

CARROLL COUNTY, IL ZONING CODE 700:

Section 700-5.06 — Standards for Wind Energy Generating Facilities (WEGF)

~~(A) — Applicability: This section governs the siting of WEGF(s) and substations that generate electricity to be sold to wholesale or retail markets, but exempts private wind energy generating facilities of 100 KW or less. All private wind energy generating facilities must be set back 1.10 times the tower height from all public road right-of-ways and all adjacent property lines.~~

~~(B) — Prohibition: No WEGF or substation governed by subsection a of Section 700-5.06 shall be constructed, erected, installed, or located within Carroll County unless prior siting approval has been obtained for each WEGF and substation pursuant to this ordinance.~~

~~(C) — Siting Approval Application:~~

- ~~(1) To obtain siting approval, the applicant must first submit a siting approval application to the County.~~
- ~~(2) The siting approval application shall contain or be accompanied by the following information:
 - ~~(a) A WEGF project summary, including, to the extent available: (1) a general description of the project, including it's approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WEGF(s), number of WEGF(s), and name plate generating capacity of each WEGF; the maximum height of the general location of the project and (2) a description of the applicant, owner and operator, including their respective business structures;~~
 - ~~(b) The name(s), address(es), and phone number(s) of the applicant(s), owner(s) and operator(s), and all property owner(s) if known;~~
 - ~~(c) The site plan for the installation of WEGF(s) showing the planned location of each WEGF tower, guy lines and anchor bases (if any), primary structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;~~
 - ~~(d) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance, State statutes, and Federal statutes; and~~
 - ~~(e) Any other information normally required by the County as part of its Zoning Ordinance.~~~~
- ~~(3) The applicant shall notify Carroll County of any changes to the information provided in section 700-5.06(C)(2) above that occurs while the siting approval application is pending.~~

~~(D) — Design and Installation:~~

~~(1) — Design Safety certification~~

~~(a) WEGF(s) shall conform to applicable industry standards, including those of the American Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufactures have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.~~

~~(b) Following the granting of siting approval a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WEGF is within accepted professional standards, given local soil and climate conditions.~~

~~(2) — Controls and Brakes: All WEGF(s) shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brake. Mechanical brakes shall be operated in a fail safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.~~

~~(3) — Electrical Components: All electrical components of the WEGF(s) shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).~~

~~(4) — Color: Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.~~

~~(5) — Compliance with the Federal Aviation Administration: The Applicant for the WEGF shall comply with all applicable FAA requirements.~~

~~(6) — Warnings~~

~~(a) A reasonable visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.~~

~~(b) 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.~~

~~(7) — Climb Prevention: All towers must be unclimbable by design or protected by anti-climbing devices such as; fences with locking portals at least six feet high; or anti-climbing devices 12 feet vertically from the base of the tower.~~

~~(8) — Setbacks:~~

~~(a) All wind energy towers must be setback 3.1 times the tower height from any primary structure, the setback to be measured from the point of the primary structure foundation closest to the WEGF to the center of the WEGF foundation. The owner of the primary structure may waive this setback~~

requirement; but in no case shall a wind energy tower be setback less than 1.10 times the tower height.

- (b) ~~All wind energy towers must be setback 1.10 times the tower height from the right of way of all public roads, on little used public roads this setback requirement may be waived by the County if the waiver is not detrimental to public safety.~~
- (c) ~~All wind energy towers must be setback 1.10 times the tower height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.~~
- (d) ~~All wind energy towers must be setback 1.25 times the tower height from all other structures, third party transmission lines, and communication towers. The owner(s) of said other structures might waive this setback requirement.~~
- (e) ~~The applicant does not need to obtain a variance from the County upon waiver by either the County or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.~~

(9) ~~Compliance with Additional Regulations: Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.~~

(10) ~~Use of Public Roads~~

~~(a) An Applicant, Owner, or Operator proposing to use any (county, municipality, township or village) road(s), for the purpose of transporting WEGF or Substation parts and/or equipment for construction, operation, or maintenance of the WEGF(s) or Substation(s) shall:~~

~~(1) Identify all such public roads; and~~

~~(2) Obtain applicable weight and size permits form relevant government agencies prior to construction.~~

~~(b) To the extent an Applicant, Owner or Operator must obtain a weight or size permit from the County, municipality, township or village, the Applicant, Owner, or Operator shall:~~

~~(1) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and~~

~~(2) Secure Financial Assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WEGF.~~

(E) ~~Operation~~

~~(1) Maintenance~~

~~(a) The Owner or Operator of the WEGF must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual~~

summary, the Owner or Operator must furnish such operation and maintenance reports as the County Reasonably requests.

(b) — Any physical modification to the WEGF that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section 700-5.06(D)(1)(a) 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 700-506(D)(1)(a) of this ordinance to determine whether the physical modification requires re-certification.

(2) — Interference

(a) — 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, as set for in Section 700-5.06(C)(2)(a) and (C)(2)(c) of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WEGF(s), the Applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WEGF, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take reasonable steps to respond to the complaint.

(b) — If, After construction of the WEGF, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.

(3) — Coordination with Local Fire Department

(a) — The Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.

(b) — Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan.

(c) — Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

(d) — Upon request by the local fire department, the Owner or Operator shall on a yearly bases, participate in High Angle Rescue using a WEGF tower.

(4) — Materials Handling, Storage and Disposal

(a) — All solid waste related to the construction, operation and maintenance of the WEGF(s) 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 WEGF(s) shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.~~

~~(F) — Noise Levels~~

~~Noise levels from each WEGF unit or WEGF 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 siting approval process, shall appropriately demonstrate compliance with the above noise requirements.~~

~~(G) — Liability Insurance~~

~~The Owner or Operator of the WEGF(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The owner or Operator of the WEGF(s) shall provide written proof of this insurance at the time of the siting approval application.~~

~~(H) — Decommissioning Plan~~

~~Prior to receiving site approval under this Ordinance, the Applicant, Owner, and/or Operator must formulate a decommissioning plan to ensure that the WEGF Project is properly decommissioned. The decommissioning plan shall include:~~

- ~~(1) Provision describing the triggering events for decommissioning the WEGF Project;~~
- ~~(2) Provisions for the removal of structures, debris and cabling, including hose below the soil surface;~~
- ~~(3) Provisions for the restoration of the soil and vegetations;~~
- ~~(4) An estimate of the decommissioning costs certified by a Professional Engineer;~~
- ~~(5) Financial Assurance, secured by the Owner/Operator, for the purpose of adequately performing the decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs;~~
- ~~(6) Identification of and procedures for County access to Financial Assurances;~~
- ~~(7) A provision that the terms of the decommissioning plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and~~
- ~~(8) A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.~~

~~(I) — Remedies~~

- ~~(1) — 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.~~
- ~~(2) — 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 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).~~

~~If the County 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.~~