

**ZONING ADMINISTRATOR VINCE HARRIS'S AMENDED
PROPOSED TEXT AMENDMENTS – REDLINE WITH COMMENTS**

**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 [A1]: This edit enables parties to refer to this ordinances as the "WECS Ordinance".

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 ~~siting special use permit related to~~ of any WECS or Substation.

Comment [A2]: Throughout, I change references related to "siting" and "special use permits" to make them more consistent. The applicant will need to apply for a "Special Use Permit," the granting of which will approve "siting" of WECS (subject to building permit approval).

B. "Financial Assurance" means a financial security in the form of a surety bond (performance and payment bond), irrevocable letter of credit, 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 an irrevocable letter of credit or surety bond (performance and payment bond) is selected, the original of the irrevocable letter of credit or 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 [A3]: The definition of "Financial Assurance" is expanded to require irrevocable collateral, which is particularly important for decommissioning costs discussed below.

- 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 ~~siting approval~~ special use permit application pursuant to Section V of this Ordinance.

Comment [A4]: This edit was suggested by PCC, and I agree to it.

- J. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- 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

- A. To obtain siting approval, the Applicant must ~~first~~ submit an siting approval application for a special use permit to the County.
- B. The ~~siting approval~~ application for a special use permit shall contain or be accompanied by the following information:
 - 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 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;
 - 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 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(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;

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~~

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~~

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.~~

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.

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.~~

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 [A5]: This is a catch-all to ensure that the special use application completely addresses all aspects of this WECS Ordinance

Comment [A6]: #7 and #8 are provisions suggested by PCC with slight modifications, and I agree to them.

Comment [A7]: This edit was suggested by the Developers. The AIMA is a required document that also regulates WECS development by providing minimum standards. Those standards must be met, but any additional standards set forth in this WECS Ordinance.

Comment [A8]: This is to provide Drainage Districts notice and control over projects that impact them. PCC also suggests regulations for Drainage Districts, but its suggestions place too much burden and oversight responsibility on the County when the Drainage District is an independent public entity.

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-a special use permit approval](#) 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,

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).

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 [A9]: This was approved by the County Board on 9.17.19.

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.

Comment [A10]: #3 and #4 are provisions suggested by PCC, and I agree that they are good safety measures.

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 1,600~~1000~~ feet 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

Comment [A11]: This setback had been previously suggested by the developers as feasible.

Tower Height. All WECS Towers shall have a setback of 2000 feet from all ~~residential~~ districts that 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 times the WECS Tower Height 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.
- 3-5. No part of a WECS Tower or foundation shall encroach on a public or private sewage disposal (septic) system.

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

Comment [A12]: #4 and #5 are provisions suggested by PCC, slightly modified. I agree that they are reasonable regulations.

- 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. 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 ~~660~~⁶⁰⁰~~450~~ feet.

L. Shadow Flicker

- 1. The WECS Project shall not cause shadow flicker of more than 30 hours per calendar year in any Primary Structure of a non-participating property owner in existence at the time the special use application is filed. The owner of the Primary Structure may waive this shadow flicker requirement.
- 2. 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.

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

Comment [A13]: One of the developers has advised that it requires the tower height maximum to be raised to 660 feet for the project to remain viable. Only one of eight neighboring counties has a maximum tower height that is less than 750 feet. Most neighboring counties have no maximum tower height at all. The higher the tower, the more the building permit fees if amendments to the fees are passed.

Comment [A14]: This shadow flicker regulation was suggested by the Developers and appears reasonable.

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 [A15]: This lighting regulation was suggested by PCC, with slight modification. It appears to be reasonable.

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 shall not require re-certification. 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 [A16]: This edit was suggested by PCC and I agree with it.

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.
2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.

C. *Coordination with Local Fire Department*

1. The Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.
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 [A17]: This was approved by the County Board on 9.17.19.

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

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 ~~special use~~ application process, shall appropriately demonstrate compliance with the above noise requirements. Contour maps shall be provided on request by the Zoning Administrator or ZBA.

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.

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.

Comment [A18]: This significantly increases insurance requirements.

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.

Comment [A19]: This requires that the applicant defend and indemnify the County from damages arising from the project.

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.

Comment [A20]: This requires that the applicant reimburse the County for necessary engineering fees.

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 [A21]: This allows the ZBA chairman to delegate to another person the authority to preside over a hearing. This provision could be useful in complex matters, where the Chairman wants to devote his time to analyzing the petition and the evidence rather than being distracted by hearing procedure and evidentiary objections. The third party could be a retired judge or other lawyer. The costs of the third party are paid by the applicant.

XII. DECOMMISSIONING PLAN

In the special use application, Prior to receiving siting approval under this Ordinance, the County and the Applicant, Owner, and/or Operator must formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include:

- A. Provisions describing the triggering events for decommissioning the WECS Project;
- B. Provisions for the removal of structures, debris and cabling, including those below the soil surface;
- C. Provisions for the restoration of the soil and vegetation;
- D. An estimate of the decommissioning costs certified by a Professional Engineer, net of salvage;
- 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;

- 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-~~
- H.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.

Comment [A22]: This requires that the applicant post the Financial Assurance before commencing construction, which protects the County from failed projects. This is different from the developer's proposal, which is to post an increasing percentage of the Financial Assurance over a 10 year period.

Comment [A23]: This edit was suggested by the Developers. I agree that a refresher on the Financial Assurance every five years is reasonable.

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 discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the 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.

XIV. FEE SCHEDULE

- A. Upon submittal of the application for a wind energy conversion system special use, 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

incurred during the special use application review process and public hearing(s). Should the actual costs to the County exceed \$50,000, the 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. The County requests that the applicant shall file ten copies of the WECS special use application upon submittal of the WECS special use application fee.

- 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 \$2500~~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.

Comment [A24]: This increases the building permit fees and calculates on a per vertical foot basis.

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.