

**CONSERVATION, PLANNING, AND ZONING COMMITTEE**  
**WOODFORD COUNTY, ILLINOIS**  
**WEDNESDAY, February 15, 2023**  
**5:30 P.M.**

1. Call to Order:
2. Roll Call: Nick Miller, Blake Parsons, Dan Steffen, Nathan Schertz, Zac Ferris
3. Approval of Monthly claims:
4. Approval of January 9, 2023 minutes:
5. Review of Executive Session
6. Public Input:
7. Unfinished Business:
8. New Business:
  - a) Annual Zoning Update
9. Planning and Zoning Issues:
  - a) Discussion and action on Wind and Solar Setback regulations required as a result of Public Act 102-1123
10. Executive session (if necessary)
11. Any action coming out of Executive Session:
12. Adjournment

**MINUTES**  
**CONSERVATION, PLANNING, AND ZONING COMMITTEE**  
**WOODFORD COUNTY, ILLINOIS**  
**Monday, January 9, 2023**  
**5:30 P.M.**

1. Call to Order:

Mr. Miller called the meeting to order at 5:30 p.m.

Roll Call: Nick Miller, Jerry Smith, and Dan Steffen, were present, Zac Ferris arrived at 5:32

Blake Parsons was excused. Nathan Schertz was absent.

2. Approval of Monthly claims:

Mr. Steffen made the motion to approve the monthly claims, seconded by Smith. *Motion Carried.*

3. Approval of December 12, 2022 minutes:

Mr. Smith made the motion to approve the minutes, seconded by Steffen. *Motion Carried.*

4. Public Input: None

5. Unfinished Business:

6. New Business:

7. Planning and Zoning Issues:

a) Tri-County Regional Planning – General Overview of the Comprehensive Plan update process – Michael Brunner

Mr. Brunner from Tricounty Regional Planning Committee discussed the purpose of a Comprehensive plan and the process for making changes to an existing plan. He discussed that there is possible funding available in grants that they could assist the county in applying for in the future. Mr. Brunner also provided a handout (see attached) on the Comprehensive plan process. He noted that the public input and public display of the plan for review are required but how in depth the revision process is will be up to the county.

Mr. Brunner also provided a brief overview of Tri-County and how the County is represented and what areas Tri-county covers.

b) Senate Bill 4412 Amendment #1 Solar and Wind Energy Regulations

Ms. Jording discussed that this bill has been passed by the Senate and sent to the house for consent. The session ends Wednesday so they are short on time but it is in the priority list from the Governor. If this bill is signed into law the county will have 120 days to bring the ordinance into compliance with the new standards. The main changes would be to turbine and solar panel setbacks. This bill would dramatically reduce the setbacks to non-participating dwellings. There is also verbiage that states in the request for a special use is in compliance with the state standards the county shall approve. If approved the committee needs to consider if they wish to modify the ordinance to comply with the new requirements of move the Commercial wind and solar sections and Special Use requirement all together.

8. Executive session (if necessary)

9. Any action coming out of Executive Session:

10. Adjournment

Motion to adjourn made by Smith at 6:21 pm, seconded by Steffen. *Motion Carried.*

\_\_\_\_\_  
Lisa Jording, Secretary

\_\_\_\_\_  
Nick Miller, Chairman

\_\_\_\_\_  
Date

## What is a comprehensive plan?

A comprehensive plan is a document that gives a snapshot of a community. It can be used as a guide or blueprint to achieve a community's vision for the future.



## What does a comprehensive plan examine?

An effective comprehensive plan consists of three parts:

### 1. Inventory of existing conditions

The first part answers the question, "Where are we now?" It includes analysis of data and identification of trends to arrive at projections pertaining to land use, population, housing, economic development, transportation, community infrastructure, natural resources, and other components. The strengths and weaknesses of a community are also identified during this step.

### 2. Vision statement

The second part answers the question, "Where do we want to be?" Existing conditions, strengths and weaknesses, and community input will help paint a picture of what the community strives to offer in the future.

### 3. Action plan

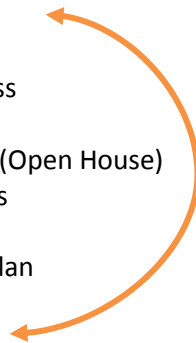
The third part answers the question, "How do we get there?" It consists of goals identified by the community and objectives that, when completed, will achieve the goals. The action plan also includes a future land use map, which identifies the areas of a community best suited for residential, commercial, open space, and other uses.

## How can the public participate?

A steering committee, comprised of local government personnel, stakeholders, and citizens, facilitates the planning process. By holding public open houses and comment periods, the committee ensures that the community has ample opportunities to participate and provide input. Public participation is imperative to identify how a community can become an even better place to live, work, and play.

## Steps for completing the planning process:

1. Meet with local leaders and stakeholders
2. Review past plans
3. Structure and schedule the planning process
4. Gather and analyze data
5. Identify problems, issues, and concerns (Open House)
6. Prioritize problems, issues, and concerns
7. Develop a "Vision" for the plan
8. Develop goals, objectives, and an action plan
9. Adopt the plan
10. Monitor the results and impacts



## What to look for and what questions to ask

- Understand what data has been collected
  - Is this still relevant to this plan?
  - Is there something that stands out?
  - Should any of it be expanded upon?
- Identify specified vision statements
  - Should they be revisited?
  - Should some portions be removed?
  - Should new information be added?
- Identify existing goals and strategies
  - Which ones have been completed?
  - Which ones are no longer relevant?
  - Which ones should be included in this planning process?
- Is there anything missing from these plans that would be relevant to add to this planning process?

## Woodford County Zoning Department

### 2021/22 Fiscal Year Tally with 2017 - 2021 Comparison

| <b>Fiscal Year</b>         | 2016/17      | 2017/18      | 2018/19         | 2019/20         | 2020/21         | <b>2021/22</b>  |
|----------------------------|--------------|--------------|-----------------|-----------------|-----------------|-----------------|
| <b>Permits</b>             | 242          | 228          | 261             | 292             | 265             | 340             |
| <b>Permit Fees</b>         | \$40,512.75  | \$35,286.84  | \$58,498.99     | \$47,007.33     | \$42,337.43     | \$56,709.58     |
| <b>Construction values</b> | \$17,528,093 | \$30,045,927 | \$18,912,435.72 | \$21,411,974.00 | \$17,401,878.00 | \$26,168,280.00 |
| <b>Dwellings</b>           | 33           | 30           | 28              | 20              | 17              | 18              |
| <b>Personal Solar</b>      | Not required | 2            | 28              | 52              | 21              | 98              |
| <b>Total Revenue</b>       | \$51,812.19  | \$52,377.04  | \$72,101.54     | \$136,206.10    | \$57,843.95     | \$65,347.47     |

**Other:**

| <b>Fiscal Year</b>                                  | 2016/17      | 2017/18      | 2018/19    | 2019/20     | 2020/21      | <b>2021/22</b> |
|---|--------------|--------------|------------|-------------|--------------|----------------|
| Home Occupations Type II:                           | 1            | 2            | 1          | 3           | 1            | 3              |
| ZBA Petitions                                       | 20 (1 admin) | 37 (1 admin) | 34         | 43(2 admin) | 28 (2 admin) | 22             |
| ZBA Fees  | \$2,296.64   | \$11,922.50  | \$6,642.00 | \$84,827.77 | \$9,600.77   | \$4,254.39     |
| Plats (does not include advisory or prelim reviews) | 51           | 36           | 50         | 38          | 40           | 33             |
| Plat Fees   | \$5,800.00   | \$3,150.00   | \$5,350.00 | \$2,700.00  | \$4,250.00   | \$2,950.00     |
| Addresses   | 30           | 30           | 27         | 21          | 25           | 16             |
| Address Fees  | \$2,117.50   | \$2,017.70   | \$1,602.00 | \$1,621.00  | \$1,655.75   | \$1,383.50     |
| Violations  | 29           | 27           | 43         | 81          | 35           | 7              |

**§154.05.3 Zoning Permit**

A. The Zoning Permit shall be obtained by the owner or lessee, agent of either, or the architect, engineer,

E. A fee where required, shall be charged for such permit and collected by the Zoning Administrator who shall account for the same to the County. Any structure listed below that has begun construction without a building permit, as required by this code, will be penalized and issued a permit at four (4) times the normal permitting. (06/20/06)

1. The following fees shall be charged for the processing of applications and the issuance of building permits, and shall be collected by the Zoning Administrator, who shall be accountable to the County for such fees:

| Master Permit Category                | Sub-Category  | Permit Fee             | Penalized Fee           |
|---------------------------------------|---|------------------------|-------------------------|
| <b>1a. Residential Structures</b>     | Dwelling with attached private garage (per dwelling unit; includes two-family and multi-family) | \$ 250                 | \$ 1,000                |
|                                       | <b>Additions to dwelling with attached private garage:</b>                                      |                        |                         |
|                                       | Structures over 70 Sq. Ft. and 8 Ft. tall to the peak   | \$ .15 per sq. ft.     | \$ .60 per sq. ft.      |
| <b>1b. Non-Residential Structures</b> | <b>Detached accessory structures and additions to:</b>  |                        |                         |
|                                       | Structures over 70 Sq. Ft. and 8 Ft. tall to the peak   | \$ .15 per sq. ft.     | \$ .60 per sq. ft.      |
|                                       | <b>Personal Solar Energy Systems</b>  |                        |                         |
|                                       | Over 70 Sq. Ft. and 8 Ft. tall  | \$ .15 per sq. ft.     | \$ .60 per sq. ft.      |
|                                       | <b>Commercial/Industrial</b>  |                        | \$ 200                  |
|                                       | New construction \$2.50 per 100 sq. ft.<br>Minimum fee \$250                                    | \$2.50 per 100 Sq. Ft  | \$10.00 per 100 Sq. Ft. |
| <b>Not for Profit</b>                 |   |                        | \$ 600                  |
|                                       | Additions to Commercial/Industrial \$2.50 per 100 sq. ft.<br>Minimum fee \$250                  | \$2.50 per 100 Sq. Ft. | \$10.00 per 100 Sq. Ft. |
|                                       | New construction per structure.   | \$ 250                 | \$ 1,000                |
|                                       | <b>Additions</b>  |                        |                         |
|                                       | Structures over 70 Sq. Ft. and 8 Ft. tall to the peak   | \$ .15 per sq. ft.     | \$ .60 per sq. ft.      |
| <b>1c. Other</b>                      | Home Occupation Type II   | \$ 50                  | \$ 200                  |
|                                       | Move a structure  | \$ 100                 | \$ 400                  |
|                                       | Demolitions   | \$ -                   | \$ -                    |
|                                       | Swimming Pools  | \$ 50                  | \$ 200                  |
|                                       |   |                        |                         |

|  |                 |                 |
|--|-----------------|-----------------|
| Fences   | \$ 50           | \$ 200          |
| Signs  | \$ 50           | \$ 200          |
| Billboards   | \$ 200          | \$ 800          |
| Small Wind Energy Conversion Systems   | \$ 200          | \$ 800          |
| Towers and/or Wind Energy Conversion System (0-50 ft. above ground level)            | \$ 500          | \$ 2,000        |
| Towers and/or Wind Energy Conversion System (in excess of 50 ft. above ground level) | \$10/linear ft. | \$40/linear ft. |
| Change of Use  | \$ 250          | \$ 1,000        |
| Solar Farm Energy Systems (SFES) (per megawatt)                                      | \$250/megawatt  | \$1,000         |
| Stop Work Order  | \$ 100          | \$ 400          |
| Plat Review  | \$ 50           | \$ 200          |

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2. Fees Charged for Public Hearings. The following fees shall be charged for processing Zoning Board of Appeals Applications which require a Public Hearing, and shall be collected by the Zoning Administrator, who shall be accountable to the County for such fees: (9/17/19)

|                    |                                |   |      |
|--------------------|--------------------------------|---|------|
| <b>2. Hearings</b> | Appeals                        | \$ 60   | \$ - |
|                    | Variances                      | \$ 60   | \$ - |
|                    | Special Use Permits Per Parcel | \$200 1st 5 acres plus \$10.00 per acre over 5. | \$ - |
|                    | Amendments/Rezoning Per Parcel | \$200 1st 5 acres plus \$10.00 per acre over 5. | \$ - |
|                    | Administrative Variances       | \$ 60   | \$ - |
|                    | Sign Variances                 | \$ 60   | \$ - |
|                    | Special Hearing                | \$ 500  | \$ - |

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(fees revised 06/20/06, 4/17/12, 3/22/18, 2/18/20)

3. There shall be no refund on any zoning use permit fee paid hereunder.
4. No fees shall be charged for permits for buildings intended to be used for agricultural purposes or for accessory buildings located on an operating farm. In addition the following are also excluded:
  - a. Government bodies, government owned and/or operated utilities.
5. Minimum fee of \$200 for up to 5 acres and then \$10.00 for every acre over 5.

**SECTION 24**  
**SPECIAL USES**

**§154.24.1 Purpose**

To ensure that such special use is granted only in cases where the public benefits of such uses outweighs the potential public harm; and that conditions are imposed to protect the public health, safety, welfare and essential character of each district.

**§154.24.2 Application**

Special Use Application shall contain the following:

- A. Full name and mailing address and signature of the applicant.
- B. Full name, mailing address, and signature of the property owner if different from the applicant.
- C. Legal description of property on which development is to be located.
- D. Zoning district in which property is located.
- E. A statement of what type of Special Use is desired.
- F. Section of the ordinance which allows that particular special use.
- G. Documentation that the proposed use meets all criteria described for granting a special use in the district where the use is requested.
- H. Additional information may be requested on a case by case basis. (9/17/19)
  - a. Site plans containing a minimum of the following:
    - i. Scaled drawing.
    - ii. Title block showing owner, developer, engineer, and date of drawing.
    - iii. All property lines and structures existing and proposed.
    - iv. Utility easements and sewer and water systems, existing and proposed.
    - v. Drainage, existing and proposed.
    - vi. Erosion and storm water control plan.
    - vii. All setbacks, yards, and buffer strips as required for the type of special use requested.
    - viii. Additional information may be required on a case by case basis.
  - b. That all special use requests which require sewage disposal be accompanied by an Application/Permit for Private Sewage Disposal System according to the rules and regulations as specified by the County and/or State Health Department. (09/17/19)
- I. That all special use requests which require sewage disposal be accompanied by an Application/Permit for Private Sewage Disposal System according to the rules and regulations as specified by the County and/or State Health Department. (02/27/12)

**§154.24.3 Fee and Schedule**

- A. Each application for a special use shall be accompanied by a fee as per the fee schedule listed in §154.05.3.E.2, plus publication fee to be paid by the applicant. (6/21/16)

- B. All applications shall be submitted no less than 30 days before the next regularly scheduled meeting of the Zoning Board of Appeals to allow time to publish, notify adjoining land owners, and review . (02/27/12)
- C. Notice of the time and place of the hearing regarding a proposed special use shall be published at least fifteen (15) days, but not more than thirty (30) days prior to the hearing. This notice shall be published in an official paper or a paper of general circulation in the county. The notice of such hearing shall contain the address and location of the property for which such special use is sought as well as a brief description of the special use sought. The applicant shall pay the cost of the publication.
- D. The applicant shall pay the actual cost of postage for the neighbor notification. (09/17/19)
- E. A public hearing shall be held on each application for a proposed special use. Any person may appear in person, or by agent, or by attorney.
- F. Special Use requests for Wind Energy Systems, Solar Energy Systems and Gravel Pits shall have a Court Reporter, arranged by the Zoning Office, in attendance at the Hearing. The applicant shall pay the actual cost of the Court Reporter. Cost of digital or printed transcripts shall be bore by the requestor.(7/17/18)

**§154.24.4 Findings**

The ZBA shall make a finding that the granting of the special use:

- A. Will not be detrimental to the public health, safety, and welfare;
- B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;
- C. Will not be injurious to the district in which it shall be located;
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;
- G. Is consistent with the Woodford County Comprehensive Long Range Plan.

**§154.24.5 Conditions**

- A. The County Board, ZBA, or other official governing body may require the addition of special conditions when deemed necessary to safeguard the public health, safety, and welfare. These conditions are contingent upon acceptance of the proposed use and in addition to the restrictions already required within this Ordinance,
  - A. All special uses shall be transferable.
- A transfer of a special use shall follow the same procedures as an application for a new special use, however, the only fee shall be the publication cost as required by the public hearing publication requirements of the County Code. (11/17/15)



- B. Violation of such special conditions, when conditions are made as a part of the terms under which the special use is granted, shall be deemed a violation of this ordinance and punishable under this ordinance.
- C. All Special Uses shall be evaluated by the Road Authority to determine the necessity of a Road agreement. Said road agreement shall be in place prior to commencing the special use. (7/17/18)

**§154.24.6 Circumstances** (06/20/06)

- A. The ZBA may, by majority vote, postpone or adjourn, any public hearing. In the event of such postponement or adjournment, further publication of a proposed special use need not be made.
- B. The ZBA shall make a report of their finding to the Woodford County Board.
- C. Upon the recommendation of the ZBA, the Woodford County Board may, without further public hearing, may approve the recommendation for the special use, or it may refer the petition back to the ZBA for further consideration. (11/20/2018)
- D. Under no circumstances shall the Woodford County Board grant a special use to allow a use not permissible under the terms of this ordinance, in the district involved, or any use expressly or by implication prohibited under the terms of this Ordinance in said district.
- E. A special use may be adopted by majority vote of the Woodford County Board constituting a quorum regardless of the recommendation of the ZBA, and regardless of any written protest filed by property owners affected or adjacent or by a municipality within one and one-half miles of the subject property.

**§154.24.7 Particular Special Uses**

- A. Wind Energy Conversion System.
- B. Solar Farm Energy System.

**§154.128 Regulations Pertaining to Particular Special Uses**

- A. §154.28 Wind Energy Conversion System.  
(Amended and placed as Section 28 - May 17, 2011)
- B. §154.30 Solar Farm Energy System.  
(Amended and placed as section 30 - March 22, 2018)

## SECTION 27

### **SMALL WIND ENERGY SYSTEMS**

(Section Added to Ordinance 08/19/08)

#### **§154.27.1 Purpose**

The requirements of this Section are established for the purpose of allowing Woodford County residents and businesses to use small wind energy systems while protecting the public health, safety, and general welfare of the County. The requirements of this Section shall apply to small wind energy systems when they are allowed as a permitted use or by Special Use under §154.24 of the Woodford County Zoning Ordinance.

#### **§154.27.2 Authority**

Pursuant to 55 ILCS 5/5-12001 et al. Woodford County has the authority to regulate and restrict the location and use of structures.

#### **§154.27.3 Definitions**

The following definitions when used in this Section shall have the following meanings unless the context clearly indicates otherwise.

**BUILDING DENSITY:** The number of buildings in a given area.

**FAA:** The Federal Aviation Administration of the United States Department of Transportation.

**GUY CABLE:** Any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure.

**SMALL WIND ENERGY SYSTEM:** A wind energy conversion system consisting of a single wind turbine, single tower, and associated control or conversion electronics that generates power for an individual property.

**SYSTEM:** A small wind energy system.

**SYSTEM HEIGHT:** The height above grade of the highest point of the system.

**TOWER:** The upright portion of a small wind energy system to which the generator device is attached.

#### **§154.27.4 Small Wind Energy Systems Permitted**

A small wind energy system shall be permitted by building permit if all of the following conditions are met. (A *Special Use* for a small wind energy system may be allowable under another subsection of this section if conditions are met under that subsection.)

- A. The system height is no greater than 150 feet;
- B. The parcel on which the system is to be located shall be no smaller than 2 (two) acres, and
- C. The parcel on which the system is to be located is in the (AG), Agriculture, Light Industrial (I-1), Heavy Industrial (I-2), Residential Single Family (R1), Residential Multi-Family (R2), and General Commercial Zoning Districts.
- D. Systems are not permitted in the Conservation Zoning District.

**§154.27.5 Application for Zoning/Building Permit**

When a small wind energy system is allowed as a permitted use or a Special Use, a site plan shall be submitted to the Zoning Administrator demonstrating compliance with the following restrictions:

- A. **Permit:** A Zoning permit shall be required before construction may begin.
- B. **Setbacks:** All parts of the structure of a small wind energy system, including the tower, base, footings, and turbine but excluding guy cables and their anchors, shall be set back a distance equal to one hundred ten (110%) percent of the system height from all adjacent property lines and a distance equal to one hundred fifty (150%) percent of the system height from any adjoining inhabited structure, road right-of-way, railroad right-of-way, and right-of-way for overhead electrical transmission or distribution lines. Guy cables and their anchors shall meet the setback requirements under the appropriate section for accessory structures in the zoning district in which the system is proposed to be located.
- C. **Noise:** The small wind energy systems shall be subject to IEPA regulations requirements, and restrictions.
- D. **Engineering compliance:** Zoning permit applications shall be accompanied by standard drawings of the system structure, including the tower, base, footings, and guy cables. An engineering analysis of the tower certified by a licensed professional engineer also shall be submitted. This analysis may be supplied by the manufacturer.
- E. **Electric Code Compliance:** Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components of the system showing compliance with the National Electric Code and certified by a licensed professional engineer. This information may be supplied by the manufacturer.
- F. **Notifications regarding Aircraft:** Small wind energy systems shall comply with all applicable regulations of the FAA.
- G. **Local Utility Company Notification:** If a small wind energy system is to be connected to the electricity grid, the applicant shall notify the electric utility service provider that serves the proposed site of the intent to install an interconnected customer owned electricity generator no later than 5 business days prior to submitting a building permit application. Copies of letters must be included in the building permit application.
- H. **Minimum Distances:** The distance between any protruding blades utilized on a small wind energy system and the ground shall be a minimum of 15 feet as measured at the lowest point of the arc of the blades. Additionally, the distance between the nearest point of the arc of the blades to the closest point of any structure shall be a minimum of 10 feet.
- I. **Radio and Television Signals:** The small wind energy system shall not cause any radio, television, microwave, or navigation interference. If the authorized manufacturer representative determines that the small wind energy system causes severe interference with any of the above, the applicant shall take commercially reasonable steps to correct the problem.
- J. **Appearance:** The small wind energy system shall maintain a galvanized neutral finish or be painted to conform the system color to the surrounding environment to minimize adverse visual effects. No small wind energy system shall have any signage, writing, pictures, or decorations placed on it at any time other than warning, equipment, and ownership information. No small wind energy system shall have any flags, streamers, banners, and other decorative items that extend from any part of the system placed on it at any time.
- K. **Climbing access:** The base of the tower shall not be climbable for a distance of 12 feet measured from the ground.
- L. **Height:** The applicant shall provide evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

- M. **Required Safety Features:** The small wind energy system shall have an automatic over speed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

**§154.27.6 Small Wind Energy Systems By Special Use**

A Special Use shall be required for a small wind energy system if one or more of the following conditions apply: (A zoning/building permit is also required as described in paragraph §154.27.5).

- A. The system height is greater than 150 feet.
- B. The parcel on which the system is to be located is smaller than 2 acres.
- C. Failure to meet the criteria as set forth under §154.27.5.B.
- D. Location in the Conservation Zoning District.

**§154.27.7 Application for Special Use**

When a Special Use is required for a small wind energy system, a site plan shall be submitted to the Zoning Administrator demonstrating compliance with the restrictions and requirements listed in §154.27.5. An application shall also be submitted to the Zoning Administrator which meets the requirements of the application procedures found in §154.24(Special Uses).

**§154.27.8 Evaluation of Special Use**

Following the procedures as established in §154.24 (Special Uses) the Zoning Board of Appeals, in evaluating a Special Use for a small wind energy system, shall consider the following matters:

- A. The height of the system relative to the size of the parcel on which the system is proposed to be located;
- B. The need for the proposed height of the system in order to allow the system to operate effectively;
- C. The building density of the general area in which the system is proposed to be located;
- D. The existing uses on adjacent and nearby properties;
- E. Whether the design of the proposed system reflects compliance with §154.27.5 and:
- F. Findings of Fact as required in §154.24 (Special Uses) and subject to conditions imposed by the Zoning Board of Appeals.
- G. Final approval of the Special Use to be determined by the Woodford County Board.

**§154.27.9 Enforcement**

The erection or operation of any small wind energy system in violation of the Ordinance shall subject the owner and/or the operator of the system to civil penalty. The civil remedies available to the Court shall include the removal of the system. If such removal is ordered all expenses shall be paid by the owner and/or operator of the system. Enforcement authority is expressly provided in §154.05 "Administration, Enforcement and Fees."

**§154.27.10 Fees**

The zoning/building permit fee for small wind energy systems shall be \$200 (two hundred) per system.

**§154.27.11 Transferability**

Transfer of ownership of property shall carry all encumbrances, requirements, restrictions and conditions from original owner to all subsequent owners. Special Uses for small wind energy systems are transferable.

**SECTION 28**

**WIND ENERGY CONVERSION SYSTEMS  
(WECS)**

(Regulations Adopted into Section 24 April 20, 2004)  
(Amended and placed as Section 28 May 17, 2011)  
(Amended February 27, 2012)  
(Amended September 18, 2012)  
(Amended November 20, 2018)

|   |            |
|---|------------|
| <b>154.28.1 PURPOSE</b>   | <b>103</b> |
| <b>154.28.2 DEFINITIONS</b>                                     | <b>103</b> |
| <b>154.28.3 METEOROLOGICAL TOWER REQUIREMENTS</b>               | <b>104</b> |
| <b>154.28.4 SITING APPROVAL APPLICATION</b>                     | <b>104</b> |
| <b>154.28.5 REQUIREMENTS</b>                                    | <b>104</b> |
| 1. <i>Design Safety Certification</i>                           |            |
| 2. <i>Installation Certification</i>                            |            |
| 3. <i>Controls and Brakes</i>                                   |            |
| 4. <i>Electrical Components</i>                                 |            |
| 5. <i>Color</i>   |            |
| 6. <i>Lighting</i>  |            |
| 7. <i>Compliance with FAA</i>                                   |            |
| 8. <i>Compliance with Zoning Laws</i>                           |            |
| 9. <i>Compliance with Additional Regulations</i>                |            |
| 10. <i>Warnings</i>   |            |
| 11. <i>Climb Prevention</i>                                     |            |
| 12. <i>Setbacks</i>   |            |
| 13. <i>Height</i>   |            |
| 14. <i>Roads</i>  |            |
| 15. <i>Migratory Birds/Illinois DNR</i>                         |            |
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**§154.28.1 PURPOSE**

1. To assure that any development and production of wind-generated electricity in Woodford County is safe and effective;
2. To facilitate economic opportunities for local municipalities, residents, and Woodford County as a whole.

**§154.28.2 DEFINITIONS** (amended 02/17/12)

"**Authorized Factory Representative**" shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS

"**Facility Abandonment**" shall mean a period of time not less than one year.

"**FCC**" shall mean Federal Communications Commission.

"**FAA**" shall mean Federal Aviation Administration.

"**GIS**" shall mean a Geographic Information System computer application used to store, view and analyze geographical information, most particularly maps.

"**Manual and Automatic Controls**" give protection to power grids and limit rotation of a WECS blades to below the designed limits of the conversion system.

"**Meteorological Tower (Met Tower)**" means a tower used at a potential project site which has equipment attached to it which is designed to assess wind resource. Generally a met tower will have anemometers, wind direction vanes, temperature and pressure sensors, and other measurement devices attached to it at various levels above the ground. (May 17, 2011)

"**Non-Participating**" for the purposes of this Ordinance, shall mean all property that is not leased, owned, contracted, or upon which a private waiver has been executed for the benefit of an Owner or Operator of a WECS.

"**Operator**" shall mean the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

"**Owner**" shall mean the entity or entities with an equity interest in the WECS, 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 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 at the earliest practicable date.

"**Participating**" for the purposes of this Ordinance, shall mean property that is leased, owned, or contracted for the benefit of an Owner or Operator of a WECS. Participating shall also include property upon which the owner has executed any private waiver benefiting the Owner or Operator of a WECS.

"**Private Waiver**" shall mean a written statement asserting that a landowner has agreed to waive a specific wind farm standard condition and has knowingly agreed to accept the consequences of the waiver. A private waiver must be signed by the landowner.

"**Professional Engineer**" shall mean any licensed engineer.

"**Shadow Flicker**" means a repeating cycle of changing sun light intensity which occurs when shadows of the rotating blades on a turbine pass over an object or across a window. (5/17/ 2011)

"**Tower Height**" shall mean the height of the WECS at the apex of the blade.

"**Wind Energy Conversion System**" (**WECS**) shall mean any device such as a wind charger, windmill, or wind turbine

that converts wind energy to a form of usable energy.

### **§154.28.3 METEOROLOGICAL TOWER REQUIREMENTS**

1. **Color-** 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.
2. **Marker Balls-** Guy-Wired Towers must have a total of eight marker balls attached as follows: 4 marker balls attached to guide wires at the top of the tower at a distance no further down than 15 feet from the top wire connection to the tower; 4 marker balls at the bottom of the guide wires at a height of 5-10 feet above the tallest crop to be grown in the immediate vicinity of the tower.
3. **Sleeves-** Guy-Wired Towers must have 7' safety sleeve at each anchor point, plus one sleeve located 6' outside the outside anchor and one sleeve at the lift anchor. (5/17/ 2011)

### **§154.28.4 SITING APPROVAL APPLICATION**

- A. To obtain siting approval, the Applicant must first submit a siting approval application to the County.
- B. The siting approval application shall contain or be accompanied by the following information.
  - a. 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), number of WECS(s), and 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 location of the project, and (2) a description of the Applicant, Owner and Operator, including their respective business structures,
  - b. A site plan for the installation of WECS's showing the planned location of each WECS Tower, guy lines and anchor bases, Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public *and private* access roads and turnout locations, Substations(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, layout of all structures within the geographical boundaries of any applicable setback, and the location of any construction staging areas. (5/17/ 2011)

**Commented [LJ1]:** Should we have a siting approval and a Special Use, the statute seems to indicate it is an either/or not both.

### **§154.28.5 REQUIREMENTS**

1. **Design Safety Certification-** The safety of the design of all WECS towers shall be certified by a Professional Engineer or by an Authorized Factory Representative. The standard for certification shall be good engineering practices and shall conform to all the County's officially adopted codes.
2. **Installation Certification-** The Professional Engineer or Authorized Factory Representative shall certify that the construction and installation of the WECS project meets or exceeds the manufacturer's construction and installation standards.
3. **Controls and Brakes -** All WECS projects shall be equipped with Manual and Automatic Controls and mechanical brakes to limit rotation of blades to a speed below the designed limits of a WECS. The Professional Engineer or Authorized Factory Representative must certify that the rotor and over speed control design and fabrication conform to good engineering practices. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's or the Authorized Factory Representative's statement of certification.



4. **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). Utility lines connecting the towers, substations, etc. shall be placed underground where practical. All underground wiring or cabling for the WECS shall be at a minimum depth of four (4) feet below grade or deeper if required to maintain a minimum one (1) foot clearance between the wire or cable and any agriculture drainage tile. (5/17/ 2011)
5. **Color** -Towers and blades- Any Non-Reflective, unobtrusive color that will assist in mitigating the visual impact of the structure is allowable.
6. **Lighting**- Lighting for the towers shall be constructed only in accordance with the minimum requirements and standards allowed through the FAA or other regulatory authority in an effort to minimize the visual impact of the structures.
7. **Compliance with FAA**-It shall be the responsibility of the person in charge of the WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the WECS project to obtain a determination of no significant impact to air navigation from the FAA.
8. **Compliance with Zoning Laws**- All WECS projects shall be in compliance with all local zoning laws.
9. **Compliance with additional Regulations**- It shall be the responsibility of the person in charge of the WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation of a WECS project prior to the Woodford County Board granting a Special Use Permit including consulting with the Illinois Historic Preservation Office for locating and protecting historical sites. (5/17/ 2011)
10. **Warnings**-A visible warning sign of "High Voltage" must be placed at the base of all WECS projects. The sign must have at a minimum six-inch letters. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
11. **Climb Prevention** -All WECS project towers or poles must be unclimbable by design or protected by anticleimbing devices such as:
  - a. Fences with locking portals at least six feet high;
  - b. Anti-climbing devices 12 feet from base of pole; or
  - c. Anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.
12. **Setbacks**
  - a. All WECS Towers set back shall be a distance of ~~four (4)~~2.1 times the ~~tower height~~the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure from any Occupied Community Buildings and non-participating residences, habitable farm homestead whose residential portion of the farm will be determined by the Woodford County aerial map in conjunction with the GIS land-use layer and no less than 1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure, tower height from the applying property owner's dwelling structure. ~~(02/27/12)~~
  - b. All WECS Towers set back shall be a distance on 1.1 times maximum blade tip height of the wind tower to the center point of the public road right-of-way.
  - b. ~~All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from public roads, third party transmission lines, and communications towers.~~

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c. ~~e.~~ All WECS Towers shall be set back a distance of at least 1.1~~0~~ times the maximum blade tip height of the wind tower to the nearest point WECS Tower Height from adjacent of the nonparticipating property lines.

d. Properties lines that are shared with other properties included in the same WECS development, shall have to setback requirement. may forgo this requirement, provided written acceptance of this waiver is obtained from all affected property owners prior to the public hearing.

e. All WECS Towers shall be set back a distance of at least 1.1 times the maximum blade tip height of the wind tower to the center point of the easement containing the overhead lines.

f. All WECS Towers shall be set back a distance of at least 2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife area or protected land.

d. Any waiver of any setback requirement shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

e. An incorporated village or municipality may approve of the location of any tower to be located within 1.5 miles of the corporate limits of such incorporated village or municipality. (5/17/ 2011)

13. **Height** - Tower height must comply with all FAA regulations and be commensurate with current technology.

14. **Roads-**

a. Any proposed access roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and the County Engineer prior to the granting of the Special Use permit. Any road damage caused by the transport of the facility's equipment, the installation, or the removal, must be completely repaired to the satisfaction of the Township Road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer will require remediation of road repair upon completion of the project and are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by the Township Road Commissioner or the County Engineer shall be required by the Township Road Commissioner or the County Engineer to insure the township or the County that future repairs are completed to their satisfaction.

b. The applicant shall become a member of the Illinois state wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or "JULIE") and provide JULIE with all of the information necessary to update its record with respect to the WECS project. (5/17/ 2011)

15. **Migratory Birds/Illinois DNR -**

a. An avian study shall be conducted by a qualified third-party professional, such as an ornithologist or wildlife biologist, to determine if there is any potential impact the WECS project may present to migratory birds. The study must provide assurances that the WECS project does not negatively impact the path of migratory birds. The applicant's plan for the avian study must be brought to the Zoning Board of Appeals public hearing, and the final results of the study shall be provided to the Zoning Enforcement Officer prior to the issuance of a building permit.

b. Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/1-11), the Illinois Natural Areas Preservation Act (525 ILCS 30/1-26), and the Interagency Wetland Policy Act (20 ILCS 830), the Illinois Department of Natural Resources shall be consulted by the WECS applicant and final evaluations of the findings shall be provided to the Zoning Enforcement Officer prior to the issuance of a building permit. (5/17/ 2011)

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Commented [LJ3R2]: Fish and wildlife services land based wind energy guidelines also

16. **Shadow Flicker** - ~~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. The Applicant shall have an analysis of the expected potential shadow flicker conducted by a qualified professional. No turbine shall be located in an area that will result in shadow flicker for more than 30 hours per calendar year at any inhabited dwelling on a non-participating landowner's property. (7/19/11)~~
17. **Agreement In Lieu Of Taxes (AILOT)** - For the Term of the Project, in order to determine the amount of property taxes to be paid by Company, County and Company agree that the provision of 35 ILCS 200/10-600 et.seq. (2008 State Bar Edition) shall apply to assessment years after 2011. If there is a change in law resulting in property taxes that are more than the amount authorized by the above statute, the Company will pay the higher rate. If the change in law results in property taxes that are less than the amount authorized by the above statute, the Company will continue to pay the higher rate of property taxes in accordance with the methodology set forth in the above statute. (9/18/12)
18. ~~Reserved (9/17/19) Proof an Agriculture Impact Mitigation Agreement (AIMA) has been executed with the Illinois Department of Agriculture shall be provided.~~

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#### **§154.28.6 MAINTENANCE AND OPERATION**

1. **Annual Inspection** - Every WECS project must be inspected annually by an Authorized Factory Representative to certify that it is in good working condition and not a hazard to the public. A summary of the inspection findings shall be provided to the Zoning Enforcement Officer on an annual basis.
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 forth in §154.28.4 of this Ordinance. This project summary shall include a study pertaining to the relationship of the proposed project and microwave transmission providers and local emergency service provider(s).
  - b. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant shall take measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take steps to respond to and to rectify the complaint. The results of such response to the complaint will be forwarded to the Zoning Administrator and the person making the complaint.
  - c. Prior to construction of the WECS, the Owner or Operator 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 for the WEC(s). The applicant shall take measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a reasonable written complaint related to interference with local broadcast residential television and wireless internet services the Owner or Operator shall take steps to rectify the complaint, such as providing alternate service to each individual resident or property owner affected.
  - d. If the Zoning Administrator determines, with reasonable discretion, that the wind energy turbines are causing or contributing to such interference, the Owner or Operator of the WECS shall mitigate the interference to the reasonable satisfaction of the Zoning Administrator. In the event of a disagreement between the Zoning Administrator and the Owner or Operator of the WECS and/or the person making the complaint concerning resolution of the complaint, then the Owner or Operator of the WECS and/or the person making the complaint may appeal the decision of the Zoning Administrator pursuant to the provisions of the Woodford County Zoning Ordinance. (5/17/ 2011)

3. **Fire Risk and Emergency Response** - All WECS projects must adhere to all applicable electrical codes and standards and must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections. Every WECS project must utilize twistable cables on turbines.
  - a. The Owner or Operator of the WECS(s) shall cooperate with local fire protection districts and provide up to \$3,000 (three thousand dollars) in necessary training and up to \$10,000 (ten thousand dollars) in equipment to prepare the district/s to respond to fire and other emergencies concerning the Project.
  - b. The Owner or Operator of the WECS(s) shall assist emergency response agencies in developing an emergency response plan for the Project.
  - c. The Owner or Operator of the WECS(s) shall train their onsite personnel to assist emergency response agencies for any foreseeable emergency incident that may occur on or in close vicinity to the turbines or other structures that are part of the Project.
  - d. The Owner or Operator of the WECS(s) shall assist emergency response agencies in developing an emergency response plan for the Project but it shall be the sole responsibility of the Company to remove employees or other persons who become ill and/or injured in or on a turbine tower to the base of the tower to receive medical assistance by local emergency response agencies.
  - e. The Owner or Operator of the WECS(s) may enter into agreements with local or other emergency response agencies to comply with this requirement.
  - f. The Owner or Operator of the WECS(s) shall share their emergency response protocols with local emergency response agencies.
  - g. The Owner or Operator of the WECS(s) shall assist emergency response agencies in evaluating emergency response training needs and assisting with training of emergency response personnel in relation to the Project.
  - h. The Owner or Operator of the WECS(s) shall cooperate in emergency response drills relating to the Project, as part of coordinated training for WECS and emergency response personnel.
  - i. The Zoning Administrator shall coordinate bi-annual review of policies, procedures, drills, training and equipment needs between Owner or Operator of the WECS(s) representatives and local emergency response agencies. After each bi-annual review the Zoning Administrator shall make recommendations to the Owner or Operator of the WECS(s) and the local emergency response agencies including a determination of the cost of implementing the recommendations and an allocation of financial responsibility for implementation. (5/17/ 2011)
4. **Waste**- All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
5. **Field Tile** – All developers, contractors, and owners of property upon which a Wind Energy Conversion System (WECS) is constructed shall comply with all applicable terms, conditions, and sections of the Illinois Drainage Code, 70 ILCS 605/1-1, *et seq.*. This condition also includes locating underground field drainage tile affected by the construction of the WECS, and reporting such location via GPS coordinates, to the land owner of record. Any and all liability for damage to surrounding property owners, tenants, or any other person or business, whether the damage is immediate or in the future, to underground field tile, including damage by negligence or willful conduct, caused by the developer, contractor, or owner of property in constructing a WECS is solely the responsibility of said developer, contractor, or owner of property so constructing a WECS. (5/17/ 2011)

**§154.28.7 NOISE LEVELS**

Noise levels shall be regulated by the Illinois Pollution Control Board rules and regulations and the applicant shall certify that applicant's facility is in compliance with the same. (5/17/ 2011)

**§154.28.8 PUBLIC PARTICIPATION, COMPLAINTS AND RESOLUTION**

Prior to the commencement of construction of the Project and during the entire term of the special use and any extension, Owner or Operator of the WECS(s) shall establish a telephone number hotline for the general public to call with any complaints or questions. The hotline number shall be publicized to the satisfaction of the Zoning Administrator in order to insure that the general public is aware of the hotline number. The hotline number shall be posted at the operations, the maintenance center, the construction marshalling yard and the entrance to each access road to a WECS.

The hotline number shall be manned during usual business hours, and shall have an answering recording service during other hours. Each call shall be logged by the Owner or Operator of the WECS(s), and such log shall identify the name, address and reason for the call. Owner or Operator of the WECS(s) shall provide the County with the call log on a monthly basis to the extent allowed by law. All calls to the hotline shall be recorded and the recording shall be saved for transcription for at least two years. Owner or Operator of the WECS(s) shall take necessary actions to resolve all legitimate complaints. If the Owner or Operator of the WECS(s) shall, in the reasonable discretion of the Zoning Administrator, fail to take necessary action to resolve any legitimate complaint, the Zoning Administrator may direct Owner or Operator of the WECS(s) to take such necessary action.

During the construction of the Project, the Owner or Operator of the WECS(s) shall maintain updated contact information on file with the County for addressing complaints related to construction activities. The Owner or Operator of the WECS(s) shall designate a contact person who will respond to inquiries from the Zoning Administrator. Once the Project has reached commercial operation following the conclusion of construction activities, the Owner or Operator of the WECS(s) shall maintain permanent contact information with the Zoning Administrator including a designated representative of the Owner or Operator of the WECS(s) along with a phone number and email address.

If the Zoning Administrator retains any expert or consultant relating to such complaints, Owner or Operator of the WECS(s) shall reimburse the County for all expenses. In the event of a disagreement between the Zoning Administrator and the Owner or Operator of the WECS(s) and/or the person making the complaint concerning resolution of the complaint, then the Owner or Operator of the WECS(s) and/or the person making the complaint may appeal the decision of the Zoning Administrator pursuant to the provisions of the Woodford County Zoning Ordinance. (5/17/ 2011)

**§154.28.9 CERTIFICATE OF LIABILITY INSURANCE**

The 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 \$ 5 million per occurrence and \$ 10 million in the aggregate, with an annual certificate of insurance being provided to the Woodford County Board Office with Woodford County being as an additional insured and including covering all employees and subcontractors of The Owner or Operator of the WECS(s) as required by law in the State of Illinois. (5/17/ 2011)

**§154.28.10 DECOMMISSIONING PLAN** (11/20/2018)

A. Deconstruction of a Facility shall include the removal/disposition of the following equipment/facilities utilized for operation of the Facility and located on Landowner property:

1. Wind Turbine towers and blades;
2. Wind Turbine generators;
3. Wind Turbine foundations (to depth of 5 feet);
4. Transformers;

5. Collection/interconnection substation (components, cable, and steel foundations), provided, however, that electrical collection cables at a depth of 5 feet or greater may be left in place;
  6. Overhead collection system;
  7. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the Landowner;
  8. Access Road(s) (unless Landowner requests in writing that the access road is to remain);
  9. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and
  10. Debris and litter generated by Deconstruction and Deconstruction crews.
- B. The Facility Owner shall, at its expense, complete Deconstruction of a Commercial Wind Energy Facility within eighteen (18) months after the end of the Useful Life of the Facility.
- C. During the County permit process, the Facility Owner shall file with the County, a Deconstruction Plan. A second Deconstruction Plan shall be filed with the County on or before the end of the tenth year of the Commercial Operation Date.
- D. The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Commercial Wind Energy Facility. Provision of this Financial Assurance shall be phased in over the first 11 years of the Project's operation as follows:
1. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan provided during the county permit process.
  2. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan provided during the county permit process.
  3. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan provided during the tenth year of the Commercial Operation Date.
- The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced. The salvage value of the Facility may only be used to reduce the estimated costs of Deconstruction in the Deconstruction Plan if the County agrees that all interests in the salvage value are subordinate or have been subordinated to that of the County if Abandonment occurs.
- E. The County may – but is not required to – reevaluate the estimated costs of Deconstruction of any Commercial Wind Energy Facility after the tenth anniversary, and every five years thereafter, of the Commercial Operation Date which reevaluation must be performed by an independent third party Professional Engineer licensed in the State of Illinois. The County shall provide the Facility Owner with a copy of any reevaluation report. Based on any reevaluation, the County may require changes in the level of Financial Assurance used to calculate the phased coverages described in Section 21 D. required from the Facility Owner. The Facility Owner shall be responsible for the cost of any reevaluation by a third party Professional Engineer.

F. Upon Abandonment, the County may take all appropriate actions for Deconstruction, including drawing upon the Financial Assurance. In the event the County declines to take any action for Deconstruction, the Landowners may draw upon the Financial Assurance.

The WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include:

- a. ~~Removal of all structures (including transmission equipment and fencing) and debris to a depth of five (5) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.~~
- b. ~~An estimate of the decommissioning costs certified by an independent professional engineer, approved by the County, in current dollars. The engineer providing this estimate shall be engaged under contract by the Woodford County Board and all costs associated with this engagement shall be borne by the applicant;~~
- c. ~~The decommissioning plan shall state how the facility will be decommissioned, the financial resources, of which estimated salvage value is not to be included, necessary to accomplish decommissioning.~~
- d. ~~The applicant shall provide the county with a new estimate of the cost of decommissioning the WECS project every five (5) years, due on the anniversary of the date the special use was granted or at such other times as determined by the Conservation, Planning and Zoning Committee, under the same conditions as set forth in this Section above. Upon receipt of this new estimate, the county may require, and the applicant, owner, and/or operator of the WECS project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations.~~
- e. ~~Upon review of the decommissioning plan, the Conservation, Planning and Zoning Committee, or its successor committee(s), of the Woodford County Board shall set an amount to be held in Surety bond in the amount of 110% of the estimated cost. The plan shall state that Woodford County shall have access to the project and to the funds to effect or complete decommissioning six (6) months after cessation of operations or facility abandonment; and,~~
- f. ~~A written agreement will be prepared, establishing upon what conditions the funds will be disbursed. A written financial plan shall be approved to ensure that funds will be available for decommissioning and land restoration;~~
- g. ~~The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.~~
- h. ~~The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount of the surety bond and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.~~

**SECTION 30**  
**SOLAR ENERGY SYSTEMS**  
(Section Added to Ordinance 03/22/18)

**SECTIONS:**

- 154.30.1 Definitions.
- 154.30.2 Personal Solar Energy System (PSES).
- 154.30.3 Solar Farm Energy System (SFES).
- 154.30.4 Indemnification and liability.
- 154.30.5 Cessation of operations.
- 154.30.6 Penalties.

**§154.30.1 Definitions**

***Ground Mount Solar Energy System*** A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

***Net Metering*** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

***Solar Energy*** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

***Solar Energy System (SES)*** The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

***Personal Solar Energy System (PSES)*** Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

***Solar Farm Energy System (SFES)*** A commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity.

***Solar Panel*** A device for the direct conversion of solar energy into electricity or heat.

***Structure Mount Solar Energy System*** A solar energy system in which solar panels are mounted on a structure.

**§154.30.2 Personal Solar Energy System (PSES)**

A. **Purpose and Intent.**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of PSESs designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of PSESs.

B. **Permitted Use.**



Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district.

C. **Special Requirements.**

Personal Solar Energy Systems shall be subject to the requirements included in §154.04 General Provisions unless otherwise stated herein:

- 1) Ground Mounted PSES Height. Shall not be greater than eighteen (~~18~~20) feet at maximum tilt of the solar panel(s) in any zoning district.
- 2) Structure Mounted PSES Height. Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
- 3) Setbacks. The PSES shall maintain perimeter setbacks including: side and rear yard setbacks of ten (10) feet. ~~PSES shall comply with road setback requirements as listed in §154.04.7.C. No PSES shall be permitted to be located in the required front yard.~~
- 4) Building Codes. All state, and national construction codes shall be followed.
- 5) Use. The PSES shall provide electricity or heat for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
- 6) Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.

**§154.30.3 Solar Farm Energy System (SFES)**

A. **Purpose and Intent.**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of SFESs designed for commercial energy production. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of solar energy resources for commercial purposes.

B. **Special Use.**

Solar Farm Energy Systems shall require a Special Use within all zoning districts, and shall be subject to the procedures and standards included in §154.24 Special Uses unless otherwise stated in this Chapter. Solar Farm Energy Systems must obtain permits within 15 months of approval by the County Board of Woodford County. (11/20/2018)

C. **Special Requirements.**

SFESs are subject to the following requirements:

- 1) Height. Shall not exceed eighteen (~~18~~20) feet at maximum tilt of the solar panel(s).
- 2) ~~Setbacks.~~
  1. ~~The front, side and rear yard setbacks shall be a minimum of fifty (50) feet from the property lines which form the outside perimeter of a SFES project area and solar panels will be kept at least 500 ft from a residence that is not part of the Special Use.~~
  1. The solar panels will be kept 150 ft. from the nearest point on the outside wall of the structure for Occupied Community Building and Dwellings on nonparticipating properties
  2. The solar panels shall have no setback to the baoundary lines of participating properties.

- ~~3.~~ 3. The Solar Panels shall kept 50 ft. from the nearest edge of public road rights-of-way.
- ~~4.~~ 4. The solar panels shall be kept 50 ft. away from the nearest point on the property line of nonparticipating properties.
- ~~2)3)~~ 3)3) Fencing. A fence of at least six (6) feet in height but no greater than eight (~~8~~25) feet shall enclose the SFES.
- ~~4)~~ 4) The setback requirements may be waived subject to the written consent of the owner of each affected nonparticipating property.
- ~~3)5)~~ 3)5) Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
- ~~4)6)~~ 4)6) Noise. Noise levels shall be regulated by the Illinois Pollution Control Board rules and regulations and the applicant shall certify that applicant's facility is in compliance with the same. Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district
- ~~5)7)~~ 5)7) Installation and Design. The SFES shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent highways.
- ~~6)8)~~ 6)8) All wiring between solar panels and the solar farm facility substation shall be underground. The approval of the County shall be required for the installation of such electrical transmission and collection lines aboveground and the County shall make its determination regarding the installation of any and all above-ground electrical transmission and collection lines in accordance with the Ordinance.
- ~~7)9)~~ 7)9) Outdoor Storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.
- ~~8)10)~~ 8)10) Proof an Agriculture Impact Mitigation Agreement (AIMA) has been executed with the Illinois Department of Agriculture.
- ~~9)11)~~ 9)11) In all undeveloped areas, the SFES project owner/operator will be required to complete a consultation with the Illinois Department of Natural Resources (IDNR) through the Departments online EcoCat program. The cost of this consultation shall be at the owner/operators expense. The final certificate from the EcoCat shall be provided to the Woodford County Zoning Department before a permit will be issued.
- ~~10)12)~~ 10)12) Annual review and reporting.
1. The applicant, owner, and/or operator of a SFES project shall submit to the Woodford County Zoning Department on the first Monday of July of each year following SFES project approval a report regarding SFES maintenance and operation. This report shall include:
    - i) Any physical modifications to the SFES and/or its infrastructure;
    - ii) Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads, received by the applicant, owner and/or operator concerning the SFES, and the resolution of such complaints;
    - iii) Calls for emergency services, including the nature of the emergency and how it was resolved;
    - iv) Status of liability insurance; and,
    - v) Any other information that the county might reasonably request.

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2. Within thirty (30) days of the receipt of this annual report, the Department of Zoning shall review the report. The Department shall forward the written report of the findings within sixty (60) days to the Woodford County Conservation, Planning and Zoning Committee or any successor committee designated to oversee zoning issues.
3. The applicant, owner, and/or operator of a SFES project shall provide the Woodford County Zoning Department access to the SFES project area for the purpose of inspection as deemed necessary by the Zoning Administrator.

D. **Certification.**

SFESs shall conform to applicable industry standards, including those from the UL and Federal Aviation Administration (FAA).

All applicable county, state, and national construction and electric codes shall be followed.

E. **Safety.**

All SFESs shall provide the following at all locked entrances:

- 1) A visible "High Voltage" warning sign;
- 2) Name(s) and phone number(s) for the electric utility provider;
- 3) Name(s) and phone number(s) for the site operator;
- 4) The facility's 911 address, GPS coordinates;
- 5) A knox box with keys; and,
- 6) Company shall become a member of the Illinois State-Wide One-call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or (J.U.L.I.E.) and provide J.U.L.I.E. with all of the information necessary to update its records as soon as J.U.L.I.E. allows such membership and provide the County with proof of membership.

F. **Petition.**

The petition for a Special Use for a Solar Farm Energy System shall include:

- 1) A written summary of the project including a general description of the project, including its approximate generating capacity.
- 2) The name(s), address(s), and phone number(s) of the owner and/or SFES operator.
- 3) A site plan of the SFES site showing:
  1. Boundaries of the site;
  2. All proposed SFES structures;
  3. Property lines;
  4. Setback lines;
  5. Location of all existing structures with their uses identified; and,
  6. Locations of Ingress/Egress to a public road.
- 4) All other information contained in §154.24, §154.25, and §154.26 of this Zoning Ordinance as may be required to file a petition.

G. **Decommissioning Plan.**

Prior to applying for a building permit, the SFES project owner/operator shall submit a decommissioning plan to the Woodford County Zoning Department. The Zoning Department shall review the plan for completeness and refer it to the Woodford County Conservation, Planning, and Zoning Committee, or any successor committee(s) designated to oversee zoning issues. The plan shall include:

- A. Deconstruction of a Facility shall include the removal/disposition of all solar related equipment/facilities, including the following utilized for operation of the Facility and located on Landowner property:
  - 1. Solar panels, cells and modules;
  - 2. Solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems;
  - 3. Solar panel foundations, if used (to depth of 5 feet);
  - 4. Transformers, inverters, energy storage facilities, or substations, including all components and foundations; however, Underground Cables at a depth of 5 feet or greater may be left in place;
  - 5. Overhead collection system components;
  - 6. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the Landowner;
  - 7. Access Road(s) unless Landowner requests in writing that the access road is to remain;
  - 8. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and
  - 9. Debris and litter generated by Deconstruction and Deconstruction crews
- B. The Facility Owner shall, at its expense, complete Deconstruction of a Facility within twelve (12) months after the end of the useful life of the Facility.
- C. During the County permit process, or if none, then prior to the commencement of construction, the Facility Owner shall file with the County a Deconstruction Plan. The Facility Owner shall file an updated Deconstruction Plan with the County on or before the end of the tenth year of commercial operation.
- D. The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Facility. Provision of this Financial Assurance shall be phased in over the first 11 years of the Project's operation as follows:
  - 1. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
  - 2. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
  - 3. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of Deconstruction of the Facility as determined in the updated Deconstruction Plan provided during the tenth year of commercial operation.

The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced. The salvage value of the Facility may only be used to reduce the estimated costs of

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Deconstruction if the County agrees that all interests in the salvage value are subordinate or have been subordinated to that of the County if Abandonment occurs.

E. The County may, but is not required to, reevaluate the estimated costs of Deconstruction of any Facility after the tenth anniversary, and every five years thereafter, of the Commercial Operation Date. Based on any reevaluation, the County may require changes in the level of Financial Assurance used to calculate the phased Financial Assurance levels described in Section 17.D. required from the Facility Owner. If the County is unable to its satisfaction to perform the investigations necessary to approve the Deconstruction Plan filed by the Facility Owner, then the County and Facility may mutually agree on the selection of a Professional Engineer independent of the Facility Owner to conduct any necessary investigations. The Facility Owner shall be responsible for the cost of any such investigations.

F. Upon Abandonment, the County may take all appropriate actions for Deconstruction including drawing upon the Financial Assurance.

- 1) ~~A description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life, as stated in the Ordinance granting the Special Use or as stated in §154.30.5;~~
- 2) ~~Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five (5) feet below the surface, and the sequence in which removal is expected to occur;~~
- 3) ~~Provisions for the restoration of the soil and vegetation;~~
- 4) ~~An estimate of the decommissioning costs certified by an independent professional engineer, approved by the County, in current dollars. The engineer providing this estimate shall be engaged under contract by the Woodford County Board and all costs associated with this engagement shall be borne by the applicant;~~
- 5) ~~No Consideration of the scrap value shall be included in the Decommissioning costs;~~
- 6) ~~A written financial plan approved to ensure that funds will be available for decommissioning and land restoration;~~
- 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;~~
- 8) ~~Upon review of the decommissioning plan, the Conservation, Planning and Zoning Committee, or its successor committee(s), of the Woodford County Board shall set an amount to be held in Surety bond in the amount of 110% of the estimated cost. The plan shall state that Woodford County shall have access to the project and to the funds to effect or complete decommissioning one (1) year after cessation of operations; and,~~
- 9) ~~The applicant shall provide the county with a new estimate of the cost of decommissioning the SFES project every five (5) years, due on the anniversary of the date the special use was granted or at such other times as determined by the Conservation, Planning and Zoning Committee, under the same conditions as set forth in this Section above. Upon receipt of this new estimate, the county may require, and the applicant, owner, and/or operator of the SFES project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations.~~

**H. Reimbursement for County Expenses.** If during the term of the special use and decommissioning period for the Project, the County, in its reasonable discretion retains outside engineers, consultants, contractors, attorneys or other parties, in order for the County to enforce, determine compliance or obtain compliance with applicable

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laws, ordinances, regulations, and these conditions, SFES project owner/operator shall promptly reimburse the County for all such expenses.

I. **Litigation** In the event legal action is required it shall be filed in the Woodford County Court.

J. **Road Agreements.**

The SFES project owner/operator shall comply with all the provisions of the road usage agreement entered into between the SFES project owner/operator and Woodford County. The SFES project owner/operator shall also comply with any road usage agreement entered into between the SFES project owner/operator and any Woodford County township road district. Any material breach of the County road usage agreement or any County township road district agreement by the SFES project owner/operator shall constitute a material breach of these conditions.

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K. **Maintenance**

SFES project owner/operator shall operate the Project in a safe, well maintained, attractive, and continuous manner, making all necessary repairs in a timely fashion.

L. **Signage.**

One sign, not to exceed 32 square feet, identifying the SFES project owner/operator may be erected on the perimeter fence in addition to the signs required in §154.30.3.E. Safety.

M. **Certificate of Compliance.**

Before a building permit is issued, the following shall be submitted to the Woodford County zoning office for review:

- 1) Site plan with all items previously required in the petition. Additional items to be included are:
  1. All SFES structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines;
  2. Ancillary equipment;
  3. Transmission lines;
  4. Wells;
  5. Septic fields;
  6. Field tile location;
  7. Existing easements;
  8. Floodplain location and elevation; and,
  9. Wetland location, if any.
- 2) Emergency Plan. The site emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the SFES project area. Specialized training shall be provided at the operator's expense for all Woodford County and other applicable jurisdictions first responders' biannually. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
- 3) After an approved final inspection of all building permits, a certificate of compliance shall be issued.

#### **§154.30.4 Indemnification and liability**

- A. The applicant, owner, and/or operator of the SFES project shall defend, indemnify, and hold harmless the County of Woodford and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the SFES project.
- B. The applicant, owner, and/or operator of the SFES project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars per occurrence and two million dollars in the aggregate. Evidence of liability coverage must be reported to the Woodford County Zoning Department on an annual basis, and any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

**§154.30.5 Cessation of operations**

If any SFES provided for in this chapter has not been in operation and producing electricity for at least one hundred eighty days (180) consecutive days, it shall be removed. The Woodford County Zoning Administrator shall notify the owner to remove the system. Within thirty (30) days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the solar energy system, the violation shall be referred to the Woodford County State's Attorney for enforcement.

**§154.30.6 Penalties**

A failure to obtain applicable building permit(s) for the construction of a solar energy system or failure to comply with the requirements of a building permit or the provisions of this chapter shall be deemed a violation of this chapter. The state's attorney may bring an action to enforce compliance of the requirements of this chapter by filing an action in the circuit court for an injunction requiring conformance with this chapter or seek such other order as the court deems necessary to secure compliance with this chapter.

Any person who violates this chapter shall be fined not less than twenty five dollars (\$25) or more than five hundred dollars (\$500). 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 chapter.