sewer, Materials Handling, Storage and Disposal***

- a. All solid waste related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
- b. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
- c. The WECS Project shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.

**F. *Shadow Flicker***

1. The applicant shall conduct an analysis on the potential shadow flicker onto adjacent properties as part of the approval process. The analysis shall identify the locations of the shadow flicker and the expected duration of the flicker over the course of a calendar year.
2. A wind tower of a commercial wind energy facility to be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions.
3. Applicant shall provide an updated Shadow Flicker analysis at the time of Building Permit applications for wind turbines.

**IX. Noise Levels**

Noise levels from each WECS or WECS project shall be in compliance with applicable Illinois pollution control board (IPCB) regulations. The applicant, through the use of a qualified professional as part of the special use application process, shall appropriately demonstrate compliance with the above noise requirements.

**X. Additional Terms and Conditions**

1. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Special Use Permit Application shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.
2. The County may retain a qualified, independent code inspector or professional engineer both to make appropriate inspections of the WECS Project during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the WECS Project is performed in compliance with applicable electrical and building codes. The cost and fees incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the Applicant of the WECS Project.
3. The Applicant shall provide locked metal gates, or a locked chain are installed at the access road entrances of all the wind turbine generator locations. An exception may be made when the landowner has filed a written statement with the County which states that the owner does not want a locked metal gate installed and has provided a signed liability waiver to the County.
4. The Special Use Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest and assigns. If any provision in this Ordinance, or conditions placed upon the operation of the Commercial Wind Energy Facility is held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.

5. The Applicant shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation, to the County showing approved entrances prior to the issuance of any WECS Building Permit or prior to construction of the WECS Project.
6. No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. The wind turbine generator shall not be installed in a location along the major axis of existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
7. The Applicant of the WECS Project shall use two (2) methods to detect icing conditions on turbine blades: (1) sensors that detect when blades become imbalanced or create vibration due to ice accumulation; and (2) meteorological data from on-site meteorological towers, on-site anemometers, and other relevant weather sources that will be used to determine if ice accumulation is occurring. These control systems will either automatically shut down the turbines(s) in icing conditions or the Applicant will manually shut down the turbine(s) if icing conditions are identified.

## **XI. BIRDS**

The Applicant, through the use of a qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the special use application process, to determine if the installation of WECS(s) will have a substantial adverse impact on birds and/or bats.

## **XII. PUBLIC PARTICIPATION**

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation in the County's consideration of the special use application.

## **XIII. COMPLAINT RESOLUTION**

The Applicant shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the WECS Project. The Applicant shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the County. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the Applicant

of the WECS Project. The Applicant shall also designate and maintain for the duration of the WECS Project either a local telephone number or a toll-free telephone number and an email address as its public information inquiry / and complaint "hotline" which shall be answered by a customer service representative 24/7 basis. The Applicant shall post the telephone number(s) and email address(es) for the customer service representative(s) in a prominent, easy to find location on their websites and at the WECS Project site on signage.

#### **XIV. LIABILITY INSURANCE AND INDEMNIFICATION**

- A.** Commencing with the issuance of construction permits, the Applicant, Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$10 million per occurrence and \$40 million in the aggregate. An annual certificate of insurance shall be provided to the county, with the county being added as an additional insured on the policy to the extent the County is entitled to indemnification in accordance with Section **XIV.B.**

Insurance coverage shall be maintained without interruption from the date of permitting through the decommissioning of all wind turbines. Certificates of insurance acceptable to the county and compliance with this section shall be filed with the county prior to the commencement of any work on the WECS and thereafter upon renewal or replacement of each required policy of insurance. The certificates and the insurance policies required under this section shall contain a provision that coverages afforded under the policies shall not be cancelled or allowed to expire until at least 60 days written notice has been given to the county.

- B.** Applicant, Owner or Operators shall defend, indemnify and hold harmless the County and its officials, employees and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or in part out of the negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant's, Owner's or Operator's selection, construction, operation, upgrade, and removal of the WECS and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.
- C.** The applicant shall maintain "environmental - pollution liability" coverage with a limit of not less than \$5,000,000.

## **XV. HEARING FACTORS**

The County Board shall approve a Commercial Wind Energy Facility Special Use Permit application if it finds the evidence complies with state, federal and local 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 WECS Project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- b. The WECS Project 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 property values of surrounding properties.
- c. The establishment of the WECS Project 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 WECS Project is not contrary to the objectives of the current comprehensive plan of the County (if any); and
- g. The WECS Project shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located (if a zoning ordinance is in effect), except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.



1. Special Use Permit Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the WECS Project as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance.

1. Revocation.

- a. In any case where a Special Use Permit has been approved for a WECS Project, the Applicant shall apply for a WECS Building Permit from the County, and all other permits required by other government or regulatory agencies to commence construction and commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Special Use Permit. If the Applicant fails to apply for a WECS Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County Board, the Special Use Permit authorizing the construction and operation of the WECS Project shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the Project is due to conditions out of his/her/its control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of an ordinance that amends the Special Use Permit.
- b. The Special Use Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the WECS Project or the WECS ceases to operate for more than twelve (12) consecutive months for any reason.
- c. Subject to the provisions of Article XVI (Remedies), a Special Use Permit may be revoked by the County Board if the WECS Project is not constructed, installed and/or operated in substantial conformance with the County-approved Project plans, the regulations of this Ordinance and the stipulated Special Use Permit conditions and restrictions.

2. Transferability; Owner or WECS Permittee. The Applicant shall provide written notification to the County Board at least thirty (30) days prior to any change in ownership of a WECS Project of any such change in ownership. The phrase "change in ownership of a WECS Project" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of the Applicant, the WECS Project or any portion thereof. The Applicant or successors-in-interest or assignees of the Special Use Permit, as applicable, shall remain liable for compliance with all conditions, restrictions and obligations contained in the Special Use Permit, the provisions of this Ordinance and applicable County, state and federal laws.

3. Modification. Any modification of a WECS Project that alters or changes the essential character or operation of the WECS Project in a way not intended at the time the Special Use Permit was granted, or as subsequently amended, shall require a new Special Use Permit. The Applicant or authorized representative shall apply for an amended Special Use Permit prior to any modification of the WECS Project.

4. Permit Effective Date: The Special Use Permit shall become effective upon approval of the ordinance by the County Board.

#### **AS-BUILT MAP AND PLANS**

Within sixty (60) calendar days of completion of construction of the WECS Project, the Applicant or Operator shall delivery "as-built" maps, site plan and engineering plans for the WECS Project that have been signed and stamped by a Professional Engineer and a licensed surveyor.

#### **XVI. DECOMMISSIONING PLAN (CESSATION OF OPERATIONS)**

The WECS project must provide a decommissioning plan to ensure that the WECS equipment is removed and land is restored to its previous use upon the end of the project's life, before a construction permit is issued. The plan shall comply with the terms of the AIMA.

## **XVII. HEARING PROCEDURES**

- A. The County shall hold at minimum one public hearing, allowing the public the opportunity to present evidence and cross examine the petitioner. The Zoning Board of Appeals shall schedule a date for a public hearing to be held within forty-five (45) days of the submission of the Special Use Permit Application. Notice of the time and place of any public hearing shall be published in a newspaper of general circulation in the County not less than 15 days and not more than 30 days before such hearing.
- B. The County Board will render its decision on the application within thirty (30) days of the public hearing. If the County Board approves the application, it shall approve and issue a Special Use Permit with or without conditions and restrictions and affix the Board's seal upon the ordinance approving the Special Use Permit together with the signature of the County Board's Chairman and the Piatt County Clerk.

## **XVIII. REMEDIES**

- A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance. Approval of the conditional use for a WECS shall be deemed conclusive evidence that the Applicant, Owner, or Operator has complied with the above provisions with respect to application for and approval of such special use.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the County Board shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C. If after the 60-day period: (i) the Applicant, Owner, or Operator has not cured the alleged default, or (ii) the County Board determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

**XIX. PENALTIES**

A failure to obtain applicable building permit(s) for the construction of a Wind Energy Conversion System or failure to comply with the requirements of a building permit or the provisions of this Ordinance shall be deemed a violation of this ordinance. The State’s Attorney may bring an action to enforce compliance of the requirements of this Ordinance by filing an action before the Piatt County Ordinance Violation Hearing Department or by filing an action in the Circuit Court for an injunction requiring conformance with this ordinance or seek such other order as the court deems necessary to secure compliance with this ordinance. Any person who violates this ordinance shall be fined not less than twenty-five dollars or more than five hundred dollars. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. Nothing herein shall prevent the County from seeking such other legal remedies available to prevent or remedy any violations of this ordinance.

**PRESENTED, APPROVED, AND ADOPTED** this 17th day of May, 2023

AYES \_\_\_ NAYS \_\_\_

PIATT COUNTY BOARD  
PIATT COUNTY, ILLINOIS

ATTEST:

BY:

\_\_\_\_\_  
Jennifer Harper  
Clerk for the  
County of Piatt, State of Illinois

\_\_\_\_\_  
Chairman  
Piatt County Board