

WARREN COUNTY, ILLINOIS
ORDINANCE NO. 11-05-06

WHEREAS, the non-polluting production of energy is a benefit to the citizens of the United States, the State of Illinois, and Warren County, Illinois, and;

WHEREAS, wind energy systems are a non-polluting means for producing electricity for public and private use, and;

WHEREAS, Warren County, Illinois, desires to promote the well regulated construction of non-polluting energy systems, and;

WHEREAS, Warren County, Illinois, desires to promote economic development within the County.

IT IS HEREBY ORDAINED:

1. The amendments to the Warren County, Illinois, Zoning Code, which are attached to this ordinance, incorporated by reference and made a part of this ordinance allowing for the well regulated construction of wind energy systems are hereby adopted.
2. This ordinance is effective upon enactment.

DATE: April 19, 2006

ATTEST: Tina M. Conard

Tina Conard
Warren County Clerk

William Reichow

William Reichow,
Chairman, Warren County Board

AMENDMENTS TO THE WARREN COUNTY ZONING CODE
REGARDING WIND ENERGY SYSTEMS

- A. SECTION 150.003 DEFINITIONS of the Warren County Zoning Code (hereinafter referred to as Code) shall be amended to add the following definitions between the definition of Use and Yard:

WIND ENERGY SYSTEM. A wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

- a. LARGE WIND SYSTEM. A wind energy system that has a nameplate capacity of more than 50 kilowatts, a total height of more than 100 feet, a blade diameter of more than 30 feet, and one or more wind towers with turbines.
- b. SMALL WIND SYSTEM. A wind energy system that has a nameplate capacity of 50 kilowatts or less, a total height of 100 feet or less, a blade diameter of 30 feet or less, and one or more wind towers with turbines.
- c. TOTAL HEIGHT. The vertical distance from the base of the wind tower to the tip of the longest wind turbine blade when the tip is at its highest point.
- d. WIND FARM SYSTEM. A wind energy system that includes two or more wind towers.
- e. WIND TOWER. The monopole, freestanding, or guyed structure that supports a wind turbine generator.

- B. SECTION 150.100, FIGURE 1 of the Code shall be amended to add the following:

Wind Energy System-Large

A-1, I-1, I-2

c12, c14, c15, h8, i11, u4, u5, v, aa,
ab, ac, ad, ae

Wind Energy System-Small

All Districts

c13, c14, c15, h8, i11, u4, u5, v, aa,
ab, ac, ad, ae

c. Minimum yards and set backs (feet)

12. 1,000 feet from any occupied building on an adjoining property and 1.1 times total height from any occupied building on the subject property.
13. 1.1 times total height from any occupied building on adjoining or the subject property.
14. All wind energy systems shall be set back from the subject property's boundary and any right of way a distance of 1.1 times total height, unless a variance is granted at the same time the special use is granted.
15. All wind energy systems shall be separated one from the other by 200 feet when measured from the tip of the longest blade of each wind energy system to the other when said blades are at a right angle to the vertical and pointing at each other. There shall be a minimum clearance distance of 25 feet from the tip of the longest blade of a wind energy system when said blade is closest to the ground.

h. Maximum total height of structure (feet)

7. 500
8. 100

i. Fence

11. 6-foot wire mesh security fence or locked barrier.

u. Other authority approval required

4. Federal Aviation Administration. The minimum lighting requirement that causes the least visual disturbance shall be used.

5. County Board.

- a.a. All wind energy systems shall be of monopole or freestanding construction. A wind energy system may be guyed if the proponent of the wind energy system is able to establish by a preponderance of the evidence that without guyes, it is impracticable to construct the system.
- a.b. All electrical wires shall be underground unless necessary to connect a wind turbine to its base or to overhead collection lines unless a variance is granted at the same time the special use is granted.
- a.c. The exterior surface of any visible components of a wind energy system shall be a nonreflective neutral color. The governing authorities regarding special use permits for wind energy systems may consider the esthetic compatibility between new wind energy systems and existing wind energy systems when deciding to approve or deny a special use permit.
- a.d. No advertising, word, or graphic representation shall appear on any structure associated with a wind energy system other than appropriate or required warning signs or markings, owner identification signs or markings and usual and ordinary manufacturer's signs and markings.
- a.e. Financial Assurance
 - a. Reasonable evidence of financial ability to construct the wind energy system as determined by the County Board is a condition precedent to the issuance of any special use or building permit under this ordinance.
 - b. Warren County and/or the property owner leasing land for a wind energy system may require a performance bond, surety bond, escrow account, letter of credit or other financial assurance to Warren County and/or property owner for each wind energy system that guarantees the performance of the restoration requirement set forth in section 150.100, Figure 1, Subsection a.f.
- a.f. The owner of a wind energy system shall provide the Zoning Administrator with a Written Notice of Termination of Operations if the operation of a wind energy system is terminated.

SECTION 150.215 REVOCATION/EXPIRATION OF A SPECIAL USE PERMIT of the Code shall be amended to add the following:

- (G) Within twelve months of receipt of Notice of Abandonment or within twelve months of providing Notice of Termination of Operations, the owner of a wind energy system must:
 - (a) Remove all wind turbines, above ground improvements, and outdoor storage;
 - (b) Remove all foundation, pads, and underground electrical wires to a depth of four feet below the surface of the ground; and
 - (c) Remove all hazardous material from the property and dispose of the hazardous material in accordance with federal and state law.

SECTION 150.214 (D) SPECIAL USE REVIEW AND DECISION shall be amended to add the following:

- (1) When an application for a special use permit for the construction of a wind energy system has been submitted, the Board of Appeals shall follow the same procedure as it would for any other application for a special use permit as set forth in this CODE.
- (2) The Board of Appeals shall forward its decision in writing to the County Board within seven business days.
- (3) The County Board shall hold a public hearing on the application for a special use permit for a wind energy system under the same terms and conditions as required of the Board of Appeals.
- (4) The County Board may call a special meeting to conduct the public hearing or do so at a regularly scheduled County Board meeting.
- (5) The County Board shall consider evidence given at its public hearing as well as the recommendation of the Board of Appeals. The County Board shall give deference to the recommendation of the Board of Appeals.
- (6) The County Board shall make its decision at the public hearing. It may approve, conditionally approve or deny the application by majority vote.

SECTION 150.254(E) VARIANCE REVIEW AND RECOMMENDATION shall be amended to add the following:

- (1) When an application for a variance for the construction of a wind energy system has been submitted, the Board of Appeals shall

follow the same procedure as it would for any other application for a variance as set forth in this CODE.

- (2) The Board of Appeals shall forward its decision in writing to the County Board within seven business days.
- (3) The County Board shall hold a public hearing on the application for a variance for a wind energy system under the same terms and conditions as required of the Board of Appeals.
- (4) The County Board may call a special meeting to conduct the public hearing or do so at a regularly scheduled County Board meeting.
- (5) The County Board shall consider evidence given at its public hearing as well as the recommendation of the Board of Appeals. The County Board shall give deference to the recommendation of the Board of Appeals.
- (6) The County Board shall make its decision at the public hearing. It may approve, conditionally approve or deny the application by majority vote.

SECTION 151.000 SEVERABILITY

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

WARREN COUNTY, ILLINOIS
ORDINANCE NO. 12-05-06

WHEREAS, the Warren County Board has enacted an amendment to the Warren County Zoning Code permitting the erection of wind energy systems, and;

WHEREAS, there are building permit fees required for structures erected in Warren County, it is necessary for the Warren County Board to establish a building permit fee for each wind energy system erected in Warren County.

IT IS HEREBY ORDAINED:

1. The building permit fee for wind energy systems shall be \$25 per foot of height.
2. Height shall be the total height of the wind energy system as defined in the Warren County Zoning Code, Section 150.003, Wind Energy System, (3), less blades.
3. Wind energy systems erected for the sole purpose of providing energy for agricultural purposes or a farm residence as defined in the Warren County Zoning Code, Section 150.003 are exempt from building permit fees.
4. This ordinance is effective upon enactment.

DATE: April 19, 2006

ATTEST: Tina M. Conard
Tina Conard
Warren County Clerk

William Reichow
William Reichow,
Chairman, Warren County Board

#35-06-07

Warren County Zoning Code
Wind Energy Restoration Agreement

Whereas, the Warren County Board adopted a text amendment to the Warren County Zoning Code regarding wind energy systems on April 19, 2006. and;

Whereas, each wind energy system owner may or may not have a written decommissioning agreement included in the land lease and wind easement contract with each property owner. and;

Whereas, each wind energy system owner discussed decommissioning during the public hearing review process. and;

Whereas, each wind energy system special use permit approved by the Warren County Board may require financial assurances regarding restoration. and;

Whereas, the Warren County Zoning Code, Section 150.100 (a.e.) states that financial assurance may be required to guarantee restoration (decommissioning) before a building permit will be issued. and;

Whereas, the Warren County Planning Commission/Zoning Board of Appeals recommends that Warren County require a Written Restoration Agreement and that said agreement include provision for financial assurance to guarantee restoration. and;

Whereas, the Planning/Development Committee of the Warren County Board recommends that Warren County require a Written Restoration Agreement and that said agreement include provision for financial assurance to guarantee restoration.

Whereas, the Warren County Planning Commission/Zoning Board of Appeals recommends as follows:

- A. Restoration Agreement: Each wind energy system facility owner shall prepare, sign, notarize and submit a written restoration agreement for each wind energy system facility before a building permit can be issued. Written restoration agreement shall include:
 1. Acknowledgement of wind energy system facility owner obligation and promise to complete restoration at a future date pursuant to the Warren County Zoning Code, Section 150.100 (a.e.)
 2. Description of events that will initiate the restoration process.
 3. Description of restoration process. (such as removal of wind turbines, above ground improvements, outdoor storage; removal of foundation pads and underground electrical wires to a depth of four (4) feet below the surface of ground; removal of hazardous materials.
 4. Acknowledgement that failure to comply with conditions or restrictions imposed on a special use permit shall be deemed a violation of the Warren County Zoning Code.

5. Provision that the terms of the Restoration Agreement shall be binding upon the wind energy system facility owner and any successors, assigns or heirs.
 6. Provision that in the case of restoration default by the wind energy system owner Warren County and its agents or designees shall have access to the wind energy system facility sites, pursuant to seasonal notice, to effect or complete restoration.
 7. Provision for identification of and procedures for Warren County access to financial assurance provided by the wind energy system facility owner.
- B. Certified Estimate of Restoration Costs. Restoration Agreement shall include a report estimating the wind energy system facility restoration costs certified by a Professional Engineer. Report should be similar in style and content to the Benson Wind Farm Decommissioning Report prepared for Navitas Energy, Inc. by STS Consultants, Ltd, dated July 2006.
- C. Financial Assurance. Restoration agreement shall include a provision for financial assurance described as follows:
1. Acknowledgement of owner obligation and promise to provide financial assurance to Warren County in the amount of twenty-five thousand dollars (\$25,000) per each large wind energy system (turbine) included in the permitted wind energy system facility twelve years (12) from the date the first wind energy system (turbine) begins generating electricity.
 2. The financial assurance shall be increased to thirty thousand dollars (\$30,000) eighteen (18) years from the date the first wind energy system (turbine) begins generating electricity. The financial assurance shall be increased to thirty-five thousand dollars (\$35,000) twenty-four (24) years from the commercial operation date.
 3. The wind energy system owner may provide a thirty-five thousand dollar (\$35,000) financial assurance per each large wind energy system (turbine) in the permitted wind energy system facility twelve (12) years from the commercial operation date (instead of increasing the amounts to \$30,000 and \$35,000 as prescribed above) if the owner so chooses.
 4. The financial assurance may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee, or escrow account as long as the security is equal to or greater than a surety bond as determined by the Warren County State's Attorney.
 5. Provision that if wind energy system facility restoration costs exceed salvage value and financial assurance amounts, the wind energy system facility owner, NOT WARREN COUNTY, shall be responsible for the difference.
- D. State of Illinois. The State of Illinois has been working on restoration (decommissioning/restoration) legislation that would provide uniform restoration requirement for all wind energy system facilities located throughout the State. Proposed legislation may or may not become law and may or may not supersede local restoration requirement. Warren County will review legislation if and when

it becomes law and will amend Restoration Agreement as necessary to make it compliant with the law as necessary.

Document reviewed by wind energy companies on ? and ?

Document reviewed/approved by Warren County Zoning Board on this 14th day of August 2007.

Ronald D. Moore
Ron Moore, Chairman

Document reviewed/approved by Warren County State's Attorney on this _____ day of _____ 2007.

Albert Algren, State's Attorney

APPROVED AND ADOPTED ON THIS 14th DAY OF Nov. 2007 BY THE WARREN COUNTY BOARD, WARREN COUNTY, ILLINOIS.

Attest: Terri M. Conard William L. Perchow
County Clerk Chairman

REJECTED ON THIS ____ DAY OF _____ 2007 BY THE WARREN COUNTY BOARD, WARREN COUNTY, ILLINOIS

Attest: _____
County Clerk Chairman