

# **Christian County Zoning Board of Appeals**

## **Advisory Report**

**TX20-02, TX20-03, TX20-04, TX20-05, TX20-06**

The City of Roses Wind Energy LLC and Rolling Farms Wind Project, LLC submitted a joint application for text amendments, Application No. TX20-02. The Christian County Zoning Administrator submitted an amended application for text amendments, Application TX20-03. The Christian County Board submitted an amended application for text amendments, Application TX20-04. Protect Christian County, LLC (“PCC”) submitted an application for text amendments, Application TX20-05. PCC submitted a second application for text amendment, which sought a six-month moratorium on the issuance of permits for development of WECS, Application TX20-06.

### **Public Hearing and Evidence Reviewed**

The Christian County Zoning Board of Appeals (“ZBA”) held a public hearing on all applications in a joint public hearing. Evidence was presented on June 23, 2020, June 24, 2020, June 30, 2020, July 6, 2020, July 7, 2020, July 22, 2020, and July 23, 2020. Evidence closed on July 23, 2020, and the ZBA began deliberating that night and continued deliberating on August 5, 2020, August 6, 2020, and August 19, 2020.

At the public hearing, each applicant was allowed an unlimited amount of time to present evidence in support of its own application and against proposed amendments by other applicants. After that initial round, each applicant was allowed 45 minutes to present rebuttal evidence and cross examine the witnesses presented by other applicants. After that, 21 individuals were recognized as Interested Parties and presented testimonial and documentary evidence. Then, 28 individuals were recognized for public comment and addressed the ZBA. Overall, 20 of the interested parties and 14 of the public commenters spoke against the development of wind turbines, and one of the interested parties and 15 of the public commenters spoke in favor of the development of wind turbines.

The ZBA also accepted and reviewed written public comments from eight individuals.

The ZBA heard testimony from the following witnesses presented by the applicants:

Michelle Pavin, Vince Green, Geoff Blackman, Vince Harris, Thomas Thunder, Beth Willhite, Joseph Tillman, Jerry Punch, Larry Allen, Michael Hankard, Jeffrey Ellenbogen, Jacob Baker, Andrea Giampoli, David Loomis, and Mike Marous.

The Zoning Administrator submitted his recommendations regarding each application except for the County Board’s application. The Zoning Administrator abstained from making a recommendation regarding the County Board’s application.

Over the course of the public hearing, two objections to evidence were taken under advisement by the ZBA Chairman. Those objections are overruled. However, even had those objections

been sustained, such ruling would not affect the ZBA's recommendation and advisory report. The ZBA's recommendation does not rely on the evidence to which objections were asserted.

### **Scope of Review and Advisory Report**

Pursuant to the Christian County Zoning Code § 1-11-40, the ZBA reviewed all of the evidence presented during the public hearing. The recommendations contained in this advisory report are the recommendations of at least four ZBA members, and thus constitute the recommendations of the ZBA. The ZBA is recommending text amendments that, in its opinion, are in the interest of the public health, safety, morals, and general welfare of the County, and are supported by the evidence presented at the public hearing. To the extent outside research was discussed by the ZBA members during the hearing at any time, including articles, websites, operating manuals, and comments from the public, the ZBA's recommendation is not based on that material and instead relies only on the evidence submitted and accepted during the public hearing. All recommendations contained herein arise from evidence presented during the public hearing and careful deliberations of that evidence by the ZBA members.

Video recordings and transcripts of each night of the ZBA hearing, including all evidence and deliberations, are available for review by the County Board. Those video recordings and transcripts, including the reasoning discussed during deliberations for the ZBA's recommendations regarding each proposed amendment, are adopted and incorporated in this advisory report.

### **Recommendations to the County Board**

This section of the advisory report is not intended to set forth each detail of the reasoning relied on by the ZBA for its recommendations, which can be found in the hearing video recordings and transcripts incorporated herein. Rather, this advisory report is intended to provide a more general discussion of the reasons relied on by the ZBA for its recommended text amendments, and in particular, the proposed text amendments that the ZBA recommends adopting. The reasoning for the ZBA's recommendation to reject certain proposed text amendments, if not set forth in this advisory report, is contained in the transcripts incorporated herein.

Attached as Exhibit A to this Advisory Report is a copy of the WECS Ordinance redlined with the text amendments on which at least four ZBA members agree to recommend for adoption. In Exhibit A, a comment bubble was placed at the end of the proposed redlined amendment indicating the application from which the proposed text amendment originates.

Throughout the WECS Ordinance, the ZBA recommends making minor grammatical and other typographical changes for clarification of the WECS Ordinance. The ZBA is also recommending referring to the "siting application" as the "special use permit application" to be consistent with the Christian County Zoning Code, and makes those recommended text amendments throughout.

In Section II.B., the ZBA recommends amending the definition of "Financial Assurance." This amendment clarifies the term, including the security or collateral that would qualify as "Financial

Assurance,” and the terms of that security. This amendment protects the public health, safety, morals, and general welfare of the County by requiring more stable security or collateral for the project, and in particular, for the decommissioning costs.

In Section II.F, the ZBA recommends including the word “schools” as part of the definition of “Primary Structure.” This amendment protects public health, safety, morals, and general welfare of the County because it places schools within the scope of Primary Structures, for which different setbacks and regulations apply.

In Section V.B., the ZBA recommends a number of edits that protect the public health, safety, morals, and general welfare of the County by requiring final and more specific information during the special use application process. These proposed amendments strengthen the regulation of the WECS Project, and help the County prepare for the scope of the project and construction. These proposed amendments also ensure that the applicant is capable and competent to complete the project in a manner that will not threaten the County’s public health, safety, morals, or general welfare.

In Section V.E., the ZBA recommends a proposed text amendment that requires the applicant enter into an Agricultural Impact Mitigation Agreement, which contains specific regulations designed to minimize impact to the County agricultural resources.

In Section V.F., the ZBA recommends a proposed text amendment that requires the applicant to negotiate a license, easement, or right of way from an affected Drainage District before the issuance of building permits. This amendment protects the public health, safety, morals, and general welfare of the County by ensuring that the drainage is protected and solutions to drainage issues conceived before construction starts. It also allows the Drainage District, which is a separate local public entity, to regulate within its jurisdiction.

In making this recommendation, the ZBA is recommending that the proposed text amendment in Application TX20-05 adding section V.K., regulating Drainage Districts, be rejected. This proposed text amendment regulates an area more appropriately regulated directly by the Drainage Districts. Concerns of public health, safety, morals, and general welfare should be adequately protected by the Drainage Districts.

In Section VI.B., the ZBA recommends that the County Board reject an amendment proposed by Application TX20-05 that would have required the WECS to “be curtailed in the case of inelimate [which should be “inclement”] weather,” and “[i]f a warning is issued for Christian, Montgomery, Sangamon, Macon, or Shelby Counties[.]” The ZBA believes that this regulation is too broad. The evidence indicated that wind turbines turn off automatically once wind speeds reach a velocity that would indicate bad weather, and are incapable at spinning at a velocity higher than a pre-set maximum velocity. Also, without a definition of “inclement weather,” this regulation would require the applicant to shut down turbines under a variety of circumstances that do not warrant it. Further, the scope of the triggering “warning” in six counties is too broad. However, a regulation prohibiting use of a turbine during an active tornado warning would be to the benefit of the public health and safety in Christian County. For that reason, the ZBA recommends that the County Board consider submitting an application for a text amendment that

requires turbines to be shut down during an active tornado warning within a reasonable distance from the WECS Project footprint, or for this safety issue to be addressed in more detail during a special use permit hearing.

In Section VI.C., the ZBA recommends deleting the word “electrical” from the title so that future text amendments can require that all components, rather than “all electrical components” conform to applicable local, state, and national codes. To that end, the ZBA recommends that the County Board consider submitting an application for a text amendment that requires all components conform to applicable local, state, and national codes.

In Section VI.E., the ZBA recommends the proposed text amendment to minimize the impact of tower lighting on County residents, especially at night. This text amendment was proposed by the County Board.

In Section VI.F., the ZBA recommends various proposed text amendments that increase regulation of warning signage, emergency contact information, and complaints. These amendments protect the public health, safety, morals, and general welfare of the County because they will increase safety around turbines, and allow the County to better monitor potential safety risks.

In Section VI.H., the ZBA recommends increasing WECS Tower setbacks from Primary Structures from 1000 feet to the greater of five times the WECS Tower Height or 3250 feet. The ZBA recommends maintaining WECS Tower setbacks from public roads, third party transmission lines, and communication towers of at least 1.10 times the WECS Tower Height. The ZBA recommends increasing the WECS Tower setback from adjacent property lines to the greater of 1640 feet or three times the height of the WECS Tower. In recommending these setbacks, the ZBA is recommending the rejection of the text amendments in Applications TX20-02 and TX20-03 increasing the setback from a Primary Structure to 1500 feet and 1600 feet, respectively.

It is the ZBA’s opinion, based on the evidence presented at the public hearing, that the increased setbacks that the ZBA is recommending will protect the public health, safety, morals, and general welfare of the County by reducing risk of ice throw and the risk that a machine malfunction will threaten a Primary Structure. Further, the increased setbacks will reduce the impact of lighting on non-participating County residents. The ZBA also relied on the fact that the WECS Ordinance allows for impacted property owners, including the owner of a Primary Structure, to waive the setback.

Also in Section V.H., the ZBA recommends adopting text amendments adding Section V.H.4 through V.H.6. These amendments protect the County from potential disputes with municipalities over extra-territorial jurisdiction, public and private sewage systems, and air strips, respectively.

In Section V.J.2.b., the ZBA recommends approving a text amendment that requires the applicant provide approved agreements with Road Commissioners, that have also been approved by the County Highway Engineer, prior to filing the special use permit application. This

amendment protects the public health, safety, morals, and general welfare of the County by ensuring that road use agreements are considered and negotiated prior to submitting the special use permit applications, which the ZBA believes will better protect the County's roads.

In Section V.K.1, the ZBA recommends an amendment increasing the maximum tower height from 450 feet to 660 feet. Based on the evidence presented, the ZBA believes that the advanced technology in the taller towers would mitigate the impact of the project in the County as a whole by requiring fewer towers. The ZBA believes that a 660-foot turbine would not impact the health of County residents or the vistas in a significantly different way than a 450-foot turbine. Further, considering that the ZBA is recommending increased setbacks, the increased tower height is not expected to impact residents in a significant way. The ZBA also recommends requiring that WECS and transmission poles be constructed with tubular towers, which improves their safety and their impact on the vistas.

In Section V.L., the ZBA recommends an amendment that requires modeling of shadow flicker on all impacted Primary Structures on non-participating properties, and prohibits any shadow flicker on a Primary Structure. In making this recommendation, the ZBA is also recommending that the County Board reject the text amendment proposed by TX20-02 and TX20-03 that limits shadow flicker to 30 hours per year. This amendment recommended by the ZBA protects the public health, safety, morals, and general welfare of the County because the ZBA received evidence that shadow flicker can impact the use and enjoyment of property by County residents. Further, the ZBA received evidence that technology exists to eliminate shadow flicker by turning the turbine off during the window of time that shadow flicker on a Primary Structure is anticipated. The ZBA also relied on the provision of this text amendment allowing the owner of a Primary Structure to waive this regulation.

In Section V.M., the ZBA recommends adopting an amendment that regulates the use of lighting by the WECS System. This amendment protects the public health, safety, morals, and general welfare of the County by mitigating the impact of lighting on County residents, including those that are susceptible to health risks associated with blinking lights.

In Section V.N., the ZBA recommends adopting an amendment that regulates amendments to the WECS Project, including approval if the applicant seeks to re-locate a wind turbine. This amendment protects the public health, safety, morals, and general welfare of the County by ensuring that County residents are not impacted by turbines without study and analysis by the County.

In Section VII.A., the ZBA recommends adopting amendments that more closely regulate the operation of the WECS Project, including modifications thereto. Further, the proposed amendments protect the public health, safety, morals, and general welfare of the County by allowing the County to hire an independent engineer, at the applicant's expense, to aid the County in its analysis of modifications to the WECS Project.

In Section VII.B., the ZBA recommends adopting amendments that more specifically regulate interference with transmission, which protects the public health, safety, morals, and general welfare of the County residents that rely on transmissions.

In Section VII.C., the ZBA recommends adopting amendments that strengthen coordination with the local fire department. This amendment protects public health, safety, morals, and general welfare of the County by better regulating safety protocols and training in the event of a hazard or fire. This amendment also requires that the applicant pay for training and equipment required by fire departments responding to emergencies at the WECS Project. Most of the amendments in this section were proposed by the County Board.

In Section VIII, the ZBA recommends adopting amendments that better regulate noise levels caused by the wind turbines. In particular, these amendments require contour maps, and measurement of noise levels at the property lines of single use properties. These amendments further require that the applicant comply with the regulations of the Illinois Pollution Control Board (“IPCB”). This amendment protects the public health, safety, morals, and general welfare of the County by ensuring that County residents are subjected to noise levels that do not exceed those required by the IPCB.

In making this recommendation, the ZBA is also recommending that the County Board reject amendments proposed by Application TX20-05 regulating the modeling of noise projections on mixed use properties, primarily because this area is already very heavily regulated by the IPCB. The ZBA is also recommending that the County Board reject an amendment proposed by Application TX20-05 that “the sound levels on any property shall not exceed 39 dBa.” This proposed amendment suggests a regulation of noise even on Class C property (as defined by the IPCB regulations, like crop fields), that is not otherwise regulated by the IPCB and would overly regulate that type of property. The applicant represented during the ZBA hearing that this regulation should probably only apply to Class A property (as defined by the IPCB regulations, like residential property). The proposed text amendment as written overly regulates property. It also may render a WECS Project infeasible. The ZBA recommends that the County Board consider submitting an application for a text amendment limiting the noise on residential uses at a level greater than the applicable IPCB regulations.

In Section XI, the ZBA recommends rejecting a text amendment proposed in TX20-05 that would require an applicant to inform members of the public of an anticipated special use permit application at least 90 days before submitting the special use permit application. The ZBA believes that the amendment, as drafted, places an unnecessary burden on applicants and overly regulates an area (public notice) that is already regulated by the Illinois Counties Code and the Christian County Zoning Code. However, the ZBA believes that more than 15 days’ notice, as currently required by the Illinois Counties Code and the Christian County Zoning Code, could better protect the general welfare of Christian County residents who may want to participate in special use permit hearings. To that end, the ZBA suggests that the County Board consider submitting an application for a text amendment that would require some reasonable form of notice to the public at least 45 days before commencing the public hearing on a special use permit application for a WECS Project.

In Section XI.A., the ZBA recommends a text amendment increasing insurance requirements of an applicant. In Section XI.B., the ZBA recommends a text amendment adopting indemnification and hold harmless language. The ZBA believes that these proposed text

amendments better protect the County's resources (including its financial resources) from potential claims and lawsuits arising from the WECS Project.

In Section X.C., the ZBA recommends a text amendment that authorizes the County to hire an outside engineering firm at the cost of the applicant. This proposed text amendment allows the County to oversee the special use permit process with more expertise, and without incurring additional costs.

In Section X.D., the ZBA recommends a text amendment that authorizes the ZBA to hire a hearing officer to preside over a special use permit hearing. This amendment protects the general welfare of the County by ensuring that the special use permit hearing complies with procedural requirements (including due process), and allows the ZBA Chairperson to pay closer attention to the evidence presented, so that he or she can make a better informed decision on a special use permit application in the interest of the public health, safety, morals, and general welfare of the County.

In Section XII, the ZBA recommends adopting text amendments that clarify and strengthen the decommissioning plan. In summary, the proposed text amendments require that the decommissioning costs be calculated by an independent engineer (the cost of which is paid for by the applicant), set decommissioning timetables, clarify that the calculated decommissioning costs are net of the salvage value of the equipment, require the posting of the full decommissioning costs in advance of the County granting a building permit, and allow an update to the decommissioning costs every five years. These amendments protect the public health, safety, morals, and general welfare of the County by protecting the County and its residents against the burden of decommissioning a defunct project (include the financial burden), and ensuring that funds are available for a reasonably estimated decommissioning cost.

In making this recommendation, the ZBA is recommending that the County Board reject proposed amendments in Application TX20-02 allowing the applicant to post decommissioning costs in accordance with Agricultural Impact Mitigation Agreement, which allows for posting installments of decommissioning costs over an 11 year period. The ZBA believes that this graduated payment structure needlessly exposes the County to financial risk associated with decommissioning defunct projects. The ZBA is also recommending that the County Board reject a proposed amendment in Application TX 20-05 that the estimated decommissioning costs be updated every three years instead of five years. The ZBA believes that an update every three years is unnecessary, and that an update every five years is sufficient to adequately project anticipated decommissioning costs.

In Section XIII.C., the ZBA recommends adopting a text amendment that authorizes the County to rescind a special use permit in the event of a default of the special use permit or the WECS Ordinance. This amendment protects the public health, safety, morals, and general welfare of the County by ensuring compliance with the special use permit and WECS Ordinance.

The ZBA recommends that the County Board reject amendments to Section XIV proposed by Application TX20-05 that establish a citizen complaint procedure. The ZBA believes that the complaint procedure set forth in Article X of the Christian County Zoning Code is sufficient, and

that the proposed amendment places requirements and mandatory timetables on the Zoning Administrator and the County Board that are unnecessary. The proposed amendments also bypass the ZBA altogether in the complaint procedure, so that appeals of the Zoning Administrator's decision go straight to the County Board. The ZBA does not believe that this is necessary to ensure timely attention to complaints.

The ZBA recommends adopting the text amendment that inserts a new Section XIV (and bumps the prior Section XIV to Section XV), which requires that waivers be in writing and notarized. This amendment protects the public health, safety, morals, and general welfare of the County by ensuring that waivers are authentic, organized, and timely. The ZBA recommends rejecting a proposed text amendment from TX20-05 attaching a new "waiver form" as an exhibit to the WECS Ordinance as unnecessary.

In Section XV (previously, Section XIV), the ZBA recommends adopting text amendments that clarify and increase application and building permit fees. These changes are in the interest of the general welfare of the County by keeping the application process orderly, charging building permit fees that are reasonable and related to current market conditions, and that increase potential revenue to the County.

The ZBA recommends that the County Board reject the proposed text amendment in TX20-06, which proposes a six month moratorium on any permits for the development of a WECS Project to allow the County to "investigate the impact of WECS on the public's health, safety and welfare," and to determine whether the WECS Ordinance should be revised or updated. Alongside this Application TX20-06, the applicant also submitted an application for revisions and updates to the WECS Ordinance in TX20-05. The applicant was permitted an unlimited amount of time to present evidence in support of the text amendments proposed in TX20-05. The ZBA received evidence from all applicants and interested parties over seven nights of public hearings, and received additional input from the applicants during four nights of deliberations. The ZBA heard testimony and received exhibits from 15 experts (including the applicants, themselves), and from 21 interested parties. This hearing has provided the ZBA with sufficient information to evaluate the proposed text amendments, and to recommend further revisions and updates to the WECS Ordinance for the County Board to consider. Under these circumstances, an additional six-month moratorium for investigation is unnecessary.

If an amendment that was proposed in an application is not included in the redlined WECS Ordinance attached as Exhibit A, then the ZBA recommends that the County Board reject that proposed text amendment. There are a number of such proposed amendments in each application TX20-02, TX20-03, TX20-04, and TX20-05. The reasons for recommending rejecting those amendments are included in the transcript and, in some circumstances, set forth above. In balancing whether those amendments protect the public health, safety, morals, and general welfare of the County, the ZBA believes that those amendments over-regulate, are overly burdensome to property owners, applicants, and/or the County, are inconstant with the Christian County Zoning Code, or are duplicative or cumulative of existing regulations. The value that these proposed text amendments might provide to the public health, safety, morals, and general welfare of the County, if any, is outweighed by their burden, inconsistency, and duplicity.



## **Conclusion**

As stated above, not every reason or deliberation is set forth in the “recommendation” section of the advisory report. For a complete explanation of all reasoning for a particular recommendation, please refer to the recordings and transcripts of the public hearing incorporated herein. Also, all text amendments that the ZBA recommends adopting are redlined in the WECS Ordinance attached as Exhibit A.

For the reasons set forth in the recordings and transcripts, and for the reasons set forth above, a majority of the ZBA recommend adopting the proposed text amendments redlined in the WECS Ordinance attached as Exhibit A, and rejecting all other proposed text amendments in TX20-02, TX20-03, TX20-04, TX20-05, and TX20-06.

**EXHIBIT A TO ADVISORY REPORT: ZBA RECOMMENDED TEXT AMEMDMENTS**

**CHRISTIAN COUNTY ORDINANCE  
REGULATING THE SITING OF WIND ENERGY  
CONVERSION SYSTEMS  
ORDINANCE NO. 02008 ZN 004**

**I. INTRODUCTION**

A. *Title*

This Ordinance shall be known, cited and referred to as the Christian County Wind Energy ~~Siting~~ Conversion Systems Ordinance.

Comment [BMJ1]: TX20-03

B. *Purpose*

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Christian County is safe and effective;
2. To facilitate economic opportunities for local residents;
3. To promote the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy sources.

**II. DEFINITIONS**

A. "Applicant" means the entity or persons who submits to the County pursuant to Section V of this Ordinance, an application for the special use permit related to siting of any WECS or Substation.

Comment [BMJ2]: TX20-03

B. "Financial Assurance" means a financial security in the form of a surety bond (performance and payment bond), or a cash escrow account that names Christian County as the beneficiary. The Applicant may select which of the listed forms of financial security to post, so long as all other conditions in this paragraph are met. If a surety bond (performance and payment bond) is selected, the original of the surety bond shall be held by the County. If a cash escrow is selected, the cash escrow shall be held and managed by an independent third party (e.g., escrow agent or title company) on behalf of the County, subject to escrow instructions that incorporate the applicable decommissioning and repair / replacement / restoration

~~obligations of this Agreement as executed by the County and the Applicant reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.~~

Comment [BMJ3]: TX20-03

- C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors,
- D. "Owner" means the entity or entities with an equity interest in the WECS(s), including the respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.
- E. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State of Illinois.
- F. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial building, ~~schools~~, hospitals, and day care facilities, Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
- G. "Substation" means that apparatus that connects the electrical collection system of the WECS (s) and increases the voltage for connection with the utility's transmission lines.
- H. "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).
- I. "WECS Project" means the collection of WECS(s) and Substations as specified in the ~~special use permit~~ ~~siting~~ approval application pursuant to Section V of this Ordinance.
- J. "WECS Tower" means the support structure to which the nacelle and rotor are attached.

Comment [BMJ4]: TX20-03

Comment [BMJ5]: TX20-03

K. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

### III. APPLICABILITY

This Ordinance governs the siting of WECS(s) and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 3MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

### IV. PROHIBITION

No WECS or Substation governed by Section III of this Ordinance shall be constructed, erected, installed or located within Christian County unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this Ordinance.

### V. SITING APPROVAL ~~AND SPECIAL USE~~ APPLICATION

Comment [BMJ6]: TX20-03

A. To obtain siting approval, the Applicant must ~~first~~ submit an ~~siting approval~~ application ~~for special use~~ to the County.

Comment [BMJ7]: TX20-03

B. The ~~siting approval~~ application ~~for a special use permit~~ shall contain or be accompanied by the following information:

Comment [BMJ8]: TX20-03

1. A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the ~~potential~~ ~~actual~~ equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;

Comment [BMJ9]: TX20-05

2. The name(s), address(es), and phone numbers(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known;

3. A ~~final~~ site plan for the installation of WECS(s) showing the planned location of each WECS Tower, guy lines and anchor bases (if any). Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public

access roads and turnout locations, ~~substation~~Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, ~~and~~ layout of all structures within the geographical boundaries of any applicable setback, and the location of any construction staging areas, including concrete batch plans;

Comment [BMJ10]: TX20-05

4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance; ~~and~~

5. All information necessary to demonstrate compliance with this entire Wind Energy Conversion System Ordinance; and

Comment [BMJ11]: TX20-03

6. Any other information normally required by the County as part of its Zoning Ordinance-;

7. Sufficient documentation that the Applicant, Owner, company, or parent company are generally financially viable and sufficiently experienced to complete the WECS Project as proposed, and both financial viability and experience may be demonstrated by a successful track record on similar projects; and

Comment [BMJ12]: TX20-03

8. If the Applicant intends to offer a Good Neighbor Plan or Property Value Guarantee Plan, a copy of such plan shall be included with the special use permit application.

Comment [BMJ13]: TX20-03

9. Executed interconnection agreements.

Comment [BMJ14]: TX20-05

C. The Applicant shall immediately notify Christian County of any changes to the information provided in Section V.B. above that occur while the ~~siting approval~~special use permit application is pending.

Comment [BMJ15]: TX20-03

D. The Applicant shall enter into the Agricultural Impact Mitigation Agreement ("AIMA") with the Illinois Department of Agriculture prior to the public hearing for the WECS Project special use application.

Comment [BMJ16]: TX20-03

E. The Applicant shall provide notice pursuant to the Christian County Zoning Code Section 1-11-22 to any "Drainage District," as that term is used in 70 ILCS 605/1-2, in which any construction is proposed. To the extent necessary, the issuance of Building Permits for construction of the WECS shall be conditioned on the Applicant obtaining a license.

easement, or right of way from any affected the Drainage District consistent with 70 ILCS 605/4-30.

Comment [BMJ17]: TX20-03

## VI. DESIGN AND INSTALLATION

### A. *Design Safety Certification*

1. WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants 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 an equivalent third party.
2. Following the granting of ~~siting approval~~ approval special use permit under this Ordinance, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions,

Comment [BMJ18]: TX20-03

### B. *Controls and Brakes*

1. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

### C. ~~Electrical Components~~

All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).

Comment [BMJ19]: TX20-05

### D. *Color*

Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.

### E. *Compliance with the Federal Aviation Administration*

The Applicant for the WECS shall comply with all applicable FAA requirements and shall provide documentation of compliance to the Christian County Zoning Administrator at the time of filing building permit applications to the County for WECS Towers. All WECS towers shall be fitted with Aircraft Detection Lighting Systems (ALDS), or a comparable technology, suitable for meeting FAA obstruction marking and lighting requirements.

Comment [BMJ20]: TX20-03

*F. Warnings*

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations,
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
3. Upon completion of the construction of an approved WECS Project, reasonable visible signs, must be placed at the entrance of each access road generally advising trespassers not to approach a turbine.
4. Upon completion of the construction of an approved WECS Project, a sign that provides an emergency contact number for the Applicant shall be posted on or near the operations and maintenance building.
5. The signs in subparagraphs (F)(4) and (5) above shall be made with letters and numbers at least 3 inches in height and shall include the 911 address and an emergency phone number of the Operator which shall be answered 24 hours a day by a live operator. A non-emergency phone number for the Operator shall also be displayed. These phone numbers shall remain active with all calls being recorded for verification purposes and with comments and complaints logged and reported to the County Zoning Administrator on a monthly basis. The recorded calls shall be maintained for at least 12 months.

Comment [BMJ21]: TX20-03

Comment [BMJ22]: TX20-03

Comment [BMJ23]: TX20-05

*G. Climb Prevention*

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:

- a. Fences with locking portals at least six feet high; or
- b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower.

H. *Setbacks*

1. All WECS Towers shall be set back at least ~~1000 feet~~five times the WECS Tower height or 3250 feet, whichever is greater. from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.10 times the WECS Tower Height. All WECS Towers shall have a setback of 2000 feet from all ~~residential~~residential, whether such districts are zoned residential, whether such districts are zoned by the County or other municipality.
2. All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from public roads, third party transmission lines, and communication towers. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property. The County Board may waive this setback requirement.
3. All WECS Towers shall be set back a distance of at least ~~1.10~~1640 feet or three times the WECS Tower Height, whichever is greater, from adjacent property lines. The affected adjacent property owner may waive this setback requirement.
4. For any WECS Tower placed within 1.5 miles of the corporate limits of a village or municipality, the Applicant shall provide documentation demonstrating that the village or municipality does not exercise zoning jurisdiction over the area where the WECS Tower will be placed or, if it does, that the village or municipality approves the placement of the WECS Tower whether as a permitted use, special use, or variance, or has adopted an ordinance waiving its authority to regulate the placement of the WECS Tower.

Comment [BMJ24]: TX20-05

Comment [BMJ25]: TX20-03

Comment [BMJ26]: TX20-05

Comment [BMJ27]: TX20-03



5. No part of a WECS Tower or foundation shall encroach on a public or private sewage disposal (septic) system.

Comment [BMJ28]: TX20-03

3-6. All WECS Towers shall be set back on the sides a safe distance from private air strip as measured from the center line of the air strip and 5000 feet as measured from the end of a private air strip, in the landing and takeoff area. Owners of the air strip may waive this requirement in writing as part of the Application or as an exhibit made part of the Zoning Board of Appeals hearing pertaining to the specific WECS Project.

Comment [BMJ29]: TX20-05

*I. Compliance with Additional Regulations*

Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.

*J. Use of Public Roads*

1. An Applicant, Owner, or Operation proposing to use county or township road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s) shall;

a. Identify all such public roads; and

b. Obtain applicable weight and size permits and easements for placement of cables on or under rights of way from relevant government agencies prior to construction.

2. To the extent an Applicant, Owner, or Operator must obtain a weight or size permit from the county and township, the Applicant, Owner or Operator shall:

a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage, and the need for pre-construction modifications and improvements on existing roadways; and

b. Provide an approved agreement from all impacted Road Commissioners with the approval of the County Highway Engineer prior to the Applicant filing the SUP.

Comment [BMJ30]: TX20-05

b-c. Secure Financial Assurance, in a reasonable amount agreed to by the relevant parties, which shall be contained in a road use

agreement which the parties must enter into before construction begins for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS.

K. WECS Tower Height

1. All WECS facilities will have a maximum height not to exceed ~~450-660~~ feet. A WECS and transmissions pole shall be constructed with a tubular tower or monopole structure, not a lattice tower.

Comment [BMJ31]: TX20-02, TX20-03

Comment [BMJ32]: TX20-05

L. Shadow Flicker

1. The special use application for a WECS Project shall include a model study of the number of hours of shadow flicker expected upon each Primary Structure of a non-participating property owner in existence at the time the special use application is filed.
2. Shadow flicker shall not be allowed on a Primary Structure. An owner of a Primary Structure can have the option to waive this requirement.

Comment [BMJ33]: TX20-03

Comment [BMJ34]: TX20-05

M. Lighting

1. A lighting plan must be submitted with the special use application. Such plan must describe all lighting that will be used, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color, and where lights will be flashing. Strobe lights are discouraged and if they are required by the FAA, then they must be shielded from the ground. The lighting should be planned and developed in a way to minimize the visual impact of the structures. A consideration of synchronized lighting shall also be part of any lighting plan. A general description of the lighting plan for the WECS Substation shall be provided with the special use permit application. The WECS Substation lighting plan should include plans to control glare. A final plan shall be approved prior to issuing a building permit for the WECS Substation.

Comment [BMJ35]: TX20-03

N. Amendments

If the Applicant or Operator proposes to make a change in the project, including moving a turbine siting more than 25 feet, then the Applicant or

Operator, through the use of a qualified professional, shall appropriately demonstrate compliance with all the requirements of this ordinances at a hearing to amend the special use.

Comment [BMJ36]: TX20-05

## VII. OPERATION

### A. *Maintenance*

1. The Owner or Operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County reasonable requests.
2. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section VI(A)(1) of this Ordinance. Like-kind replacements of WECS Towers shall not require re-certification but shall require written approval of the County Zoning Administrator. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in Section VI(A)(1) of this Ordinance and a professional engineer determined by the County Zoning Administrator to determine whether the physical modification requires re-certification. The cost of the third-party certifying entity and professional engineer shall be paid by the Owner or Operator.

Comment [BMJ37]: TX20-03

3. Any replacement of equipment that is not a like-kind replacement shall require an amendment to the special use.

Comment [BMJ38]: TX20-05

### B. *Interference*

1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section V.8,1, and V.B.3. of this Ordinance. To the extent that the above

provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall ~~take reasonable steps to respond to the complaint~~rectify the issue within 30 days.

2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television via public broadcast and or dish, RTK Ag Correction Signal, Machine to Machine sync communication, wireless data transfer communication, phone, internet, business ban radio, the Owner or Operator shall rectify the issue within 30 days~~take reasonable steps to respond to the complaint.~~

Comment [BMJ39]: TX20-05

C. *Coordination with Local Fire Department*

1. The Applicant, Owner or Operator shall submit to the local fire department or district whose jurisdiction is included in whole or in part within the WECS project, a copy of the site plan. In addition to the site plan, a plan pertaining to the planning, response, recovery and mitigation of any natural or man-made hazard that may affect the WECS development.
2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan. The owner or operator shall submit an emergency response plan approved by the fire department(s) having jurisdiction over the project territory, and shall provide a list of all hazardous materials associated with the project on site with the County EMA and all emergency response agencies having jurisdiction over the project territory. The owner or operator shall cover all costs with regard to any training or equipment necessary to execute the emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

Comment [BMJ40]: TX20-05

Comment [BMJ41]: TX20-03, TX20-04

D. *Materials Handling, Storage and Disposal*

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

**VIII. NOISE LEVELS**

At a minimum, noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements and provide contour maps at intervals of not greater than 5 feet on request by the Zoning Administrator or ZBA. For single use properties, the noise levels should be measured at the property lines.

Comment [BMJ42]: TX20-03

The WECS Project will maintain compliance with the applicable IPCB regulations and this Ordinance throughout the entire operational period of the WECS Project. If at any time throughout the life of the WECS Project, the noise levels are found to not be in compliance with this section, the Applicant will immediately shut off enough turbines to ensure that the noise levels are within acceptable levels until a solution to the noise level violation is found and approved by the County after a hearing at the Zoning Board of Appeals.

Comment [BMJ43]: TX20-05

An owner of a property exceeding the limits set forth in this Section may waive those requirements.

Comment [BMJ44]: TX20-05

**IX. BIRDS**

A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval special use application process, to determine if the installation of WECS(s) will have a substantial adverse impact on birds.

Comment [BMJ45]: TX20-03

**X. PUBLIC PARTICIPATION**

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation.

**XI. LIABILITY INSURANCE, INDEMNIFICATION, AND FEES**

~~The Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate.~~

~~A. Commencing with the issuance of a WECS Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and Thirty Million Dollars (\$30,000,000) in the aggregate. Such insurance may be provided, pursuant to a plan of self-insurance, by a party with a net worth of Fifty Million Dollars (\$50,000,000.00) or more. The County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (the "County Affiliates") and all affected Road Districts and their officers, appointed and elected officials, employees, attorneys, engineers and agents (the "Road District Affiliates") shall be included additional insureds on the insurance certificate(s), endorsement(s) and policies for all aspects of the WECS Project for both ongoing and completed operations and for all automobiles owned, leased, hired or borrowed, as applicable, by the Applicant for the WECS Project. The coverage shall contain no special limitations on the scope of protection afforded to the County and the County Affiliates or the affected Road Districts and the Road Districts' Affiliates. The insurance coverage of the Applicant shall be primary and non-contributory for the additional insureds. The Applicant shall file the original certificate of insurance with the Zoning Administrator upon commencement of project construction prior to the issuance of a WECS Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.~~

~~B. The Applicant (WECS Permittee) shall defend, indemnify, and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers, 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 whatsoever, including reasonable attorney's fees, relating to or arising out of the special use permit~~

application process and public hearing for the application, the issuance of the Special Use Permit, and the construction, operation, maintenance and removal of the WECS and affiliated equipment. This includes, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract, tort, or any violations of local, state, or federal law, including the Illinois Constitution and the United State Constitution (including without limitation strict liability or negligence) or any acts or omissions of the Applicant (WECS Permittee), the Owner or the Operator under this Ordinance or the Special Use Permit. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

C. Applicant, Owner, or Operators shall reimburse the County for any and all reasonable engineering fees incurred if the County, in its sole discretion, deems it necessary to hire an outside engineering consulting firm to work on any or all parts of the WECS Application Process and/or Project.

D. Notwithstanding any other provision in this Zoning Code, the Chairman of the ZBA, in his sole discretion, is authorized to delegate to a third party (the "Presiding Officer") the Chairman's authority to preside over the public hearing on an application for a special use permit to site a WECS for the purpose of ensuring an orderly public hearing consistent with Illinois statutes and Constitution, Christian County ordinances, and the Articles of Rules and Procedure of the ZBA, and to rule on evidentiary and procedural disputes in the public hearing. The Presiding Officer must be an attorney in good standing with the Illinois bar. The Presiding Officer does not have any power to vote or deliberate on the pending application for special use permit, or to otherwise contribute to the Advisory Report of the ZBA, such authority being expressly reserved to the ZBA. Applicant, Owner, or Operator shall pay the reasonable fees of the Presiding Officer, and shall deposit a reasonable retainer with the Presiding Officer as a condition to the public hearing commencing, unless other terms are agreed upon in writing between the Presiding Officer and the Applicant, Owner, or Operator.

Comment [BMJ46]: TX20-03 (entire Section XI)

## **XII. DECOMMISSIONING PLAN**

~~Prior to receiving siting approval under this Ordinance, the County and As part of the Application, the Applicant, Owner, and/or Operator must formulate-submit~~ a Decommissioning Plan to ensure that the WECS Project is

properly decommissioned. The County shall have an independent engineer to prepare its own estimate of costs for decommissioning, which estimate shall be paid for by the Applicant. The Decommissioning Plan shall include:

Comment [BMJ47]: TX20-05

A. Provisions describing the triggering events for decommissioning the WECS Project, which shall include, at a minimum, the provisions for the termination of the special use. Further, individual wind turbines and other components of the WECS shall be decommissioned within 30 days if such wind turbine or component thereof ceases to be functional for more than six consecutive months and the Operator has not shown to the County Zoning Administrator that it is diligently repairing such wind turbines or component. In the event that a wind turbine or component ceases to be functional for more than 365 days, it shall be decommissioned within 30 days thereafter;

Comment [BMJ48]: TX20-05

B. Provisions for the removal of structures, debris and cabling, including those below the soil surface;

C. Provisions for the complete restoration of the soil and vegetation;

Comment [BMJ49]: TX20-05

D. An estimate of the decommissioning costs certified by a Professional Engineer, net of salvage;

Comment [BMJ50]: TX20-03

E. Financial Assurance, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs, the posting of which is a condition to the County granting a WECS Building Permit. The terms of the financial assurance shall contain a provision that the financial assurance may not be cancelled or allowed to expire until at least sixty (60) days written notice has been given to the County. If replacement financial assurance is not provided within seven (7) days thereof, then the County shall have the absolute right to draw upon the financial assurance until such financial assurance is replaced;

Comment [BMJ51]: TX20-03

Comment [BMJ52]: TX20-05

F. Identification of and procedures for County access to Financial Assurances;

G. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and

H. A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning-; and



I. A provision that an update to the Decommissioning Plan, including a current estimate of decommissioning costs, shall be submitted by the Owner or Operator to the County every five years. The amount of the required Financial Assurance shall be adjusted according to the updated Decommissioning Plan. If the County Board determines that the amount of security must be increased due to changes in the estimated decommissioning costs, the Owner or Operator shall post additional security within thirty (30) days of the Owner or Operator receiving written notification from the County. The County Board or the County Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the Owner/Operator.

Comment [BMJ53]: TX20-03

Comment [BMJ54]: TX20-05

### **XIII. REMEDIES**

- A. The Applicant's Owner's or Operator's failure to materially comply with any of the above provisions shall constitute a default under the Ordinance.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).

C. If the County determines in its sole discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the County shall have the right to rescind the permit for the WECS Project, take the actions allowed in the County Ordinance or take any other action permitted by law or in equity. existing County ordinance provisions addressing the resolution of such default(s) shall govern. All issues regarding the siting of wind energy conversion systems is governed by this ordinance and no other county ordinance applies.

Comment [BMJ55]: TX20-05

### **XIV. WAIVER**

Any waiver of a requirement in the Ordinance must be waived in writing by the property owner making such waiver and the waiver must be notarized and submitted by the Applicant of proof of its Application filed with the County Zoning Administrator.

Comment [BMJ56]: TX20-05

#### XIV. FEE SCHEDULE

A. Upon submittal of the ~~application~~ Application for a wind energy conversion system special use, Applicant shall submit a certified check to Christian County in the amount of \$50,000. This amount shall be placed in a guaranteed money market account that will be used to cover the County's cost, including attorney's fees incurred during the special use application review process, ~~and~~ public hearing(s) and any appeals or subsequent litigation. Should the actual costs to the County exceed \$50,000, the ~~applicant~~ Applicant shall be responsible for those costs and shall remit additional funds within 15 days of the notice from the County. An amount remaining in the account after the County renders its decision and all bills and invoices have been paid, shall be refunded to the ~~applicant~~ Applicant. ~~The County requests that the applicant~~ Applicant shall file ten paper copies of the WECS special use application upon submittal of the WECS special use application fee. A minimum of one copy shall be filed in electronic format.

Comment [BMJ57]: TX20-05

B. Upon approval of a Special Use Permit by the County Board, a fee of Twenty-Seven Dollars and Fifty Cents (\$27.50) per vertical foot, (being the measurement from the base of the wind turbine to the hub), per turbine, shall be paid in connection with the submittal of the WECS Building Permit application(s) for a WECS Project(s) by the Applicant of the WECS Project(s). The building permit fee for each new "Wind Energy Conversion System (WECS) Tower", including the infrastructure that the tower supports shall be \$5000. The Building Permit Fee for any major improvements to an existing WECS Tower, including the infrastructure for the tower support shall be Thirteen Dollars and Seventy-Five Cents (\$13.75) per vertical foot (being the measurement from the base of the wind turbine to the hub), per turbine. ~~\$2500.~~

Comment [BMJ58]: TX20-03

BE IT FINALLY ORDAINED, that the Board reserves the express right to change, modify or terminate these regulations and procedures at any time, in whole or in part, for any reason, with or without prior notice upon its own unilateral act.

APPROVED AND ADOPTED by the County Board of Christian County, Illinois, this 20th day of May, 2008.