

Code of Ordinances

- (1) All WECS towers shall be set back ~~six times~~ ^{3,250 feet, whichever} the height of the tower or 3,250 feet, whichever is greater, from any primary structure. The distance for the above setback shall be measured from primary structure foundation closest to the WECS tower, to the center of the WECS tower. The owner of the primary structure may waive these setback requirements but in no case shall the tower be located closer to a primary structure than 1.10 times the WECS tower height..
- (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. The county may waive this setback requirement.
- (3) All WECS towers shall be set back a distance of at least 1,640 feet from adjacent property lines, as measured from the closest edge of the tower structure. The affected adjacent property owner may waive this setback requirement.
- (4) An incorporated village or municipality must approve of the location of any tower to be located within 1.5 miles of the corporate limits of such incorporated village or municipality.
- (5) No part of a WECS tower or foundation shall encroach on a public or private sewage disposal (septic) system.
- (6) All WECS substations shall be set back 1,600 feet from the property line of any property containing a primary structure.
- (7) Setbacks from WECS towers for aviation-related activities shall be determined in accordance with minimum dimensional standards set forth in Title 92: Transportation, Chapter I: Department of Transportation, Subchapter b: Aeronautics Part 14 Aviation Safety. The owner of an airstrip may waive this setback requirement.
- (8) All WECS towers shall be one mile and a half from any school property line. The affected school district may waive this setback requirement.
- (9) Above ground transmission facilities and transmission poles shall be set back 150 feet from any portion of the edge of the primary structure, The affected adjacent property owner may waive this setback requirement.
- (i) Compliance with additional regulations and severability clause. Nothing in this article is intended to preempt other applicable state and federal laws and regulations. Whenever possible, each provision of this article shall be interpreted so that it is valid under applicable law. If any provision of this article is determined to be illegal or unenforceable, that provision will be reformed only to the extent necessary to make the provision legal and enforceable with all remaining provisions continuing in full force and effect.
- (j) *Use of public roads.*
 - (1) An applicant, owner, or operator proposing to use any county, township or village road, for the purpose of transporting and installation of WECS or substation parts

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and/or equipment for construction, operation, or maintenance of the WECS or substations, shall:

- a. Identify all such public roads; and
 - b. Obtain applicable weight and size permits 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, or village, township, state, the applicant, owner, or operator shall:
- a. Conduct a preconstruction baseline survey to determine existing road conditions for assessing potential future damage;
 - b. Provide financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS prior to the issuance of building permits. The terms of the financial assurance shall contain a provision that the financial assurance may not be canceled or allowed to expire until at least 60 days written notice has been given to the applicable party(ies), i.e., county, or a village, or a township or the state. If replacement financial assurance is not provided within seven days thereof, then the county, village, township or state have the absolute right to draw upon the financial assurance until such financial assurance is replaced.
 - c. Provide the county zoning administrator with signed copy of any agreements pertaining to the use of public roads prior to the issuance of building permits.
- (k) *Height.* The permitted maximum height of a WECS shall be 500 feet.
- (1) State and federal regulations may require a lesser height.
 - (2) A WECS and transmissions poles shall be constructed with a tubular tower or monopole structure, not a lattice tower.
- (l) *Lighting.* A lighting plan for each WECS and WECS substation shall be approved by the zoning board of appeals. 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 any lights will be flashing. Strobe lights are discouraged and if they are required by the FAA they must be shielded from the ground. The lighting should be planned and developed in such a way to minimize the visual impact of the structures. A consideration of synchronized lighting shall also be part of any lighting plan. This WECS substation lighting plan shall include plans as to how glare for these lights are being controlled.
- (m) *[Compliance.]* All wind farm developments are to be in compliance with an Agriculture Impact Mitigation Agreement (AIMA), as approved by the State of Illinois.
- (n) *[Project changes.]* If the company proposes to make a change in the project, including

#21.



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