

Christian County

Animal Control & Zoning Office

300 S. Baughman Rd. • Taylorville, IL 62568-0647

Telephone: 217-824-5433 • Fax: 217-824-4091

To: Christian County Zoning Board of Appeals Chairman Steven Sipes and Christian County Zoning Board of Appeals Members

CC: Christian County Board Chairwoman Becky Edwards

From: Vince Harris, Christian County Zoning Administrator

Date: June 12, 2020

Application No: TX20-02

Subject: Text Amendments to WECS Ordinance Proposed by City of Roses and Rolling Farms

PURPOSE AND ACTION REQUESTED:

Petitioners, the City of Roses Wind Energy LLC and Rolling Farms Wind Project LLC (“Petitioners” or “Developers”), request that the WECS Ordinance be amended as follows:

Section V: to require WECS Project applicants to enter into the AIMA with Illinois Department of Agriculture.

Section VI: to require that final turbine locations comply with applicable FAA regulations at the time of filing for building permit application for WECS Towers; to increase the Primary Structure setback from 1,000 feet to 1,500 feet; to increase maximum WECS Tower (turbine) height from 450 feet to 660 feet, to limit wind energy projects to 30 hours of annual shadow flicker in non-participating Primary Structures and to require a shadow flicker model study.

Section XII: to clarify requirements for calculating the amount of financial security for decommissioning and to require that the amount of decommissioning security be posted in accordance with the AIMA and updated every five years.

BACKGROUND/DISCUSSION:

Developers possess long term leases on approximately 12,600 acres of land in Christian County and are actively pursuing development of a wind energy project on the leased acres. They anticipate applying for a special use permit in accordance with the Christian County Zoning Code and the WECS Ordinance. They are seeking a number of amendments to the WECS Ordinance for their projects to be feasible.

On September 17, 2019, the Christian County Board voted to approve a motion to amend the WECS Ordinance by requiring an Aircraft Detection Lighting System in a WECS and coordination between a WECS developer/owner and local fire districts. The proposed amendments by Developers do not incorporate the amendments approved by the County Board at its September 17, 2019 meeting.

Also, the proposed amendments by the Developers reflect a setback of 1500 feet, when the Petitioners previously indicated that they could operate with a setback of 1600 feet.

Developers' amendments also spread out the posting of Financial Assurance (security) for decommissioning costs over a 10 year period of time, which I believe exposes the County to financial risk if the project needs to be decommissioned or ceases to operate prior to the 10 year anniversary of the project.

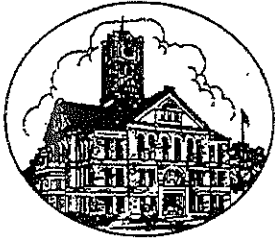
Further, I am submitting a proposal for text amendments that incorporates the County Board's proposed amendments, a number of amendments proposed by Protect Christian County, LLC, and a number of additional amendments that I believe protect the County's interests (application number TX20-3).

RECOMMENDATION:

For the above reasons, the Zoning Administrator recommends that the ZBA approve an advisory report that recommends denying the Developers' application for text amendments.

ATTACHMENTS:

1. Application submitted by City of Roses Wind Energy LLC.
2. Application submitted by Rolling Farms Wind Project, LLC.
3. WECS Ordinance redlined with proposed amendments by Developers.
4. WECS Ordinance with the proposed amendments accepted (a clean copy).



Christian County

Animal Control & Zoning Office

300 S. Baughman Rd. • Taylorville, IL 62568-0647

Telephone: 217-824-5433 • Fax: 217-824-4091

To: Christian County Zoning Board of Appeals Chairman Steven Sipes and Christian County Zoning Board of Appeals Members

CC: Christian County Board Chairwoman Becky Edwards

From: Vince Harris, Christian County Zoning Administrator

Date: June 12, 2020

Application No: TX20-03

Subject: Text Amendments to WECS Ordinance Proposed by the Zoning Administrator

PURPOSE AND ACTION REQUESTED:

Petitioner, Vince Harris in his capacity as Zoning Administrator, for the purpose of incorporating amendments approved by the County Board, and other amendments needed to clarify the Wind Energy Conversion System Ordinance ("WECS Ordinance") and to protect the County, requests that the WECS Ordinance be amended consistent with the redlined draft enclosed with this form.

BACKGROUND/DISCUSSION:

On September 17, 2019, the Christian County Board voted to approve a motion to amend the WECS Ordinance by requiring an Aircraft Detection Lighting System in a WECS and coordination between a WECS developer/owner and local fire districts. This proposal is being separately submitted to the ZBA for consideration (TX20-04), however, I have also incorporated those proposed text amendment into my proposal here.

On May 27, 2020, City of Roses Wind Energy LLC and Rolling Farms Wind Project LLC (the "Developers") submitted a joint application for text amendments to the WECS Ordinance (TX20-02). The Developers propose several text amendments throughout the WECS Ordinance. The Developers' proposed text amendments will further a WECS development project that they are planning in Christian County. I believe that some of the Developers' proposed text amendments can be implemented without negative consequence to the County, while others expose the County to additional or unnecessary risk.

On June 5, 2020, Protect Christian County, LLC ("PCC") submitted applications for text amendments to the WECS Ordinance (TX20-05) and to establish a six-month moratorium on the issuance of special use permits for WECS (TX20-06). While some of PCC's proposed text amendments benefit the County, other proposed text amendments are unnecessary, over-regulate the property owners and developers of the County, and appear motivated mainly just to stall or interfere with the Developers' anticipated WECS project, and do not serve any other interest of the County. Further, the six-month moratorium was first proposed by PCC in October 2019, and in the meantime, the Developers and PCC have both submitted proposed substantive text amendments. I believe that the ZBA has all the information that it needs to amend the WECS Ordinance at this time without granting a moratorium.

In reviewing the amendments proposed by the County Board, the Developers, and PCC, I determined that certain aspects of the WECS Ordinance should be clarified to better protect the County in the event that a WECS special use permit is ever applied for or granted. I also determined that certain amendments proposed by each of the parties serve the interests of the County in regulating WECS, and some do not.

To that end, I reviewed the WECS Ordinance and am proposing text amendments that (1) incorporate the amendments already approved by the County Board on September 17, 2019, (2) incorporate some of the amendments proposed by both the Developers and PCC, while excluding some others, and (3) incorporate my own proposed amendments that I believe will protect the interests of the County. In this way, I believe that my proposal serves all interests involved and is a middle ground in many ways to the text amendments proposed by the Developers, on one hand, and PCC, on the other hand.

After my initial draft, I reviewed the proposed text amendments and made some additional minor edits, mainly to clarify certain language. On a substantive note, I amended my proposal to increase the proposed maximum tower height from 600 feet to 660 feet, which is the height that the Developers also propose. I did this for three main reasons. First, one of the Developers indicated that a height of 660 is required for its project to be viable. Second, six of eight counties surrounding Christian County do not set a maximum tower height at all, and one county sets its maximum tower height set at 750 feet. Only one county (Macon) sets its tower height lower than 750 feet. So, increasing Christian County's maximum tower height to 660 feet is consistent with surrounding counties. Third, I have proposed amending the building permit fees to charge \$27.50 per vertical foot. So, the higher the tower, the more the Developers must pay Christian County. The difference between 600 vertical feet and 660 vertical feet is an extra \$1,650 per tower.

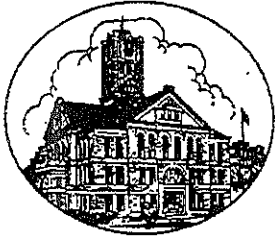
I am attaching a copy of my Amended Proposed Text Amendments, which are redlined on the WECS Ordinance. I have also included comments with most proposed amendments on the redlined copy.

RECOMMENDATION:

For the above reasons, the Zoning Administrator recommends that the ZBA approve an advisory report that recommends adopting the Zoning Administrator's proposed text amendments.

ATTACHMENTS:

1. WECS Ordinance redlined with proposed Zoning Administrator amendments.



Christian County

Animal Control & Zoning Office

300 S. Baughman Rd. • Taylorville, IL 62568-0647

Telephone: 217-824-5433 • Fax: 217-824-4091

To: Christian County Zoning Board of Appeals Chairman Sipes and Christian County Zoning Board of Appeals Members

CC: Christian County Board Chairwoman Becky Edwards

From: Vince Harris, Christian County Zoning Administrator

Date: June 12, 2020

Application No.: TX20-04

Subject: Text Amendments to WECS Ordinance approved by the County Board on September 17, 2019 to Require ALDS and Cooperation with Fire Departments

PURPOSE AND ACTION REQUESTED:

Petitioner, the County Board of Christian County, pursuant to Motion approved at the Christian County Board Meeting on September 17, 2019 in open session, requests that the Wind Energy Conversion System Ordinance ("WECS Ordinance") be amended as follows:

- Section VI.E is amended to include language requiring the Aircraft Detection Lighting System.
- Section VII.C.2 is amended to include language related to coordination with, and training of, fire departments have jurisdiction over the WECS.

BACKGROUND/DISCUSSION:

On September 17, 2019, the Christian County Board voted to approve a motion to amend the WECS Ordinance in the ways set forth above. For a text amendment to be approved, it must be presented to the ZBA pursuant to Article XI, Division V of the Zoning Code. Section 1-11-36 authorizes the County Board to propose text amendments to the Zoning Code. The County Board's approval of the motion on September 17, 2019 is interpreted as a proposal by the County Board to amend the text of the WECS Ordinance consistent with the language approved by the County Board's motion.

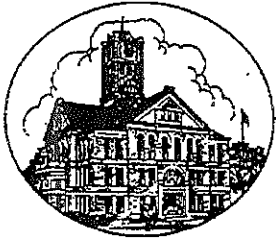
Inasmuch, I am submitting the enclosed redlined copy of the WECS Ordinance with the edits approved by the County Board to Sections VI.E and VII.C.2 redlined.

RECOMMENDATION:

Because the County Board's proposed text amendments are incorporated in the Zoning Administrator's proposal, the Zoning Administrator is not making a recommendation as to the County Board's proposal.

ATTACHMENTS:

1. WECS Ordinance redlined with County Board amendments proposed by the County Board on 9/17/19.



Christian County

Animal Control & Zoning Office

300 S. Baughman Rd. ● Taylorville, IL 62568-0647

Telephone: 217-824-5433 ● Fax: 217-824-4091

To: Christian County Zoning Board of Appeals Chairman Steven Sipes and Christian County Zoning Board of Appeals Members

CC: Christian County Board Chairwoman Becky Edwards

From: Vince Harris, Christian County Zoning Administrator

Date: June 12, 2020

Application No: TX20-05

Subject: Text Amendments to WECS Ordinance Proposed by Protect Christian County, LLC

PURPOSE AND ACTION REQUESTED:

Petitioner, the Protect Christian County, LLC ("Petitioner" or "PCC"), requests that the Wind Energy Conversion System Ordinance ("WECS Ordinance") be amended consistent with the redlined draft enclosed with this form.

BACKGROUND/DISCUSSION:

Petitioner is a limited liability company purportedly comprised of members and managers that have "legal interests in property in Christian County that are adjacent to and near properties where wind energy conversion systems have been proposed and, hence, would be economically and otherwise affected by the ability to place wind turbines adjacent to or near their properties." PCC states in its addendum to its application, "Locating wind turbines adjacent to or near their properties would affect their health, safety and welfare due to their close proximity." PCC submitted proposed text amendments that address a number of provisions throughout the WECS Ordinance.

On September 17, 2019, the Christian County Board voted to approve a motion to amend the WECS Ordinance by requiring an Aircraft Detection Lighting System in a WECS and coordination between a WECS developer/owner and local fire districts. The proposed amendments by PCC do not incorporate the amendments approved by the County Board at its September 17, 2019 meeting.

Many of PCC's proposed text amendments do not appear to serve the interest of adjacent property owners, or their "health, safety, and welfare." Further, many of the proposed text amendments over-regulate property owners and developers in areas better suited to be investigated during the special use permit proceedings. Many of the proposed text amendments do not appear to serve any purpose other than to stall and interfere with anticipated WECS projects.

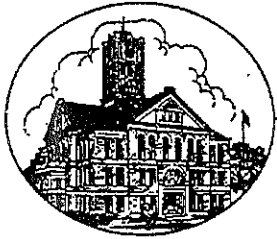
That said, some of PCC's proposed text amendments do appear to serve the interests of Christian County. In the Zoning Administrator's Amended Proposed Text Amendments (application TX20-3), I have incorporated the text amendments from PCC's application that I believe serve the interests of the County.

RECOMMENDATION:

For the above reasons, the Zoning Administrator recommends that the ZBA approve an advisory report that recommends denying the PCC's application for text amendments.

ATTACHMENTS:

1. Application submitted by PCC
2. WECS Ordinance redlined with proposed amendments by PCC.
3. WECS Ordinance with the proposed amendments accepted (a clean copy).



Christian County

Animal Control & Zoning Office

300 S. Baughman Rd. • Taylorville, IL 62568-0647

Telephone: 217-824-5433 • Fax: 217-824-4091

To: Christian County Zoning Board of Appeals Chairman Steven Sipes and Christian County Zoning Board of Appeals Members

CC: Christian County Board Chairwoman Becky Edwards

From: Vince Harris, Christian County Zoning Administrator

Date: June 12, 2020

Application No: TX20-06

Subject: Moratorium on the Issuance of Special Use Permits for a WECS, Proposed by Protect Christian County, LLC

PURPOSE AND ACTION REQUESTED:

Petitioner, the Protect Christian County, LLC ("Petitioner" or "PCC"), requests that the Wind Energy Conversion System Ordinance ("WECS Ordinance") be amended to place a six month moratorium on the issuance of special use permits for WECS.

BACKGROUND/DISCUSSION:

Petitioner is an limited liability company purportedly comprised of members and managers that have "legal interests in property in Christian County that are adjacent to and near properties where wind energy conversion systems have been proposed and, hence, would be economically and otherwise affected by the ability to place wind turbines adjacent to or near their properties." PCC states in its addendum to its application, "Locating wind turbines adjacent to or near their properties would affect their health, safety and welfare due to their close proximity."

PCC is proposing a six-month moratorium on the issuance of special use permits for WECS so that the County can "investigate the impact of WECS on the public's health, safety and welfare and determine whether the County's WECS Ordinance should be revised to update the standards and regulations therein to provide appropriate regulations and standards for the development, placement, construction, operation and modification of WECS in the County."

PCC submitted incomplete applications for this proposed six-month moratorium in October and November 2019. In part, PCC's applications were incomplete because it did not pay the application filing fee. On the date of the public hearing, June 23, 2020, over eight months will have passed since PCC first proposed the six-month moratorium. In essence, its moratorium was achieved.

In the meantime, PCC has submitted substantive proposed text amendments (TX20-5), and so have wind farm developers (TX20-2). The County Board also proposed text amendments to the WECS Ordinance (TX20-4). I have had an opportunity to review the WECS Ordinance in detail, along with the substantive text amendments proposed by the County Board, wind farm developers, and PCC. I

am submitting a proposal for text amendments to the WECS Ordinance (TX20-03) that incorporates proposed amendments from each application that I believe best serve the County's interests. I believe that the ZBA has sufficient information now to amend the WECS Ordinance in a way to protect the health, safety, and welfare of Christian County residents.

RECOMMENDATION:

For the above reasons, the Zoning Administrator recommends that the ZBA approve an advisory report that recommends denying the PCC's application for a moratorium on the issuance of special use permits to WECS.

ATTACHMENTS:

1. Application for Moratorium submitted by PCC
2. WECS Ordinance redlined with proposed amendments by PCC.
3. WECS Ordinance with the proposed amendments accepted (a clean copy).