

Essex Township Wind Energy Systems Commercial Wind Farm ordinance

Ordinance 19-02

Siting of a wind energy conversion system (WECS) as defined by County Code shall be regulated by the following and all State, Federal and Kankakee County regulations.

- A. A special use permit will be required for all installations of the WECS on an turbine fee basis.
- B. Construction shall be done in a timely manner, the special use permit will be valid for a 3 year period.
- C. Due to the nature of the WECS and impact to adjoining properties and services, WECS shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the county code or any special requirements by the zoning board of appeals, the Kankakee County Board or Essex Township board. The applicant shall provide 10 copies to the Township board and 2 copies of all documents of proof of ownership or interest in the property.
- D. The Essex Township fee is \$5,000 per turbine.

All WECS application shall be accompanied by a preliminary map and plan showing the roads and right-of-way that will be utilized by the WECS. Prior to issuance of the special use fee the applicant shall submit and executed agreement between WECS owner/operator and the Road commissioner with the infrastructure affected by WECS. This agreement shall include a minimum of the following:

- A. A final map identifying the routes that will be used.
- B. A schedule detailing when the improvements will be made and by whom.
- C. A plan for maintaining the affected roads.
- D. Any road damage repairs caused by the transport of facility equipment, the installation of the same, or the removal of the same, must be completed to the satisfaction of the Essex Township Road Commissioner and the County Engineer. The road commissioner and the county engineer may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further a corporate surety bond in the amount to be fixed by the Essex Township road commissioner or the county engineer may be required by the township or the engineer to insure the township or the county that future repairs are completed to the satisfaction of the local government.
- E. Dust control measures will be required by the Township during the construction of WECS.
- F. Other inclusions as specified by the zoning board of appeals, the county board and Essex Township Road Commissioner

- G. All drainage and damages to waterways, drainage ditches, drainage tile, field tiles or any other infrastructures caused by the construction or maintenance of the WECS, must be completely repaired to neat original condition.

All WECS applications shall include an operation and maintenance plan that includes the following:

- A. A control braking system that can be operated in fail-safe mode.
- B. Certifications that all electronic equipment conforms to all applicable state and national codes.
- C. A complaint policy and remediation plan
- D. An indemnity clause indemnifying and holding harmless Essex Township and its officials from and against any and all claims, demands, suits, causes of action, damages, injuries, costs, expenses and liabilities, including attorney fees, arising from the approval of construction of the WECS.
- E. Proof that the WECS shall be operated without offensive noise, vibration, dust, smoke, odor, glare, lighting, risk of fire, explosion or other accident and shall not be detrimental to the public health, safety, and/or general welfare of the immediate neighborhood or community at large.
- F. Other inclusions as specified by Essex Township Board and Essex Township Road Commissioner.

All WECS applications shall include an emergency services plan that includes but not limited to the following:

- A. An emergency shutdown procedure
- B. A formal education/training with all emergency service providers and Essex Township Board officials that may need to supply services to site.
- C. The education/training will be conducted on a yearly basis.
- D. All WECS shall be assigned a street address by ETSB 911, and said address shall be prominently displayed along the road in front of the facility as required by applicable regulations.
- E. A plan for appropriate warning signs and safety procedures including locking portholes and climb prevention techniques.
- F. Other inclusions as specified by Essex Township and the Kankakee County board.

A site plan depicting the following information:

- A. Project boundary lines and parcel lines clearly depicted.
- B. The location of existing structures on the site(s).
- C. The location of all non participating existing structures with 1,500 feet of the site(s).
- D. The general location of all existing and proposed utilities and transmission lines on the site(s).
- E. The names and owners, addresses and parcel numbers for all participating properties in the WECS and any properties adjacent to properties participating in the WECS.

- F. The proposed location of all system towers.
- G. The proposed location of all driveways and access points.
- H. The location and plot plan of any operation and maintenance facilities and or accessory structures or uses. Applicant shall submit proof of ownership or agreements for all proposed properties within the WECS boundary.
- I. Other inclusions as specified by Essex Township Board.

An environmental impact report that addresses the following:

- A. Archeological sites
- B. Endangered species
- C. Impacts to aviarian species
- D. Identification and mitigation of wetlands and floodplains
- E. Proof of compliance with all federal, state and other applicable requirements.
- F. Other inclusions as specified by the Essex Township Board.

A plan for the decommissioning of the facility when it becomes obsolete shall accompany the application. It shall include, at a minimum, the following information:

- A. A plan detailing how the facilities will be removed, the road network that will be used, and how the site(s) and roads shall be restored to the original or better condition.
- B. Other inclusions as specified the Essex Township Board.

As a condition to the issuance of a special use permit for a WECS, the following shall be submitted to the Township:

- A. Proof of liability insurance sufficient to cover the operation of the WECS.
- B. A map of project boundary and parcel lines clearly depicted and certified by a licensed/registered surveyor.
- C. A plan depicting how the facility will comply will all requirements of the Essex Township Board.
- D. A grading plan if required
- E. A siltation and erosion control plan
- F. Proof of an escrow account or bond, with the Township as a beneficiary with sufficient funds (accounting for inflation) to pay for the decommissioning of the facility as outlined in the decommissioning plan.

Bulk regulations listed in each area for setbacks, lot sizes, lot coverage, lot area, height, and signage shall be suspended for all WECS and the following bulk regulations shall apply instead. All other bulk regulations shall apply as stated in the appropriate zoning district unless negotiated otherwise during the special use permitting process.

- A. Setbacks for the WECS towers shall be measured from the vertical centerline on the foundation of the tower.

- B. WECS towers shall be set back a distance of 600 feet from all participating dwellings
- C. WECS towers shall be set back a distance of at least 1.1 times the WECS tower heights from any nonparticipating property lines
- D. WECS towers shall have zero setback from any property line shared by two or more participating properties providing all other applicable setback are requirements are met.
- E. WECS towers shall setback a distance of 1,200 feet from any nonparticipating dwellings in existence or which has received a building permit as of the date of the approval on the WECS.
- F. All nonparticipating dwellings constructed after the date the WECS permit is given shall be a set back distance of 600 feet from nearest WECS tower.
- G. All WECS towers shall be set back a distance of 1.1 times the WECS tower height from public roads, third-party transmission lines, and communication towers.

Lot size and coverage:

- A. The minimum lot is 20 acres for WECS providing that all the setback requirements are met.
- B. There is no maximum number of WECS that may be installed on a lot providing all the set back requirements are met.

Height, clearance, lighting and anchoring

- A. The maximum permitted system height of WECS from average grade to top of blade shall be no more than 499 feet.
- B. The minimum distance from ground and blades shall be 75 feet at the lowest point of the arc of the blades.
- C. Guy wires and anchoring systems shall extend no closer than 200 feet from a nonparticipating adjacent property line, guy wires shall have guy wire identification balls installed per industry standard.
- D. WECS shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA.

Outdoor storage, only outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the WECS shall be allowed.

The Essex Township Board shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.

No WECS shall have advertising material, writing, picture or signage other than warning, equipment identification or ownership information. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices but not including meteorological/weather devices.

WECS color except as may be required by the FAA or other authority shall be finished in either off-white, light gray or other neutral color, or a color as approved by Essex Township Board. The required color to be maintained the entire life of the system.

Remedial costs. Applicants and/or owners of WECS shall pay all actual reasonable costs associated with the remedy of any complaints deemed necessary and factual by Essex Township

- A. In the even a dispute arises as to satisfaction of the forgoing conditions in the agreement, such a dispute may be resolved judicially or may at the request of the petitioner, county, township, or aggrieved party, be resolved pursuant to binding arbitration in accordance with the procedures of the American Arbitration Association by an independent arbitrator acceptable to petitioner and the county, township, or aggrieved party, as applicable, are unable to agree on an arbitrator, then each party shall choose an independent arbitrator and their respective choices shall then choose an arbitrator. This condition shall not bind an aggrieved party, other than the county, township or petitioner, to submit arbitration.

Engineer's certificate

- A. The engineer's certificate shall be completed by a structural engineer registered in the State of Illinois and shall certify that the tower and foundations are compatible with appropriate size for the turbine to be installed and that the specific soils at the site can support the apparatus. All commercially installed wind turbines must utilize self-supporting tubular tower.

Certificate of contract

- A. Certificate shall verify that power purchase contracts, power transmission contract, and other legal rights are in place.

Public hearing

- A. At least 1 public hearing shall be held no earlier than 30 calendar days but no later than 21 days prior to the WECS project siting decision by the Essex Township Board. A legal notice of said public hearing shall be published in a newspaper of general circulation no later than 14 calendar days prior to the date of the said public hearing.