

3.4 RURAL DISTRICTS

3.41 A - AGRICULTURAL

3.41-1 Purpose

The Agricultural district is established as a district in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This district is also designed to prevent the health hazards brought about by the illogical placements of inappropriately high residential densities in the otherwise open countryside.

3.41-2 Permitted Uses

- a. Agricultural uses, including, but not limited to horticulture; forestry, crop and tree farming; truck farming; natural areas; gardening; dairy; stock and poultry farming; and the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding all agricultural pursuits in violation of the IEPA performance standards.
- b. Dwellings, single family, including earth-sheltered homes.
 1. Farmsteads
 2. Single family dwellings for families of those residing on and owning the farmsteads.
- c. Signs, as permitted in Article V of this Ordinance.

3.41-3 Accessory uses, including the following:

- a. Home occupations in a single family dwelling, provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling.

- b. Living quarters for persons employed on the premises and not rented. If the living quarters is a mobile home, a Conditional Use permit is required.
- c. Barns and other bona fide farm buildings.
- d. Private garages and private greenhouses.
- e. Private stable which is for the exclusive use of the occupants of the premises and not less than fifty (50) feet from any property line.
- f. Roadside stands, offering for sale agricultural or other products grown or produced on the premises upon which the stand is located, provided said stand is located at least fifty (50) feet from the right-of-way, and off-street parking is provided in accordance with Article IV of this Ordinance.
- g. Off-street parking and loading as regulated in Article IV of this Ordinance.
- h. Private hunting, fishing, boating, swimming, skiing, hiking and other related recreational activities.
- i. Private swimming pools.
- j. Family recreational areas as defined herein:

Picnic areas and camping areas, with State approved sewage disposal, for not more than two (2) tents or camping units per twenty (20) acres are permitted. Such tents or camping units shall be parked, placed or used on the premises for not more than forty-five (45) days in a calendar year with no period of occupancy to extend more than fifteen (15) days. Mobile homes are not permitted. Shelters open on three (3) sides and buildings under six hundred (600) square feet used exclusively for the storage of maintenance equipment for use on the premises are permitted with a building permit. Such family recreational area may be used only by the owner, his family and occasional nonpaying guest.

k. Small Wind Energy Systems.

The provisions of this subsection (k) apply to electric generating wind devices hereinafter referred to as small wind energy systems. For the purpose of this Ordinance, a small wind energy system is defined as: one (1) wind turbine generator, including the generator, tower and associated controls and/or conversion electronics, which converts wind energy into electricity, has a rated capacity of one hundred (100) kilowatts or less and is intended to primarily reduce on-site consumption of utility power for onsite farm and farm home use. Wind energy systems with a rated capacity of more than one hundred (100) kilowatts shall be governed by 3.41-4 s. of the Bureau County Zoning Ordinance.

All small wind energy systems shall be in compliance with all applicable county, state and federal regulatory standards (including applicable building codes and electrical codes). No appurtenances shall be connected to any small wind energy system except in accordance with the Bureau County Zoning Ordinance.

All small wind energy systems shall be mounted on a monopole tower specifically designed for the unit it supports. Guyed towers are not allowed. Applicants shall submit certificates from equipment manufacturers documenting that the proposed equipment has been manufactured in compliance with industry standards.

All applications for a building permit to construct a small wind energy system shall contain, as part of the application, the following information, whether on the application itself or as attachments thereto:

1) Description of Project.

This shall include a legal description for the location of the small wind energy system, the location of property lines of adjoining property owners (in the case of leased property, the location of property lines of property owners adjoining the landlord's property), the capacity of the proposed small wind energy system, height, type and color of proposed tower, the diameter of rotor and the direction in which it rotates. All small

wind energy systems shall be new or manufacturer reconditioned and recertified equipment; no experimental or prototype homemade equipment shall be approved unless a Variation is granted by the Bureau County Zoning Board of Appeals.

2) Site Plan:

The site plan shall detail the location of the project area boundaries and must detail compliance with the following:

a) Setback Requirements.

All parts of a small wind energy system shall be subject to setback requirements and this section of the Ordinance:

(1.) Setbacks from all property lines of the parcel of land on which the small wind energy system is located and the right-of-way of all public roads shall be a minimum of 1.1 times the total height. Total height is defined as the distance above grade to the tip of the blade in its highest, twelve (12) o'clock position.

(2.) Setbacks from dwellings shall be a minimum of 1.1 times the total height.

Distance shall be measured from the foundation at the base of the tower.

Applicant is responsible for ensuring that the project meets any and all setback requirements from utilities in the vicinity of the proposed small wind energy system, including, but not limited to gas lines and other utilities.

(3.) Small wind energy systems shall be located a minimum of one and one-half (1½) miles outside of the municipal limits of any town, village or city.

b) Noise Standards.

Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations and applicant shall supply manufacturer certification that the proposed small wind energy system is in compliance with same.

c) Waste Management.

Solid Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the small wind energy system, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner.

Hazardous Waste. All hazardous waste generated by the operation and maintenance of the small wind energy system, 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.

d) Signage.

No small wind energy system, building, or other structure associated with a small wind energy system shall be used to advertise or promote any product or service. No wording or graphic representation, other than appropriate warning signs, shall be placed on a small wind energy system so as to be visible from any public road.

e) Aesthetics.

The following items are recommended standards to mitigate visual impact:

1. Coatings and Coloring: Small wind energy systems shall be of a non-reflective, unobtrusive color that blends into the surrounding landscape to the greatest extent possible. Black is acceptable for mitigation of icing.
2. Tower Height: For agricultural zoned property between one (1) acre and three (3) acres in size, the tower height shall be limited to fifty (50) feet. For property sizes of three (3) acres or more, the tower height shall be limited to seventy (70) feet. The tower height is defined as the distance above grade of the fixed portion of the tower, excluding the turbine itself.

3. Total Height: Total height is hereby defined as the distance above grade to the tip of the blade in its highest, twelve (12) o'clock position. The maximum total height allowed for a small wind energy system shall be no more than one hundred and thirty (130) feet.
4. Rotor Size: The rotor diameter allowed for a small wind energy system shall be a maximum of sixty (60) feet in diameter. In all cases, there shall be a minimum of twenty-five (25) foot of ground clearance, which is defined as the distance above grade to the tip of the rotor blade in its lowest, six (6) o'clock position.
5. Lighting: Projects shall utilize minimal lighting. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Required lighting must comply with FAA minimum requirements and, whenever possible, be the lowest intensity allowed using red lights at night. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA.
6. Power Lines: All electrical wires and power lines associated with a small wind energy system shall be buried underground unless a Variation is granted by the Bureau County Zoning Board of Appeals.

f) Lot Size.

No small wind energy system shall be allowed on a lot of less than one acre in size unless a Variation is granted by the Bureau County Zoning Board of Appeals.

g) Utility Notification.

Applicant is responsible for applying for an interconnect agreement with their utility company notifying them of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement. Said interconnect agreement is subject to verification at any time by the Zoning Enforcement Officer.

h) Interference.

When applying for a building permit, the owner of a small wind energy system shall submit information from the manufacturer that certifies that the proposed system will not interfere with microwave transmissions, residential television or radio reception.

i) Violations.

It shall be unlawful for any person to construct, install, maintain, modify or operate a small wind energy system that is not in compliance with this Ordinance or the building permit issued for a small wind energy system pursuant to this Ordinance.

j) Building Permits.

All small wind energy systems require a building permit to be issued prior to the initiation of construction. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. Building permit applications shall also be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. This information is frequently supplied by the manufacturer. The property owner is responsible for ensuring that the foundation is installed according to the manufacturer's specifications and is in compliance with the Uniform Building Code.

k) Decommissioning Plan.

Cost of decommissioning a small wind energy system shall be borne by the property owner of the land upon which said small wind energy system was constructed.

l) Abandonment.

If a small wind energy system is inoperable for six (6) consecutive months, the owner shall be notified that they must, within six (6) months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six (6) month

time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower would then be subject to the Public Nuisance provisions of the Bureau County Zoning Ordinance. A tower without an operating turbine shall be considered a nuisance unless it is repurposed for a permitted use.

3.41-4 Conditional Uses

- a. Mobile home parks - Subject to regulations of the County Mobile Home Park Ordinance and shall conform to the Planned Development Procedure listed herein.
- b. Public or private community facilities such as schools, churches, cemeteries, pet cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and other similar uses.
- c. Public utility and service uses such as electric substations, telephone transmission structures, radio, television, cellular and microwave relay towers, water reservoirs, or pumping stations and government buildings.
- d. Junkyards

Any junkyard, scrap yard or salvage yard for which permission is granted under this Section shall at all times be subject to the performance standards established in this Ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height, or enclosed with a dense evergreen at least six (6) feet in height. Storage between the street and such fence or screen is expressly prohibited. Maximum height of salvage shall be no greater than one (1) foot below the screened material.

Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.

- e. Landing strip, private.

- f. Kennels.
- g. Confinement feeding on less than a twenty (20) acre farm.
- h. Grain dryers - commercial.
Three hundred (300) foot minimum from nearest residence (other than owner or lessor).
- i. Extraction of earth products.
- j. Agricultural implement or machinery business (including sales and services).
- k. Any agricultural or horticultural related operation requiring material which may cause offensive or noxious odors affecting an area where any established residences are located will be required to obtain a Conditional Use permit, in accordance with Article VII Performance Standards, Section 7.6 Odorous Matter, Paragraph 7.61.
- l. Any meat processing plant, fertilizer works, bone yards, plants for the processing of animal skins or hides and plants for the reduction of animal waste.
- m. Bed and Breakfasts.

Bed and Breakfast establishments shall meet the State Fire Marshall's requirements for one (1) and two (2) family dwellings. The operator shall obtain certification from the State Fire Marshall that the proposed Bed and Breakfast establishment meets the requirements of Section 6 of the State of Illinois "Bed and Breakfast Act." The operator shall submit a site plan and floor plan with the application of the proposed Bed and Breakfast establishment illustrating that the proposed Bed and Breakfast establishment will comply with this Ordinance.

The operator shall obtain all required licenses and permits for a Bed and Breakfast establishment from Bureau County prior to beginning the operation of such establishment.

No signs, other than an identification sign as allowed by this Ordinance, shall be permitted for a Bed and Breakfast establishment.

Parking requirements shall consist of two (2) parking spaces for the dwelling, plus one (1) additional parking space for each guest room. All parking must be off the street, located within two hundred (200) feet of the facility and must be of hard surface, properly marked and have bumper stops.

n. Transfer station.

All transfer stations must be located on a minimum of ten (10) acres and all roads on the premises and leading to the premises must be of pavement type A or B as defined by the Bureau County Subdivision Ordinance. A solid or chain link fence at least six (6) feet high must surround the entire site, excluding ingress and egress. A landscape design plan must be submitted with site plan at the time of application.

o. Sanitary landfill.

All sanitary landfills must be located on a minimum of ten (10) acres and all roads on the premises and leading to the premises must be of pavement type A or B as defined by the Bureau County Subdivision Ordinance. A solid or chain link fence at least six (6) feet high must surround the entire site, excluding ingress and egress. A landscape design plan must be submitted with site plan at the time of application.

p. Landscape waste composting facility, subject to the following conditions and minimum standards:

1. An application for permission to construct and operate a landscape waste composting facility shall be accompanied by copies of all valid permits issued and required by the Illinois Environmental Protection Agency, and any other relevant local, State or Federal Agency.
2. All landscape waste composting facilities shall be located on a site containing at least five (5) acres.
3. The location of the portion of the site where active biological decomposition of the landscape waste is taking place shall be located a minimum of five hundred (500) feet from the lot line of any lot containing any residence or not within five hundred (500) feet from Residence District

Boundary Line and shall be set back no less than two hundred (200) feet from the property line.

4. Evidence shall be submitted to show that the operation shall be conducted in such a manner as to prevent the blowing of any waste materials onto any adjoining property or roadway.
 5. The location of such landscape waste composting facility shall include a setback of at least two hundred (200) feet from any potable water supply well.
 6. The location of all operations of such landscape waste composting facility shall be outside the boundary of any Special Flood Hazard Area.
 7. The proposed hours of operation of such composting facility shall be submitted with the application for the special use.
 8. The marketing of any composted waste materials at retail or at wholesale from such composting facility may be allowed only when such marketing is accessory and incidental to such composting facility.
- q. Residential-Care Home of up to ten (10) persons provided:
1. The home must be eligible to obtain or must have obtained a state license or certification, or the sponsoring agency is licensed or certified by the state to operate residential-care homes; and,
 2. The home must be located not less than one thousand three hundred and twenty (1,320) feet from another Residential-Care Home; and,
 3. Prior to occupancy, a certificate of zoning compliance is applied for and received.
- r. Any permitted agriculture use that sells or charges a fee for related non-agriculture products or agriculture products not produced on the premises.

s. Commercial Wind Energy Facilities.

The provisions of this subsection s. apply to Commercial Wind Energy Facilities (also referred to as a “Facility” in this subsection s.), as well as applications for the siting of a Meteorological Tower. All Facilities, including the Wind Towers, shall be in compliance with all applicable county, state, and federal regulatory standards (including applicable building codes and electrical codes), FAA requirements, EPA regulations (hazardous waste, construction, storm water, etc.). All electrical components of the Wind Towers shall conform to applicable state and national codes, and relevant national and international standards (e.g. the American National Standards Institute (“ANSI”) and International Electrical Commission).

Facility equipment shall conform to applicable industry standards, including those of ANSI. Facility Owners shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL) or another similar internationally recognized organization that provides certification for Wind Towers.

All applications for Conditional Use permits filed under this subsection s. shall contain, as part of the application, the following information, whether on the application itself or as attachments thereto.

1) Description of Project.

This shall include a legal description for the location of the towers and/or substation, the location of property lines of adjoining property owners (in the case of leased property, the location of property lines of property owners adjoining the landlord’s property), the number and capacity of Wind Towers, height and diameter of turbine rotors, turbine color, and rotor direction. All Wind Towers shall be new equipment; no used, experimental, or prototype equipment shall be approved by the County Board. All Wind Towers to be installed 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 brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in case of load loss on the generator. Stall regulation shall

not be considered a sufficient braking system for over-speed protection.

2) Site Plan.

The site plan shall detail the location of the project area boundaries (i.e., the property lines if the site is owned by the Facility Owner or the leased property lines if the site is leased), the Wind Towers, roads, transformers, power lines, communication lines, interconnection points with transmission lines, and other ancillary facilities or structures, and must detail compliance with the setback requirements stated below.

3) Topographic Map.

A topographic map shall include the project site and the surrounding area and shall be submitted with the Conditional Use permit(s) application.

4) Setback Requirements.

Wind Towers and Meteorological Towers

Setback Description	Setback Distance
Occupied Community Building	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Participating Residences	1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Nonparticipating Residences	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Boundary Lines of Nonparticipating Property	1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property

Public Road Rights-of-Way	1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way
Overhead Communication and Electric Transmission and Distribution Facilities (Not including overhead utility service lines to individual houses or outbuildings)	1.1 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right of way containing the overhead line
Overhead Utility Service Lines to Individual Houses or Outbuildings	None
Fish and Wildlife Areas and Illinois Nature Preserve Commission	2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line
Incorporated Municipality	1.5 miles from Municipality's corporate boundary line
Unincorporated Platted Community	2,640 feet
Platted Rural Subdivision	2,640 feet

This Section does not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and their respective designees or successors.

Unless otherwise noted, distance shall be measured from the center of the base of the Wind Tower.

Setback distance from an Unincorporated Platted Community and/or a Platted Rural Subdivision shall be measured from the center of the base of the Wind Tower to the closest perimeter line of the platted community or subdivision.

A Variation of the setback requirements from a Wind Tower to an Incorporated Municipality's boundary line may be granted if the Incorporated Municipality does not wish to enforce the 1.5 mile setback requirement from its corporate

boundary line and the municipality's corporate authorities agree to the granting of the Variation in writing.

A Variation of the setback requirement may be granted for little-used public roads.

A Variation of the setback requirement may be granted if an affected nonparticipating property owner agrees to the Variation in writing.

Ancillary structures

Setback requirements for Ancillary structures (other than Meteorological Towers) shall be as follows below.

Setback Description	Setback Distance
Substation	Minimum 50 feet from the right-of-way of any road and a minimum of 30 feet from side and rear property lines.
Transmission line support structures	All components of transmission line support structures, including overhead crossarms, must be a minimum of 10 feet from the existing and/or future right-of-way of any road. In all other cases, they must be a minimum of 10 feet from participating landowner property lines or a minimum of 1.1 times the height of the support structure from non-participating landowner property lines.

The location of all transmission line support structures and all proposed access points that will be used during the construction, installation, and erection of transmission line support structures, their foundations and overhead transmission lines, shall be identified and approved by the Township Highway Commissioner and/or the County Engineer prior to the granting of a building permit to accommodate road and/or drainage improvements within the existing and/or future right-of-way.

A Variation of the setback requirement for a transmission line support structure may be granted for the property line of an adjoining property owner participating in the particular Facility being developed and who agrees to the Variation in writing.

In no case shall any component of a transmission line support structure overhang a property line and/or a right-of-way line.

The setback requirement for transmission line support structures is not subject to any blowout effect of transmission lines caused by climactic conditions. The setback requirement for transmission line support structures does not preclude the actual transmission line from crossing over public roadways, if approved by the proper roadway authority.

A transmission line as used in this subsection is defined as a power transmission line from an electrical substation with a capacity of at least 69 kilovolts and excludes intra-project power collection lines as defined in subsection 18), which are required to be buried underground.

5) AIMA.

The Facility Owner must enter into an agricultural impact mitigation agreement (an “AIMA”) with the Department of Agriculture and submit the signed agreement with its Conditional Use permit(s) application. A Facility Owner seeking an extension of a permit granted by the County prior to July 24, 2015 (the effective date of Public Act 99-132) must enter into an AIMA with the Department of Agriculture prior to a decision by the County to grant the permit extension.

Nothing contained herein shall be deemed to preclude the agricultural use¹ of the balance of the subject property not occupied by the Facility. The agricultural use² will be considered as being the principal use of the subject property notwithstanding the granting of a Conditional Use permit and the construction and operation of one or more Wind

¹ Manufacturing use for applications submitted pursuant to Section 3.72-4 j.

² Manufacturing use for applications submitted pursuant to Section 3.72-4 j.

Towers on a given lot or parcel of land, at locations approved by the County Board as stated in a Conditional Use permit or on an approved Site Plan Map.

6) Ecological Requirements.

The Condition Use permit(s) application shall include:

- (a) the results and recommendations from consultation with the Illinois Department of Natural Resources (“IDNR”) that are obtained through the Ecological Compliance Assessment Tool (“EcoCAT”) or a comparable successor tool; and
- (b) the results of the United States Fish and Wildlife Service’s (“USFWS”) Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the “U.S. Fish and Wildlife Service’s Land-Based Wind Energy Guidelines.”

The Facility Owner shall adhere to the recommendations provided by IDNR in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

The Facility Owner shall (1) demonstrate avoidance of protected lands as identified by IDNR and the Illinois Nature Preserve Commission; or (2) comply with the recommendations of IDNR for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

Prior to the substantial completion of the physical aerial erection of the Wind Towers, the Facility Owner shall develop to the reasonable satisfaction of IDNR and the United States Fish and Wildlife Service (“USFWS”) (to the extent IDNR and the USFWS choose to participate in the process), a professional monitoring program of reasonable duration and scope, consistent with common practice in the wind energy industry, to assess migratory bird mortalities resulting from the operation of the Facility. The monitoring program shall be undertaken at the Facility Owner’s expense and shall be performed at the direction of a qualified independent professional to be mutually agreed upon by the aforesaid parties in good faith. Such

monitoring program shall commence upon the substantial completion of the physical aerial erection of the Wind Towers, unless otherwise mutually agreed to by the Facility Owner, IDNR and USFWS (to the extent the IDNR and the USFWS choose to participate in the process). If the results of the monitoring program demonstrate the need, the Facility Owner shall work with IDNR and USFWS (to the extent IDNR and USFWS each, respectively, choose to participate) to develop an appropriate response, including the potential further study and implementation of practicable mitigation measures that may either directly or indirectly minimize migratory bird mortality or increase bird populations.

7) Historic Resources Preservation.

The Conditional Use permit(s) application shall include evidence of the Facility Owner's consultation with the Illinois State Historic Preservation Office to assess the proposed Facility's potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

8) Aviation Protection.

The Facility Owner must submit with its Conditional Use permit(s) application all determinations of No Hazard to Air Navigation from the FAA. If applicable, the Facility Owner shall demonstrate that no part of the Facility will infringe upon an existing Restricted Landing Area.

9) Site Assessment.

The Facility Owner, at its expense, shall provide soil boring reports to the County Engineer with respect to each Wind Tower location, as part of its building permit application. The Facility Owner shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the Bureau County Soil and Water Conservation District. Also, the grading plans for the proposed substations must be approved by the Bureau County Soil and Water Conservation District prior to the issuance of any building permit for the construction of proposed substations.

10) Drainage.

The Facility Owner, as required by the AIMA agreement, shall repair or pay for the repair of all damage to drainage systems caused by the construction of the Facility.

11) Waste Management.

Solid Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the Facility, including old parts and equipment, shall be removed from the site immediately and disposed of in accordance with all federal, state, and local laws.

Hazardous Waste. All hazardous waste related to the construction, operation and maintenance of the Facility, including but not limited to lubricating materials, shall be handled, stored, transported, and disposed of in accordance with all federal, state, and local laws.

12) Public Road Use.

(a) Construction Phase Road Use Agreements. Prior to the granting of a Conditional Use permit(s), the Facility Owner shall enter into a Construction Phase Road Use Agreement covering the construction phase of the Facility with the County, as well as the Highway Commissioner(s) of Township Road District(s) if construction of the Facility will require use of Township roads and roadway appurtenances. The Facility Owner may be required to make and pay the reasonable costs of pre-construction improvements and shall be required to pay the reasonable cost to repair the roads and roadway appurtenances following construction of the Facility so the roads and roadway appurtenances are in a condition that is safe for the motoring public and restored to the improved condition of the roads and roadway appurtenances that existed before construction of the Facility (unless otherwise agreed to by the parties to the road use agreement). By way of examples (and not of limitation): Example 1: an A-3 seal coat road shall be restored to an A-3 seal coat surface treatment. Example 2: a hot mix asphalt road shall be restored to a hot mix asphalt surface treatment.

Example 3: damaged culverts shall be replaced; Example 4: ditches shall be restored to provide positive drainage and seeded. The Facility Owner shall also be required to provide financial security in a form acceptable to the County and any affected Road District before pre-construction road improvements are made (if required) or before construction of the Facility may begin. The term of any Construction Phase Road Use Agreement shall not exceed three years. If the Facility Owner does not start construction of the Facility within one year of the date of execution of the Construction Phase Road Use Agreement, then the agreement shall be subject to an annual review on the first and second years of the date of its execution and the County (or Road District) may require amendments to the agreement based on existing conditions. The Facility Owner's failure to amend the agreement as requested by the County (or Road District) shall be grounds for revocation of the Conditional Use permit(s) issued for the Facility.

- (b) Operational Phase Road Use Agreements. Prior to the issuance of a Certificate of Occupancy, the Facility Owner shall enter into an Operational Phase Road Use Agreement with the County and any affected Road District covering the Facility Owner's use of, maintenance of, and improvements to public roads and roadway appurtenances during the ongoing operations of the Facility and requiring the Facility Owner to pay reasonable costs so the roads and roadway appurtenances remain in a condition that is safe for the motoring public and to prevent loss of useful service life to such roads and roadway appurtenances. An Operational Phase Road Use Agreement shall be in place while the Facility remains in operation. The Facility Owner shall also be required to provide financial security in a form acceptable to the County and any affected Road District during the operational phase of the Facility.
- (c) Decommissioning Phase Road Use Agreements. Prior to the issuance of a Certificate of Occupancy, the Facility Owner shall enter into a Decommissioning Phase Road Use Agreement with the County and any affected Road District covering the Facility Owner's use of public roads and roadway appurtenances to dismantle the Facility and requiring the Facility Owner

to make and pay the reasonable costs of pre-demolition improvements needed and the reasonable cost to repair the roads and roadway appurtenances following demolition of the Facility so the roads and roadway appurtenances are in a condition that is safe for the motoring public and restored to the improved condition of the roads and roadway appurtenances that existed before Facility demolition (unless otherwise agreed to by the parties to the road use agreement). The Facility Owner, not the County (or Road District), shall bear the financial risks associated with damage caused to County (or Road District) roads and roadway appurtenances when the Facility is dismantled or reconstructed or re-configured with new Wind Towers.

(d) During the construction, operation, and decommissioning phases of the Facility, the Facility Owner shall be responsible for all professional advisor and consultant fees and costs incurred by the County (and any affected Road Districts). Upon the filing of the first application seeking a Conditional Use permit for the Facility, the Facility Owner shall deposit \$5,000.00 with the Bureau County Highway Department (and Road District as appropriate). The deposited funds shall be used by the County (or Road District) for the payment of expenses and costs of consultants and professional advisors and shall be deducted automatically from the deposited funds, as necessary. Replenishment of the deposited funds shall be mandatory upon request of the County (or Road District). If a Facility Owner fails to comply a request to replenish funds within ten business days, the County (or Road District), may refuse to:

- (1) proceed with any negotiations or request,
- (2) make inspections as otherwise required, or
- (3) issue any applicable certificate or permit.

(e) All repairs and improvements to public roads and roadway appurtenances shall be subject to the prior approval of the County (or any affected Road District) before being made and shall also be subject to inspection and acceptance by the County (or any affected Road District) after such repairs and improvements are completed.

The roads agreement, and any further agreements contemplated therein, regarding the maintenance and repair of county highways, must be approved and adopted by the County Board prior to the County Board's approval of any Conditional Use permit(s) application related to the proposed Facility.

13) Fire and Emergency Services.

The following standards shall be followed to reduce risk of fire: (a) adherence to applicable electrical codes and standards; (b) removal of fuel sources, like vegetation, from the immediate vicinity of electrical gear and connections; and (c) utilization of twistable cables on Wind Towers.

The Facility Owner shall identify the fire protection district and ambulance service having jurisdiction over the Facility and submit such information to the Zoning Enforcing Officer, as well as a copy of the Facility's site plan, Facility's Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs) so that the local fire protection district and ambulance service may evaluate and coordinate their emergency response plans with the Facility Owner. The Facility Owner shall also provide evidence that the Facility site plan, SOPs, and SOGs were provided to the fire protection district and ambulance service. In addition, the Facility Owner shall provide training for, and the necessary equipment to, local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the Facility.

Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety, and/or emergency response laws and regulations.

14) Noise Standards.

The Facility Owner, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Enforcing Officer, conduct an appropriate analysis of the noise impact to nearby properties. The sound pressure level generated by a Wind Tower shall comply with all sound limitations established by the Illinois Pollution Control Board ("IPCB") in Parts 900, 901, and 910 of Title 35 of the Illinois Administrative Code. A modeling analysis of

the proposed site shall be included in the application predicting the sound pressure in accordance with the best available practices. The program generating the modeling must take into account not only topography, but also prevailing winds, temperature, air density, ground cover, and other effects which contribute to the distance that sound can travel. The modeling analysis must be submitted as part of the Facility Owner's Conditional Use permit(s) application.

To demonstrate compliance with the IPCB regulatory limits, the modeling must perform its analysis from the noise emitting property to the property line of the neighboring property.

After a Facility is completed and operational, the Facility Owner, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Enforcing Officer, complete a sound pressure analysis of the existing conditions which shall include single Wind Tower locations, as well as the cumulative effect of multiple Wind Towers in close proximity to one another. The analysis shall be completed and returned to Zoning Enforcing Officer within sixty (60) days. The Facility Owner must immediately cease any violation of the IPCB regulations unless the violation is excused and waived in writing by the affected landowners and occupants. All analyses and studies are subject to approval of the Zoning Enforcing Officer and are a matter of public record.

15) Shadow Flicker.

The Facility Owner, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Enforcing Officer, conduct an initial shadow flicker modeling and analysis of the shadow flicker impact to demonstrate a Wind Tower of a 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 results of the modeling and analysis shall be a public record and shall be submitted as part of the Conditional Use permit(s) application.

After a Wind Tower is completed and operational, the Facility Owner, at its expense, shall have a different third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Enforcing Officer, complete a post construction shadow flicker analysis demonstrating that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under operating conditions. The post construction analysis shall be completed and returned to the Zoning Enforcing Officer within sixty (60) days after a Wind Tower is completed and operational. The Facility Owner shall be considered to be in violation of the Zoning Ordinance if the shadow flicker exceeds the standards stated in this section, unless the excess shadow flicker is excused and waived in writing by the property owner(s) of the affected community building or nonparticipating residence. All analyses and studies are subject to approval of the Zoning Enforcing Officer and are a matter of public record.

16) Television Interference.

The Facility Owner, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Enforcing Officer, conduct an appropriate analysis of the television reception documenting the television stations that are received within one and one-half (1^{1/2}) miles of the footprint of the proposed Facility. The results of the study shall be a public record and will serve as a baseline reading for television reception conditions prior to the construction of the Facility and shall be submitted as part of the Facility Owner's Conditional Use permit(s) application.

If a television reception complaint is received by the Zoning Enforcing Officer after Facility construction is completed, the Zoning Enforcing Officer will have thirty (30) days to verify the complaint and give notice of the complaint to the Facility Owner. The Facility Owner will be given fifteen (15) days to provide a written response to the complaint (validation date) to both the Zoning Enforcing Officer and the complainant. If the Facility Owner finds the complaint is valid, the Facility Owner shall provide a written explanation, including a time line, as to what the Facility Owner will do to resolve the complaint. The Facility Owner will be given an additional fifteen (15) days from the

validation date to resolve a valid TV reception complaint. If considered invalid by the Facility Owner, the Facility Owner shall provide a written explanation, including supporting documentation and expert opinions, as to why the Facility Owner believes the complaint is not valid. Television reception complaints must be filed within six (6) months of the date each Wind Tower goes online.

17) Communications Analysis.

The Facility Owner, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Enforcing Officer, conduct a communications analysis that indicates that the E 9-1-1 communications, emergency communications or official County communications reception shall not be negatively impacted or influenced by the proposed Facility. The communication analysis shall be a public record and shall be submitted as part of the Conditional Use permit(s) application.

Within sixty (60) days after the Facility's Commercial Operation Date, the Facility Owner, at its expense, shall have a different third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Enforcing Officer, conduct a communications analysis that indicates that the E 9-1-1 communications, emergency communications or official County communications reception is not negatively impacted or influenced by the Facility and shall deliver the study to the Zoning Enforcing Officer . If the post-construction analysis concludes the Facility is negatively affecting emergency or official County communications, the Facility Owner shall immediately take all necessary and available commercial measures, at its expense, to eliminate any such interference. Failure to remedy the problem may result in the revocation of Conditional Use permit(s) for the Facility.

18) Intra-project Power and Communication Lines.

All power lines used to collect power from individual Wind Towers and all communication lines shall be buried underground until such line reaches the property line or a substation adjacent to the property line.

19) Sewer and Water.

All Facilities shall comply with existing septic and well regulations as required by the Bureau County Health Department and the State of Illinois Department of Public Health.

20) Climb Prevention.

Wind Towers must be unclimbable by design or protected by anti-climbing devices.

21) Warnings.

- (a) Warning signs concerning voltage are to be consistent with ANSI and American Wind Energy Association standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations and at all entrances to Wind Towers.
- (b) Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen feet (15') from the ground.

22) Aesthetics.

The following items are recommended standards to mitigate visual impact.

- (a) Coatings and Coloring: Non-reflective, unobtrusive colors shall be used. Black blades are acceptable for mitigation of icing.
- (b) Signage, including anything on the tower or nacelle, shall comply with other County ordinances pertaining to signage.
- (c) Wind Tower Consistency: To the extent feasible, the Facility shall consist of Wind Towers of similar design and size, including tower height. Further, all Wind Towers shall rotate in the same direction. Wind Towers shall also be consistent in color and direction with nearby facilities.

(d) Lighting: A Facility shall utilize minimal lighting that is compliant with applicable FAA regulations (as amended by the FAA from time-to-time). To the extent that such Wind Tower lighting is available, and is approved by the FAA, the Facility Owner shall install Aircraft Detection Lighting Systems (“ADLS”) or other similar technology to reduce light pollution and visual impacts caused by the Facility.

23) Certificate of Contracts.

The Facility Owner shall provide certification of power purchase contracts and power transmission contracts, or documentation that the Facility will be a merchant facility. The required documentation shall be provided to the Zoning Enforcement Office prior to the issuance of a building permit for the Facility.

24) Engineer’s Certificate.

The engineer’s certificate shall be completed by a structural engineer registered in the State of Illinois and shall certify that the tower and foundation design is compatible with and appropriate for each Wind Tower proposed to be installed and that the specific soils at the site can support the apparatus, given local soil and climate conditions. All commercially installed Wind Towers must utilize self-supporting, tubular towers. Smaller co-generators of 40 kilowatts or less, however, may use lattice construction towers, but must meet all other standards contained in this subsection s. The engineer’s certificate shall be a public record and shall be submitted as part of the Conditional Use permit(s) application.

25) Decommissioning Plan.

The Conditional Use permit(s) application shall include a Decommissioning Plan. The terms “Decommissioning Plan” and “Deconstruction Plan” have the same meaning and, therefore, may be interchanged with each other.

The Decommissioning Plan shall be a plan prepared by a professional engineer licensed in the State of Illinois, at the Facility Owner’s expense, which includes:

- (a) the estimated deconstruction cost per Wind Tower, in current dollars at the time of filing, for the Facility, taking into account, among other things:
 - (1) the number of Wind Towers and related items which make up the Facility,
 - (2) the original construction costs of the Facility,
 - (3) the size and capacity of the Wind Towers,
 - (4) the salvage value of the Commercial Wind Energy Facility, and
 - (5) the construction method and techniques for the Wind Towers and related items that make up the Facility; and

- (b) a comprehensive detailed description of how the Facility Owner plans to pay for the deconstruction of the Commercial Wind Energy Facility.

The Decommissioning Plan and any related financial assurances, unless otherwise agreed to by the Facility Owner, may not be more restrictive than those included in the Department of Agriculture’s standard wind farm agricultural impact mitigation agreement, template 81818 in effect on December 31, 2022 (the “AIMA”). The amount of any decommissioning payment shall be limited to the cost identified in the Decommissioning or Deconstruction Plan, as required by the AIMA, minus the salvage value of the Facility. If the provisions of this subsection are more restrictive, then the terms of the AIMA shall be applied.

Decommissioning shall include removal of all structures and debris to a depth of five feet (5’), restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation) within eighteen (18) months after the end of useful life of the Facility or abandonment of the Facility.

The Decommissioning Plan shall include provisions describing the triggering events for decommissioning of the Facility, which shall include the following language: “Any Wind Tower or Meteorological Tower that is not operated in a continuous period of eighteen (18) months shall be considered abandoned, unless due to documented maintenance or electrical grid issues and written notice of such conditions is provided to the Zoning Enforcing Officer. The Facility Owner of such Wind Tower or

Meteorological Tower shall remove such Wind Tower within eighteen (18) months of receipt of notice from the County.”

The Decommissioning Plan shall also recite an agreement between the Facility Owner and the County that the financial assurance for decommissioning shall be deposited in a cash escrow account with an escrow agent acceptable to the Zoning Enforcing Officer. The financial assurance shall be phased in over the first 11 years of the Commercial Wind Energy Facility’s operation as follows below.

- (i) On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with financial assurance to cover ten percent (10%) of the estimated costs of deconstruction of the Facility as determined in the Deconstruction Plan provided during the county permit process.
- (ii) On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with financial assurance to cover fifty percent (50%) of the estimated costs of deconstruction of the Facility as determined in the Deconstruction Plan provided during the county permit process.
- (iii) 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 percent (100%) 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 County may – but is not required to – reevaluate the estimated costs of deconstruction of the 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 above required from the Facility Owner. The Facility Owner shall be responsible for the cost of any reevaluation by a third party professional engineer.

The Decommissioning Plan will reflect that a written escrow agreement will be prepared, establishing conditions upon which the funds will be disbursed, including that the County shall have access to the escrow account funds to complete decommissioning if decommissioning is not completed by the Facility Owner within eighteen (18) months after the end of the useful life of the Facility or abandonment of the Facility.

The Decommissioning Plan shall recite the County is granted the right of entry onto the Facility, pursuant to reasonable notice, to effect or complete decommissioning, including the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from the Facility Owner for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the Facility Owner, or in which the Facility Owner has an interest, for the amount of the excess, and to take all steps allowed by law to enforce the lien.

The Decommissioning and Site Restoration Plan, and any further agreements contemplated therein, must be approved and adopted by the County Board prior to the County Board's approval of any Conditional Use permit(s) related to the construction of the proposed Facility.

If a Conditional Use permit(s) for a Commercial Wind Energy Facility is granted, the Facility Owner shall file a second Decommissioning Plan with the County on or before the end of the tenth (10th) year of the Commercial Operation Date.

26) Liability Insurance.

The Facility Owner shall maintain a current General Liability Policy covering bodily injury and property damage with limits of at least Five Million Dollars (\$5,000,000) per occurrence and Twenty Million Dollars (\$20,000,000) in the aggregate during the construction and operation of the Facility. The County and all affected Township Road

Districts, and their respective agents, officers, appointed and elected officials, volunteers, and employees, shall be listed as additional insureds in all certificates of insurance, insurance policies, and endorsements of the General Liability Policy maintained by the Facility Owner and any other type of insurance coverage of the Facility Owner that covers the construction and operation of the Facility, except for worker's compensation and professional liability insurance. The contractor(s) who construct and maintain the Facility on behalf of the Facility Owner shall also list the County and all affected Township Road Districts, and their respective agents, officers, appointed and elected officials, volunteers, and employees, as additional insureds in all certificates of insurance, insurance policies, and endorsements of the General Liability Policy maintained by the contractor and any other type of insurance coverage of the contractor, except for worker's compensation and professional liability insurance.

The Facility shall file the original certificate of insurance with its application for a building permit. Corresponding policies and endorsements are to be provided to the Zoning Enforcing Officer within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

27) Indemnification.

The Facility Owner shall defend, indemnify, and hold harmless the County and its appointed and elected officials, employees, volunteers, attorneys and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities of any kind, including reasonable attorney's fees, except for the intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of or relating to the acts or omissions of the Facility Owner and/or its respective contractors, employees, or agents in the selection, construction, operation, and removal of the Facility and affiliated equipment including, without limitation, any liability for property damage or personal injury (including illness or death), whether the liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limiting or

qualifying the County's other indemnification rights available under the law.

28) Complaint Resolution.

The Facility Owner shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the Facility. The Facility Owner shall resolve such complaints on a case-by-case basis and shall provide written confirmation to the Zoning Enforcing Officer. Unresolved complaints shall be addressed as set forth in Article 14.4 and 14.5 of the Zoning Ordinance. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the Facility Owner. The Facility Owner shall also designate and maintain either a local telephone number or a toll-free telephone number as its public information / inquiry / and complaint "hotline."

29) Additional Terms and Conditions.

- (a) Technical submissions as defined in Section 15 of the Professional Engineering Practice Act of 1989 (225 ILCS 325/15) (as amended or replaced from time-to-time) and contained in the application filed for the Conditional Use permit(s) shall bear the seal of an Illinois Professional Engineer for the relevant discipline.
- (b) Obtaining necessary access easements and necessary utility easements, copies of which shall be submitted to the Zoning Enforcing Officer with the building permit application.
- (c) No appurtenances shall be connected to any Wind Tower except in accordance with the Zoning Ordinance.
- (d) Each Facility Owner shall have the Facility inspected annually by qualified wind energy professionals, approved by the Zoning Enforcing Officer, and shall submit a certificate from the professionals reciting the annual maintenance done on the Facility and stating that the Facility is in good working condition and is not a hazard to the public. Failure to submit such annual certificate shall be grounds for revocation of the

Conditional Use permit(s) by the Zoning Enforcing Officer.

- (e) The County may retain a qualified, independent code inspector both to make appropriate inspections of the Facility during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering, and/or decommissioning of the Facility is performed in compliance with applicable electrical and building codes. The costs and fees incurred by the County in retaining an inspector shall be reimbursed by the Facility Owner. No Certificate of Occupancy shall be issued for a Facility until the Facility has been inspected by the code inspector and the Zoning Enforcing Officer has been provided surveys prepared by a licensed surveyor to show that all setback requirements have been met. No Wind Tower shall become operational until a Certificate of Occupancy is issued by the Zoning Enforcing Officer.
- (f) The Facility Owner shall ensure that locked metal gates or a locked chain are installed at the access road entrances of all the Wind Tower locations. An exception may be made when the landowner has filed a written statement with the Zoning Enforcing Officer which states that the owner does not want a locked metal gate installed and has provided a signed liability waiver to the County.
- (g) When applying for a building permit, the Facility Owner shall supply written proof of an approved entrance, from the appropriate governing Township Highway Commissioner, County Engineer or the Illinois Department of Transportation.
- (h) The County Engineer shall determine which Wind Towers would be required to have necessary ice sensors installed.
- (i) No Wind Tower shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. A

Wind Tower shall not be installed in a location along the major axis of existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

- (j) The terms and conditions of a Conditional Use permit(s) granted to the Facility Owner shall bind and inure to the benefit of the Facility Owner, its successors and assigns.
- (k) A violation of the terms and conditions attached to an issued Conditional Use permit shall be grounds for revocation of the Conditional Use permit by the Zoning Enforcing Officer. The Facility Owner shall be bound by any and all proposals and representations made under oath at the public hearing(s) before the Zoning Board of Appeals, which shall be considered as supplementary conditions of the Conditional Use permit(s) granted by the County Board, even if not explicitly specified therein.

(Ord. 05-2023; May 9, 2023).

t. Mobile homes as designated below:

A maximum of two (2) mobile homes may be maintained by a farm owner or operator living on the land providing:

1. The mobile home is occupied by a relative standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father, mother, brother, sister, grandchild, or grandparent of said owner or tenant or his wife.
2. The mobile home is located in close proximity to the farmstead occupied by said owner or tenant; and
3. Adequate provision is made for modern running water and sewage facilities.
4. Mobile homes on farmsteads require a Conditional Use permit.

u. Extended Use Family Recreational Area

Picnic areas and camping areas, with State approved sewage disposal, for not more than two (2) tents or camping units per twenty (20) acres. Such tents or camping units may remain parked on the premises but shall not have occupancy extending more than fifteen (15) consecutive days. Mobile homes are not permitted. Such extended use family recreational area may be used only by the owner, his family and occasional nonpaying guest. Shelters open on three (3) sides and buildings less than six hundred (600) square feet in area used exclusively for the storage of maintenance equipment for use on the premises are allowed after a building permit has been secured. All camping units utilized must be properly licensed at all times. A Conditional Use for an extended Use Family Recreational Area may be granted for up to two (2) years at which time the applicant may reapply.

v. Commercial Solar Energy Facilities.

The provisions of this subsection v. also apply to test solar systems installed to determine the suitability of a Commercial Solar Energy Facility in a particular area.

All Commercial Solar Energy Facilities (also referred to as a “Facility” in this subsection v.) shall be in compliance with all applicable county, state, and federal regulatory standards (including applicable building codes and electrical codes), FAA requirements, EPA regulations (hazardous waste, construction, storm water, etc.). All electrical components shall conform to applicable state and national codes, and relevant national and international standards (e.g. the American National Standards Institute (“ANSI”) and International Electrical Commission).

Facility equipment shall conform to applicable industry standards, including those of ANSI. Facility Owners shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL) or another similar internationally recognized organization that provides certification for Commercial Solar Energy Facilities.

All applications for Conditional Use permits filed under this subsection v. shall contain, as part of the application, the following information, whether on the application itself or as attachments thereto.

1) Description of Project.

This shall include:

- (a) a description of the Facility Owner, including its respective business structures;
- (b) a legal description for the location of the Facility;
- (c) the location of property lines of adjoining property owners (in the case of leased property, the location of property lines of property owners adjoining the landlord's property);
- (d) a general description of the project, including:
 - (1) its approximate overall name plate generating capacity,
 - (2) the potential equipment manufacturer(s),
 - (3) type(s) of solar panels, cells and modules,
 - (4) the number of solar panels, cells and modules,
 - (5) the maximum height of the solar panels at full tilt, and
 - (6) the number of substations.

All components of the Facility shall be new equipment; no used, experimental, or prototype equipment shall be approved by the County Board.

2) Site Plan.

The site plan shall detail the location of the project area boundaries (i.e., the property lines if the site is owned by the Facility Owner or the leased property lines if the site is leased), the solar panels, roads, transformers, power lines, communication lines, interconnection points with transmission lines, and other ancillary facilities or structures, and must detail compliance with applicable setback requirements.

3) Setback Requirements.

Setback Description	Setback Distance
Occupied Community Buildings and Dwellings on Nonparticipating Properties	150 feet from the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Public Road Rights-of-Way	50 feet from the nearest edge
Boundary Lines of Nonparticipating Property	50 feet to the nearest point on the property line of the nonparticipating property
Incorporated Municipality	1.5 miles from the Municipality's corporate boundary line
Unincorporated Platted Community	2,640 feet
Platted Rural Subdivision	2,640 feet

This Section does not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and their respective designees or successors.

Unless otherwise noted, setback distances are to be measured from the nearest edge of any component of the Facility.

Setback distance from an Unincorporated Platted Community and/or a Platted Rural Subdivision shall be measured from the nearest edge of any component of the Facility to the closest perimeter line of the platted community or subdivision.

A Variation of the setback distance to a nonparticipating property can be waived subject to the written consent of the owner of each affected nonparticipating property.

A Variation of the setback distance to an Incorporated Municipality's corporate boundary line may be granted if the Incorporated Municipality does not wish to enforce the 1.5 mile setback requirement from its corporate boundary

line and the municipality's corporate authorities agree to the granting of the Variation in writing.

4) AIMA.

The Facility Owner must enter into an agricultural impact mitigation agreement (an "AIMA") with the Department of Agriculture and submit the signed agreement with its Conditional Use permit(s) application.

5) Ecological Requirements.

The Facility Owner shall submit with its Condition Use permit application the following items.

- (a) The results and recommendations from consultation with the Illinois Department of Natural Resources ("IDNR") that are obtained through the Ecological Compliance Assessment Tool ("EcoCAT") or a comparable successor tool.

The Facility Owner shall adhere to the recommendations provided by IDNR in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

The Facility Owner shall (1) demonstrate avoidance of protected lands as identified by IDNR and the Illinois Nature Preserve Commission; or (2) comply with the recommendations of IDNR for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

- (b) The results of the United States Fish and Wildlife Service's ("USFWS") Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable USFWS solar wildlife guidelines that have been subject to public review.

6) Historic Resources Preservation.

The Conditional Use permit application shall include evidence of the Facility Owner's consultation with the Illinois State Historic Preservation Office to assess the proposed Facility's potential impacts on State-registered

historic sites under the Illinois State Agency Historic Resources Preservation Act.

7) Aviation Protection.

For solar energy facilities located within five hundred feet (500') of an airport or within approach zones of an airport, the Facility Owner must submit with its Conditional Use permit application the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

8) Drainage.

The Facility Owner, as required by the AIMA, shall repair or pay for the repair of all damage to a drainage system caused by the construction of the Facility.

9) Waste Management.

Solid Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the Facility, including old parts and equipment, shall be removed from the site immediately and disposed of in accordance with all federal, state, and local laws.

Hazardous Waste. All hazardous waste related to the construction, operation, and maintenance of the Facility, including but not limited to lubricating materials, shall be handled, stored, transported, and disposed of in accordance with all federal, state, and local laws.

10) Public Road Use.

Before the granting of a Conditional Use permit, the Facility Owner shall enter into a Road Use Agreement with the County, as well as the Highway Commissioner(s) of Township Road District(s) if construction of the Facility will require use of Township roads and roadway appurtenances, unless the Road Authority provides a written waiver of this requirement. The Facility Owner may be required to make and to pay the reasonable costs of pre-

construction improvements and shall be required pay the reasonable cost to repair and improve the roads and roadway appurtenances following construction of the Facility so the roads and roadway appurtenances are in a condition that is safe for the motoring public and restored to the condition of the roads and roadway appurtenances that existed before construction of the Facility (unless otherwise agreed to by the parties to the road use agreement). By way of examples (and not of limitation): Example 1: an A-3 seal coat road shall be restored to an A-3 seal coat surface treatment. Example 2: a hot mix asphalt road shall be restored to a hot mix asphalt surface treatment. Example 3: damaged culverts shall be replaced; Example 4: ditches shall be restored to provide positive drainage and seeded. The Facility Owner shall also be required to provide financial security in a form acceptable to the County and any affected Road District before pre-construction road improvements are made (if required) or before construction of the Facility may begin. The Facility Owner shall be responsible for all professional advisor and consultant fees and costs incurred by the County (and any affected Road District).

11) Fire and Emergency Services.

The Facility Owner shall identify the fire protection district and ambulance service having jurisdiction over the Facility and submit such information to the Zoning Enforcing Officer, as well as a copy of the Facility's site plan, Facility's Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs) so that the local fire protection district and ambulance services may evaluate and coordinate their emergency response plans with the Facility Owner. The Facility Owner shall also provide evidence that the Facility site plan, SOPs, and SOGs were provided to the fire protection district and ambulance service. In addition, the Facility Owner shall provide training for, and the necessary equipment to, local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the Facility.

Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety, and/or emergency response laws and regulations.

12) Noise.

The Facility shall comply with all sound limitations established by the Illinois Pollution Control Board (“IPCB”) in Parts 900, 901, and 910 of Title 35 of the Illinois Administrative Code.

After a Facility is completed and operational, the Facility Owner, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Enforcing Officer, complete a sound pressure analysis of the existing conditions. The analysis shall be completed and returned to the Zoning Office within sixty (60) days. The Facility Owner must immediately cease any violation of the IPCB regulations unless the violation is excused and waived in writing by the affected landowners and occupants. All analyses and studies are subject to approval of the Zoning Enforcing Officer and are a matter of public record.

13) Power and Communication Lines.

Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Relief from this requirement may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Zoning Enforcing Officer.

14) Flood Plain and Stormwater Management.

All parts of a Facility shall comply with all requirements of the County’s Flood Damage Prevention Ordinance (Floodplain Ordinance).

Solar energy facilities are subject to the County’s stormwater management and erosion and sediment control provisions and NPDES permit requirements.

15) Vegetation Management.

To maximize community benefits, including, but not limited to, reduced stormwater runoff, flooding, and erosion at the ground mounted solar energy system, improved soil

health, and increased foraging habitat for game birds, songbirds, and pollinators, a Facility Owner shall (a) plant, establish, and maintain for the life of the Facility vegetative ground cover, consistent with the goals of the Pollinator-Friendly Solar Site Act and (b) submit a vegetation management plan in the Conditional Use permit application in compliance with guidelines for vegetation management plans established by IDNR as required by Public Act 102-1123.

16) Fencing.

The Facility shall be sited so the Facility's perimeter is enclosed by fencing having a height of at least 6 feet (6') and no more than 25 feet (25'). A Variation to the fence requirement may be granted subject to the written consent of the owner of each affected nonparticipating property.

17) Height Restriction.

No component of a solar panel shall have a height of more than 20 feet (20') above ground when the Facility's arrays are at full tilt. A Variation to the height restriction may be granted subject to the written consent of the owner of each affected nonparticipating property.

18) Signage.

Signs are to be consistent with ANSI standards. A reasonably visible warning sign concerning voltage shall be placed in accordance with industry standards.

19) Aesthetics.

(a) The Facility Owner shall use minimal lighting in its Facility to minimize light pollution and electricity consumption. No overhead lighting other than normal security lighting shall be permitted.

20) Design Safety Certification; Other Standards and Codes.

All solar energy facilities shall be constructed and maintained in compliance with all applicable local, state, and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; the National Electric

Code, as amended; all applicable industry standards, including those of ANSI.

Within fifteen (15) business days of completion of construction of the Facility, the Owner shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (“UL”) or an equivalent third party, and also submit a structural engineer’s opinion that the design and completed construction of the Facility meets all applicable codes and industry standards regarding safety, construction methods, and materials.

21) Operation; Maintenance Plan.

As part of the Conditional Use permit application, the Facility Owner shall submit an operation and maintenance plan concerning the Facility, which explains in general terms the performance, solar output and operational capabilities of the Facility; connection and distribution network; and the maintenance requirements and typical maintenance schedule for the Facility, including anticipated life span, replacement of equipment, and component, etc. If a Conditional Use permit is granted, the Facility Owner shall submit, on an annual basis, a summary of the operation and maintenance reports to the Zoning Enforcing Officer. In addition to the above annual summary, the Facility Owner must furnish such operation and maintenance reports as the Zoning Enforcing Officer reasonably requests.

22) Decommissioning.

The Decommissioning Plan and any related financial assurances, unless otherwise agreed to by the Facility Owner, may not be more restrictive than those included in the Department of Agriculture’s standard solar agricultural impact mitigation agreement, version 8.19.19, in effect on December 31, 2022 (the “AIMA”). The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the AIMA, minus the salvage value of the project. If the provisions of this Section are more restrictive, then the terms of the AIMA shall be applied.

The Decommissioning Plan shall ensure that the Facility is properly decommissioned upon end of useful life of the Facility or Facility abandonment.

Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include:

- (a) a description of triggering events for decommission of the Facility;
- (b) provisions for the removal of all above and below ground structures, foundations, and debris;
- (c) requirements for restoration of soil and vegetation;
- (d) an estimate of the decommissioning costs and salvage value, certified by a professional engineer or other qualified professional reasonably acceptable to the County, which shall be updated and submitted to the Zoning Enforcing Officer every five (5) years;
- (e) a description of the financial assurances (irrevocable letter of credit or the establishment of a cash escrow account) to be posted by the Facility Owner for the purpose of adequately performing decommissioning, in an amount determined in the AIMA (the “Decommission Security”);
- (f) identification of and procedures for County’s access to financial assurances, such as the County may prepare an escrow agreement for execution by the parties;
- (g) a commitment that the terms of the Decommissioning Plan shall be binding upon the Facility Owner and any of its successors, assigns, or heirs; and
- (h) a commitment that the County shall have access to the to the Facility property, pursuant to reasonable written notice, to effect or complete decommissioning using the Facility Owner’s Decommissioning Security. Decommission Security as provided above shall be posted, unless specifically waived by the County Board in the ordinance authorizing the issuance of the Conditional Use permit.

The Facility Owner shall file an updated Decommissioning Plan with the County on or before the end of the tenth year of commercial operation.

The financial assurance shall be phased in over the first 11 years of the Facility's operation as follows:

- (i) On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with financial assurance to cover ten percent (10%) of the estimated costs of deconstruction of the Facility as determined in the Deconstruction Plan provided during the county permit process.
- (ii) On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with financial assurance to cover fifty percent (50%) of the estimated costs of deconstruction of the Facility as determined in the Deconstruction Plan provided during the county permit process.
- (iii) 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 percent (100%) 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 County may, but is not required to, reevaluate the estimated costs of Deconstruction of a 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 herein 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 Owner 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.

Upon Abandonment, the County may take all appropriate actions for deconstruction including drawing upon the financial assurance.

23) Liability Insurance.

The Facility Owner shall maintain a current General Liability Policy covering bodily injury and property damage with limits of at least Five Million Dollars (\$5,000,000) per occurrence and Twenty Million Dollars (\$20,000,000) in the aggregate during the construction and operation of the Facility. The County and all affected Township Road Districts, and their respective agents, officers, appointed and elected officials, volunteers, and employees, shall be listed as additional insureds in all certificates of insurance, insurance policies, and endorsements of the General Liability Policy maintained by the Facility Owner and any other type of insurance coverage of the Facility Owner that covers the construction and operation of the Facility, except for worker's compensation and professional liability insurance. The contractor(s) who construct and maintain the Facility on behalf of the Facility Owner shall also list the County and all affected Township Road Districts, and their respective agents, officers, appointed and elected officials, volunteers, and employees, as additional insureds in all certificates of insurance, insurance policies, and endorsements of the General Liability Policy maintained by the contractor and any other type of insurance coverage of the contractor, except for worker's compensation and professional liability insurance.

The Facility shall file the original certificate of insurance with its application for a building permit. Corresponding policies and endorsements are to be provided to the Zoning Enforcing Officer within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

24) Indemnification.

The Facility Owner shall defend, indemnify, and hold harmless the County and its appointed and elected officials, employees, volunteers, attorneys and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities of any kind, including reasonable attorney's fees, except for the intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of or

relating to the acts or omissions of the Facility Owner and/or its respective contractors, employees, or agents in the selection, construction, operation, and removal of the Facility and affiliated equipment including, without limitation, any liability for property damage or personal injury (including illness or death), whether the liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

25) Complaint Resolution.

The Facility Owner shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the Facility. The Facility Owner shall resolve such complaints on a case-by-case basis and shall provide written confirmation to the County Zoning Office. Unresolved complaints shall be addressed as set forth in Article 14.4 and 14.5 of the Zoning Ordinance. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the Facility Owner. The Facility Owner shall also designate and maintain either a local telephone number or a toll-free telephone number as its public information / inquiry / and complaint "hotline."

26) Additional Terms and Conditions.

(a) Nothing contained herein shall be deemed to preclude the agricultural use³ of the balance of the subject property not occupied by the Facility. The agricultural use⁴ will be considered as being the principal use of the subject property notwithstanding granting of a Conditional Use permit for a Facility.

(b) Technical submissions as defined in Section 15 of the Professional Engineering Practice Act of 1989, 225 ILCS 325/15) (as amended or replaced from time to time), and contained in the Conditional Use permit

³ Manufacturing use for applications submitted pursuant to Section 3.72-4 k.

⁴ Manufacturing use for applications submitted pursuant to Section 3.72-4 k.

application shall bear the seal of an Illinois Professional Engineer for the relevant discipline.

- (c) When applying for a building permit, the Facility Owner shall supply written proof of an approved entrance, from the appropriate governing Township Highway Commissioner, County Engineer, or the Illinois Department of Transportation.
- (d) The terms and conditions of a Conditional Use permit granted to the Facility Owner shall bind and inure to the benefit of the Facility Owner, its successors and assigns.
- (e) A violation of the terms and conditions attached to an issued Conditional Use permit shall be grounds for revocation of the Conditional Use permit by the Zoning Enforcing Officer. The Facility Owner shall be bound by any and all proposals and representations made under oath at the public hearing(s) before the Zoning Board of Appeals, which shall be considered as supplementary conditions of the Conditional Use permit(s) granted by the County Board, even if not explicitly specified therein.

(Ord. 05-2023; May 9, 2023).

3.41-5 Special Regulations and Building Setbacks

No building shall be erected within fifty (50) feet of the right-of-way line on any public road or highway, nor within a minimum of thirty (30) feet, or one (1) foot for each foot of building height, whichever is greater, of any lot line. When Agriculture zoned property is contiguous to a school, church, library, hospital, nursing home, sheltered care home, senior citizen complex, daycare center or similar institution, then no building or other structure, except for any building used as a residence, shall be erected closer than three hundred (300) feet of the lot line of said school, church, library, hospital, nursing home, sheltered care home, senior citizen complex, daycare center or similar institution.