

~~WIND ENERGY CONVERSION SYSTEMS SITING ORDINANCE~~
COMMERCIAL WIND ENERGY FACILITY SITING ORDINANCE

I. DEFINITIONS

- A. "Applicant" means the entity who submits to the County a Special Use Permit Application for the siting and operation of any ~~WECS~~ Commercial Wind Energy Facility, Substation, Battery Energy Storage System, or Supporting Facilities. All references to Applicant in this Ordinance shall include Applicant's successors-in-interest and assigns, which includes a Commercial Wind Energy Facility Permittee ~~(as defined herein)~~.
- B. "Battery Energy Storage System" or "BESS" means one or more devices, assembled together, capable of storing energy in order to supple electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.
- C. "Commercial Operation Date" means the calendar date on which the ~~WECS Project~~ Commercial Wind Energy Facility produces power for commercial sale, not including test power.
- D. "Commercial Wind Energy Facility" or "Facility" or "Commercial Wind Energy System" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. ~~Also referred to herein as "Wind Energy Conversion System" or "WECS" or "WECS Project"~~.
- E. "Financial Assurance" or "Financial Security" or "Decommission Security" means assurance from a credit worthy party, examples of which include a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.
- F. "Meteorological Tower" means those towers which are erected primarily to measure wind speed and direction plus other data relevant to siting and operating of a ~~WECS Project~~ Commercial Wind Energy Facility. For purposes of this Ordinance, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.
- G. "Notice to Proceed" means a written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a ~~WECS Project~~ Commercial Wind Energy Facility and identifying the date on which the construction activities are scheduled to commence.
- H. "Nonparticipating Property" means real property that is not a Participating Property.
- I. "Nonparticipating Residence" means a residence that is located on Nonparticipating Property and that is existing and occupied on the date that ~~an application~~ a Special Use Permit Application to develop the ~~WECS Project~~ Commercial Wind Energy Facility is filed with the County.
- J. "Occupied Community Building" means any one or more of the following buildings that is existing and occupied on the date that ~~the application for a permit~~ a Special Use Permit

Application to develop the ~~WECS Project~~ Commercial Wind Energy Facility is filed with the County: a school, place of worship, day care facility, public library, or community center.

- K. "Operator" means the person or entity responsible for the day-to-day operation and maintenance of a ~~wind energy conversion system~~ Commercial Wind Energy Facility, including any third-party subcontractors. The Operator must be a qualified wind power professional. All references to Operator in this Ordinance shall include Operator's successors-in-interest and assigns.
- L. "Facility Owner" or "Owner" means the person, entity, or entities with an equity interest in a Commercial Wind Energy Facility, including their respective successors-in-interest and assigns. The Facility Owner does mean (i) the property own from whom land is leased for locating a Commercial Wind Energy Facility (unless the property own has an equity interest in a Commercial Wind Energy Facility); or (ii) any person holding a security interest in a Commercial Wind Energy Facility solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell a Commercial Wind Energy Facility at the earliest practicable date. This definition includes the definition of Facility Owner as defined in 55 ILCS 5/5-12020.
- M. "Participating Property" means real property that is the subject of a written agreement between a Facility Owner and the owner of the real property that provides the Facility Owner an easement, option, lease, or license to use the real property for the purpose of constructing a ~~WECS Project or supporting facilities~~ Commercial Wind Energy Facility, Substation, Battery Energy Storage System, or Supporting Facilities. Participating Property also includes real property that is owned by a Facility Owner for the purpose of constructing a ~~WECS Project~~ Commercial Wind Energy Facility, Substation, Battery Energy Storage System, or Supporting Facilities.
- N. "Participating Residence" means a residence that is located on Participating Property and that is existing and occupied on the date that ~~an application~~ a Special Use Permit Application to develop the ~~WECS Project~~ Commercial Wind Energy Facility is filed with the County.
- O. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State in Illinois. Where a structural engineer is required to take some action under terms of this Ordinance, a professional engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.
- P. "Protected Lands" means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- Q. "Public Conservation Lands" means land owned in fee title by county, state, or federal agencies and managed specifically for conservation purposes, including but not limited to county, state, and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public Conservation Lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public

Conservation Lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.

- R. "Special Use Permit" means a permit approved by the County Board, after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board and included in the Special Use Permit.
- S. "Substation" means the apparatus that collects and connects the electrical collection system of the ~~WECS(s)~~ Commercial Wind Energy Facility and increases the voltage for connection with the utility's transmission lines.
- T. "Supporting Facilities" means the transmission lines, substations, access roads, storage containers, and equipment associated with the generation and storage of electricity by the ~~WECS~~ Commercial Wind Energy Facility.
- U. ~~"WECS Permittee"~~ "Commercial Wind Energy Facility Permittee" means an Applicant who applies for and receives a Special Use Permit under this Ordinance for the siting and operation of any Commercial Wind Energy Facility, Substation, Battery Energy Storage System, or Supporting Facilities. All references to a Commercial Wind Energy Facility Permittee in this Ordinance shall include a Commercial Wind Energy Facility Permittee's successors-in-interest and assigns.
- V. ~~"WECS Wind Tower"~~ means and includes wind turbine tower, nacelle, and blades.
- W. ~~"WECS Wind Tower Height"~~ means the distance from the rotor blade at its highest point to the top surface of the ~~WECS~~ foundation.
- X. ~~"WECS Building Permit"~~ "Commercial Wind Energy Building Permit" or "Building Permit" means a permit necessary for the commencement of work performed toward the construction, erection, or installation of an approved Commercial Wind Energy Facility, Substation, Battery Energy Storage System, Supporting Facilities, or operations and maintenance building in connection with a Commercial Wind Energy Facility. A Commercial Wind Energy Building Permit may be issued by the County after a Commercial Wind Facility has been approved by obtaining a Special Use Permit from the County Board, and the Zoning Administrator determines that all conditions, if any, have been satisfied that are imposed by the Special Use Permit. The Commercial Wind Energy Building Permit shall require the Application to deliver a written Notice to Proceed for the Commercial Wind Energy Facility to the County prior to the commencement of construction of the Commercial Wind Energy Facility. The term "commencement of construction," as used in this Ordinance, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of project-related structures and infrastructure improvements, etc.) regarding Commercial Wind Energy Facility.

- Y. "Wind Turbine" means any piece of electrical generating equipment that converts the kinetic energy of moving wind into electrical energy through the use of airfoils or similar devices to capture the wind.

II. APPLICABILITY

- A. This Ordinance governs the siting of ~~WECS and Substations~~ Commercial Wind Energy Facilities, Substations, Battery Energy Storage Systems, and Supporting Facilities that generate electricity to be sold to wholesale or retail markets, and as defined in 55 ILCS 5/5-12020. To the extent a Battery Energy Storage System (BESS) will be integrated or connected in any way to a Commercial Wind Energy Facility, the Applicant must comply with the BESS requirements of the Mason County Commercial Solar Energy Facility Siting Ordinance.
- B. Owners of ~~WECS~~ Commercial Wind Energy Facilities with an aggregate generating capacity of 0.5 mW or less who locate the Facility on their own property are not subject to this Ordinance.

III. PROHIBITIONS

- A. No ~~WECS Project, WECS or Substation~~ Commercial Wind Energy Facility, Substation, Battery Energy Storage System, or Supporting Facilities governed by this Ordinance shall be constructed, erected, installed, or located within the County, unless prior siting approval has been obtained, via a Special Use Permit, for each individual ~~WECS Project, WECS and Substation~~ Commercial Wind Energy Facility or for a group of ~~WECS Projects and Substations~~ Commercial Wind Energy Facilities under a joint ~~siting application~~ Special Use Permit Application pursuant to this Ordinance. Commercial Wind Energy Facilities are only allowed ~~via Special Use Permit~~ in agricultural or industrial zoned districts, via Special Use Permit.
- B. No BESS governed by this Ordinance shall be transported, constructed, erected, installed, located, or operated within Mason County, unless it is connected to a Commercial Wind Energy Facility; and
- C. Special Use Permit approval has been granted by the County Board and a Building Permit has been issued by the Mason County Zoning Office; and
- D. Road Use Agreements and Decommissioning Agreements have been entered into for each applicable governmental agency for the BESS.
- E. For the purposes of this Ordinance, a BESS incorporated as part of the original design submitted in the Special Use Application for a Commercial Wind Energy Facility (or commercial wind energy facility), is considered covered by the Special Use Permit and Building Permit if approved and issued. A BESS proposed to be connected to an existing Commercial Wind Energy Facility (or existing commercial wind energy facility) is required to seek and obtain a separate Special Use Permit, via a Special Use Permit Application, as well as a Building Permit, prior to the transportation, construction, erection, installation, location, or operation of the BESS. No BESS is allowed in a Commercial Wind Energy Facility (or commercial wind energy facility) unless it is part of the design of the Facility included in the Special Use Permit Application or obtains a separate Special Use Permit and Building Permit pursuant to the terms of this Ordinance. A BESS seeking a Special Use Application to connect to an existing

Commercial Wind Energy Facility (or existing commercial wind energy facility) must comply with all aspects of this Ordinance, unless expressly stated otherwise.

- F. A BESS is only allowed on parcels zoned by Mason County as “agricultural” or “industrial” and for which a Special Use Permit and Building Permit has been obtained.
- G. At least sixty (60) days prior to filing a Special Use Permit Application with the County, the Applicant must hold an in-person meeting at a location within the township of the planned Commercial Wind Energy Facility or BESS, or if no sufficient location is available within the township, a location in the County, to inform the public of the project. In its Special Use Application, the Applicant shall provide sufficient documentation showing that a public meeting has been held and that all landowners and residents within 1.5 miles of the project footprint and within the project footprint have been notified of said meeting.

IV. SPECIAL USE PERMIT APPLICATION

- A. To obtain siting approval, an Applicant must first submit a Special Use Permit Application to the County.
- B. The Special Use Permit Application shall contain or be accompanied by the following:
 - 1. A ~~WECS Project~~ Commercial Wind Energy Facility summary, including, to the extent available: (a) a general description of the project, including (i) its approximate overall name plate generating capacity; (ii) the potential equipment manufacturer(s); (iii) the type(s) of ~~WECS(s)~~ wind towers; (iv) the number of ~~WECS~~ wind towers and name plate generating capacity of each ~~WECS~~ wind tower; (v) the maximum height of the ~~WECS Tower(s)~~ wind towers and maximum diameter of the ~~WECS(s)~~ wind tower rotor(s); (vi) the number of Substations; (vii) a project site plan, project phasing plan, and project construction timeline; and (viii) the general location of the project; and (b) a description of the Applicant, Owner, and Operator, including their respective business structures.
 - 2. Two (2) legal descriptions shall be submitted: (1) the subject property or properties on which the Commercial Wind Energy Facility, Substation, BESS, and Supporting Facilities will be located, which will be used for purposes of the public notice; and (2) the specific areas to be occupied by the Commercial Wind Energy Facility, Substation, BESS, and Supporting Facilities. In addition to the legal descriptions, the Applicant must also submit a map depicting the two areas. Under no circumstances shall a project granted a Special Use Permit be allowed to expand beyond the designated area to be occupied by the Commercial Wind Energy Facility, Substation, BESS, or Supporting Facilities.
 - 3. The name, address, and phone number of the Applicant, Owner and Operator, and all property owners, if known, and documentation demonstrating land ownership or legal control of the property.
 - 4. A site plan for the ~~WECS Project~~ Commercial Wind Energy Facility showing the planned location of each ~~WECS Tower~~ wind tower, including legal descriptions for each site, guy lines, and anchor bases (if any), Participating and Nonparticipating Residences, Occupied Community Buildings, parcel boundary lines (including identification of adjoining

properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings, electrical cabling to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, underground mines, scenic and natural areas within one thousand five hundred (1,500) feet of the proposed ~~WECS~~ Commercial Wind Energy Facility, the location of all known communications towers within two (2) miles of the proposed ~~WECS~~ Commercial Wind Energy Facility, and the layout of all structures within the geographical boundaries of any applicable setback.

5. All determinations of No Hazard to Air Navigation from the Federal Aviation Administration
6. A proposed Decommissioning Plan for the ~~WECS Project~~ Commercial Wind Energy Facility including cost estimations.
7. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
8. An Agricultural Impact Mitigation Agreement (AIMA) executed between the Applicant and the Illinois Department of Agriculture.
9. The topographic map shall include the ~~WECS Project~~ Commercial Wind Energy Facility site and the surrounding area.
10. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures.
11. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
12. Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.
13. Results of any United States Fish and Wildlife Service's Information for Planning and Consultation (IPaC) environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service's wind wildlife guidelines
14. Information demonstrating that the ~~WECS Project~~ Commercial Wind Energy Facility will avoid Protected Lands.
15. Any other information required by the County or County consultants that is necessary to evaluate the siting application and operation of the ~~WECS Project~~ Commercial Wind Energy Facility and to demonstrate that the ~~WECS Project~~ Commercial Wind Energy

Facility meets each of the regulations in this Ordinance, including the Special Use Permit standards set forth below.

16. Material changes to the application are not permitted once the notice of public hearing has been published, unless requested or permitted by the County.
17. The Applicant shall submit twelve (12) copies of the Special Use Permit Application to the County, and at least one (1) copy in electronic format.

V. DESIGN AND INSTALLATION

A. Design Safety Certification.

1. ~~WECSs~~ Commercial Wind Energy Facilities 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 ("CGL"), or an equivalent third party. All turbines shall be new equipment commercially available; no used or experimental equipment shall be used in the ~~WECS Project~~ Commercial Wind Energy Facility without the approval of a variance by the County Board.
2. Following the granting of siting approval under this Ordinance, a structural engineer shall certify, as part of the ~~WECS~~ Commercial Wind Energy Facility Building Permit application process, that the foundation and tower design of the ~~WECS~~ Commercial Wind Energy Facility is within accepted professional standards, given local soil, subsurface and climate conditions.

B. Controls and Brakes.

All ~~WECSs~~ Commercial Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, tilt, 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~~ Commercial Wind Energy Facility shall conform to the applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and International Electrical Commission).

D. Aesthetics and Lighting.

The following items are recommended standards to mitigate visual impact:

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

2. Turbine Consistency: To the extent feasible, the ~~WECS Project~~ Commercial Wind Energy Facility shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in color and direction with nearby facilities.
3. Lighting: ~~WECS Project~~ The Commercial Wind Energy Facility shall utilize minimal lighting that is compliant with the applicable FAA regulations, as amended by the FAA. To the extent that such tower lighting is available and is approved by the FAA for the ~~WECS Project~~ Commercial Wind Energy Facility, the Applicant shall install Aircraft Detection Lighting Systems ("ADLS") or other similar technology to reduce light pollution and visual impacts caused by the ~~WECS Towers~~ Wind Towers.
4. Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement until same reach the property line or a substation adjacent to the property line.

E. Warnings.

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations, and at all entrances to the Wind Towers.
2. Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

F. Climb Prevention.

1. All ~~WECS~~ Wind Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - a. Fences with locking portals at least six (6) feet high; or
 - b. Anti-climbing devices twelve (12) feet vertically from the base of the ~~WECS~~ Wind Tower.

G. Setback Requirements.

~~WECS~~ Wind Towers shall be sited as follows, with setback distances measured from the center of the base of the ~~WECS~~ Tower;

1. Occupied Community Buildings: 2.1 times the maximum blade tip height of the ~~WECS~~ Wind Tower to the nearest point on the outside wall of the structure.
2. Participating Residences: 1.1 times the maximum blade tip height of the ~~WECS~~ Wind Tower to the nearest point on the outside wall of the structure;

3. Nonparticipating Residences: 2.1 times the maximum blade tip height of the WECS Wind Tower to the nearest point on the outside wall of the structure;
4. Boundary Lines of Participating Property: None.
5. Boundary Lines of Nonparticipating Property: 1.1 times the maximum blade tip height of the WECS Wind Tower to the nearest point on the property line of the nonparticipating property.
6. Public Road Rights-of-Way: 1.1 times the maximum blade tip height of the WECS Wind Tower to the center point of the public road right-of-way.
7. Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings): 1.1 times the maximum blade tip height of the WECS Wind Tower to the nearest edge of the property line, easement, or right of way containing the overhead line.
8. Overhead Utility Service Lines to Individual Houses or Outbuildings: None.
9. Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands: 2.1 times the maximum blade tip height of the WECS Wind Tower to the nearest point on the property line of the fish and wildlife area or protected land.

The setback requirements may be waived by the written consent of the owner(s) of each affected property. The Applicant does not need to obtain a variance from the County upon waiver by the property owner of the setback requirement. Any waiver of any of the above setback requirements shall run with the land and be recorded with the Recorder of Deeds of the County.

1. Any Commercial Wind Energy Facility that incorporates a BESS, shall abide by the following setbacks unless such setbacks would preclude the development of a Commercial Wind Energy Facility, then the setback provisions shall be minimally adjusted as to allow for the development of the Commercial Wind Energy Facility:
 - a. 200 feet from the property line right-of-way;
 - b. All components, except the interconnection point, installed as part of the BESS shall be setback at least 500 hundred feet from the nearest edge of any component of the BESS from any Occupied Community Building and dwellings on Nonparticipating Properties;
 - c. If a BESS is enclosed within the project area of Commercial Wind Energy Facility, no further fencing is required. If a BESS is not enclosed within a Commercial Wind Energy Facility, the BESS shall be enclosed by a 10-foot-high fence with a locking gate to prevent unauthorized access unless housed within a dedicated-use building.

2. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to the extent that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
3. Areas within twenty (20) feet on each side of a BESS shall be cleared of all combustible material, including vegetation. All BESS systems shall be set on a concrete pad with a concrete or gravel buffer surrounding the BESS on all sides and extending at least 20 feet on all sides.

H. Compliance with Additional Regulations.

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

I. Use of Public Roads.

1. An Applicant proposing to use any County, municipality, township, or village road(s), for the purpose of transporting ~~WECS~~ Commercial Wind Energy Facility, Substation, Battery Energy Storage System, or Supporting Facilities' parts and/or equipment for construction, operation, or maintenance of the ~~WECS(s)~~ Commercial Wind Energy Facility, Substation(s), Battery Energy Storage System(s), or Supporting Facilities, 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 must obtain a weight or size permit from the County, municipality, township or village, the Applicant shall:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
 - b. Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the Special Use Permit. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the Facility's equipment, the installation, maintenance, or removal, must be completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the ~~WECS Project~~ Community Wind Energy Facility or are authorized to collect fees for overweight and/or oversized load permits. Further, financial assurance in an amount to be fixed by the Road District Commissioner to ensure the Road District or the County that future repairs are completed to

their reasonable satisfaction shall be provided. Applicant shall submit a draft form of said financial assurance with application for Special Use Permit.

- c. Enter into a Road Use Agreement with the County and each affected Road District that includes the following provisions, at a minimum:
 - i. Project layout map;
 - ii. Transportation impact analysis;
 - iii. Pre-construction plans'
 - iv. Project traffic map;
 - v. Project scope of repairs;
 - vi. Post-construction repairs;
 - vii. Insurance;
 - viii. Financial Security in forms and amounts acceptable to the County;

The Road Use Agreement shall require Applicant to be responsible for the reasonable cost of improving roads used to construct ~~WECS~~ Community Wind Energy Facility and the reasonable cost of repairing roads used by the Facility Owner during construction of the ~~WECS~~ Community Wind Energy Facility so that those roads are in a condition that is safe for the driving public after the completion of the ~~WECS~~ Community Wind Energy Facility construction. Roadways improved in preparation for and during the construction of the ~~WECS~~ Community Wind Energy Facility shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

3. All repairs and improvements to public roads and roadway appurtenances shall be subject to the prior approval of the County before being made and shall also be subject to inspection and acceptance by the County after such repairs and improvements are completed. The County's Road Use Agreement, and any further agreements contemplated therein, regarding the maintenance and repair of public roads and highways, must be approved by the County Board prior to the Board's approval of any ~~WECS~~ Community Wind Energy Facility Building Permit applications related to the construction of the proposed ~~WECS~~ Project Community Wind Energy Facility.

J. Site Assessment.

To ensure that the subsurface conditions of the site will provide proper support for the Commercial Wind Energy Facility and soil restoration, the Applicant, at its expense, shall provide soil and geotechnical boring reports to the County Engineer as part of its Commercial Wind Energy Facility Building Permit. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the County Soil and Water Conservation District (or equivalent regulatory agency). Also, the Applicant shall submit grading plans for the proposed Substations for review and comment by the County Soil and Water Conservation District prior to the issuance of any Commercial Wind Energy Facility Building Permit for the construction of said Substations.

K. Communications Analysis; Interference.

1. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an appropriate analysis of the television reception documenting the television stations that are received within one and one-half (1 ½) miles of the footprint of the ~~WECS Project~~ Commercial Wind Energy Facility. The results of said study shall be public record and will serve as a baseline reading for television reception conditions prior to the construction of the ~~WECS Project~~ Commercial Wind Energy Facility and shall be submitted as part of the Special Use Permit application.
2. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), conduct a communications analysis that indicates that the E9-1-1 communications, emergency communications or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed wind power facility. Said communication analysis shall be a public record and shall be submitted as part of the Special Use Permit application.
3. The Applicant and the Operator, at the Applicant's expense, shall take immediate actions to minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals and to eliminate any such interference that impacts local government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, caused by the operation of the ~~WECS~~ Commercial Wind Energy Facility. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the ~~WECS Project~~ Commercial Wind Energy Facility Summary and Site Plan, as set forth in Section V(B)(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~~ Commercial Wind Energy Facility, the Applicant and the Operator, at Applicant's expense, shall take reasonable measures to minimize and mitigate such anticipated interference and with regard to interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant and the Operator, at Applicant's expense, shall take all necessary and available commercial measures to eliminate any such interference. If, after construction of the ~~WECS~~ Commercial Wind Energy Facility, the Applicant (~~WECS~~ Commercial Wind Energy Facility Permittee) or Operator receives a written complaint related to the above-mentioned interference, the Applicant (~~WECS~~ Commercial Wind Energy Facility Permittee) shall take commercially reasonable steps to respond to the complaint, except in the case of a complaint of interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications. In the case of local, government public safety communications, the Applicant (~~WECS~~ Commercial Wind Energy Facility Permittee) and the Operator, at the Applicant's expense, shall immediately take all necessary and available commercial measures to eliminate any such interference.
4. If, after construction of the ~~WECS~~ Commercial Wind Energy Facility, the Applicant (~~WECS~~ Commercial Wind Energy Facility Permittee) or Operator receives a written complaint related to interference with local broadcast residential television, the Applicant (~~WECS~~ Commercial Wind Energy Facility Permittee) shall take commercially reasonable steps to

respond to the complaint. A summary of complaint and subsequent response from Applicant shall be forwarded to the Mason County Board for review. Once the construction is complete and a television reception complaint is received by the Mason County Zoning Office, who will have thirty (30) calendar days to verify the complaint, the Applicant (~~WECS-Commercial Wind Energy Facility Permittee~~) will be given fifteen (15) calendar days to respond, in writing (validation date). Said response shall be addressed and forwarded to both the Mason County Zoning Administrator and the complainant. Such response shall include but not be limited to the following: an acknowledgment that a complaint was made and evaluated by the Applicant (~~WECS-Commercial Wind Energy Facility Permittee~~). If considered valid by the Applicant (~~WECS-Commercial Wind Energy Facility Permittee~~): an explanation, including a timeline, as to what the Applicant (~~WECS Commercial Wind Energy Facility Permittee~~) intends to do about the complaint. The Applicant (~~WECS-Commercial Wind Energy Facility Permittee~~) of the wind power facility will be given an additional fifteen (15) calendar days from the validation date to resolve said TV reception issue. If considered invalid by the Applicant (~~WECS-Commercial Wind Energy Facility Permittee~~), an explanation, including supporting documentation and expert opinions, as to why the Applicant (~~WECS-Commercial Wind Energy Facility Permittee~~) believes the complaint is not valid. Television reception complaints must be filed within six (6) months from the date each wind turbine generator goes online.

L. Noise Levels.

Noise levels from each ~~WECS or WECS Project~~-Commercial Wind Energy Facility shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine characteristics necessary for a competent noise analysis. The Applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its Special Use Permit Application.

M. Agricultural Impact Mitigation.

Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the Special Use Permit Application for the ~~WECS Project~~-Commercial Wind Energy Facility application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture. The Applicant shall submit the executed Agricultural Impact Mitigation Agreement to the County as part of the Special Use Permit Application.

N. Avian and Wildlife Impact Study.

The Applicant, at its expense, shall have a third-party, qualified professional (after submission of resume and relevant work experience) conduct an avian and wildlife impact study and submit said study to the County as part of the Special Use Permit Application. Each ~~WECS or WECS Project~~-Commercial Wind Energy Facility shall be located, designed, constructed, and operated so as to avoid, and if necessary, mitigate the impacts to wildlife.

O. As-Built Map and Plans.

Within sixty (60) calendar days of completion of construction of the ~~WECS Project~~ Commercial Wind Energy Facility, the Applicant or Operator shall deliver "as-built" maps, site plan and engineering plans for the ~~WECS Project~~ Commercial Wind Energy Facility that have been signed and stamped by a Professional Engineer and a licensed surveyor.

P. Engineer's Certificate.

The ~~WECS Project~~ Commercial Wind Energy Facility engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the ~~WECS~~ Wind Tower and foundation design is compatible with and appropriate for each turbine design proposed to be installed and that the specific soils and subsurface conditions at the site can support the apparatus, given local soil, subsurface and climate conditions. All commercially installed wind turbines must utilize self-supporting, tubular towers. The ~~WECS Project~~ Commercial Wind Energy Facility engineer's certificate shall be a public record and shall be submitted as part of the Special Use Permit Application.

Q. Conformance with Approved Application and Plans.

The Applicant shall construct and operate the ~~WECS Project~~ Commercial Wind Energy Facility in substantial conformance with the construction plans contained in a County approved submitted Special Use Permit Application(s), conditions placed upon the operation of the Facility, this ordinance and all applicable state, federal, and local laws and regulations.

R. Additional Terms and Conditions.

1. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Special Use Permit Application shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.
2. The County may retain a qualified, independent code inspector or professional engineer both to make appropriate inspections of the ~~WECS Project~~ Commercial Wind Energy Facility during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the ~~WECS Project~~ Commercial Wind Energy Facility is performed in compliance with applicable electrical and building codes. The cost and fees so incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the Applicant of the ~~WECS Project~~ Commercial Wind Energy Facility.
3. The Applicant shall provide locked metal gates, or a locked chain are installed at the access road entrances of all the wind turbine generator locations. An exception may be made when the landowner has filed a written statement with the County which states that the owner does not want a locked metal gate installed and has provided a signed liability waiver to the County.

4. The Special Use Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest, and assigns. If any provision in this Ordinance, or conditions placed upon the operation of the Commercial Wind Energy Facility is held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.
5. The Applicant shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation, to the County, showing approved entrances prior to the issuance of any ~~WECS~~ Commercial Wind Energy Facility Building Permit or prior to the construction of the ~~WECS Project~~ Commercial Wind Energy Facility.
6. No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. The wind turbine generator shall not be installed in a location along the major axis of existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
7. The Applicant of the ~~WECS Project~~ Commercial Wind Energy Facility shall use two (2) methods to detect icing conditions on turbine blades: (1) sensors that detect when blades become imbalanced or create vibration due to ice accumulation; and (2) meteorological data from on-site meteorological towers, on-site anemometers, and other relevant weather sources that will be used to determine if ice accumulation is occurring. These control systems will either automatically shut down the turbine(s) in icing conditions or the Applicant will manually shut down the turbine(s) if icing conditions are identified.

VI. OPERATION

A. Maintenance.

1. Annual Report. The Applicant (~~WECS~~ Commercial Wind Energy Facility Permittee) must submit, on an annual basis on the anniversary date of the ~~siting approval application~~ Special Use Permit Application, an operation and maintenance report to the County. The report shall contain the following information: (i) a general description of any physical repairs, replacements or modification(s) to the ~~WECS~~ Commercial Wind Energy Facility and/or its infrastructure; (ii) complaints pertaining to setbacks, noise, shadow flicker, appearance, safety, lighting and use of any public roads received by the Applicant concerning the ~~WECS~~ Commercial Wind Energy Facility and the resolution of such complaints; (iii) calls for emergency services; (iv) status of liability insurance; and (v) a general summary of service calls to the ~~WECS~~ Commercial Wind Energy Facility. Failure to provide the annual report shall be considered a material violation of this Ordinance and subject to Article ~~X~~ X (Remedies).

2. Re-Certification. Any physical modification to the ~~WECS~~ Commercial Wind Energy Facility that alters the mechanical load, mechanical load path, wind tower height, or major electrical components shall require re-certification under the Design and Safety section, paragraph 1, of this Ordinance. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with a relevant third-party certifying entity identified in the Design and Safety Certification section, paragraph 1, of this Ordinance to determine whether the physical modification requires re-certification.

B. Coordination with Emergency Responders.

1. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the ~~wind power facility~~ Commercial Wind Energy Facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the Applicant of the ~~WECS Project~~ Commercial Wind Energy Facility.
2. The Applicant, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the ~~WECS Project~~ Commercial Wind Energy Facility. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment such as winches, pulleys, harnesses, etc.
3. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated Commercial Wind Energy Facility representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week | 365 days per year"). Any change in the designated Commercial Wind Energy Facility representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annual basis.
4. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire / emergency laws and regulations.

C. Water, Sewer, Materials Handling, Storage, and Disposal.

1. All solid wastes related to the construction, operation, and maintenance of the ~~WECS~~ Commercial Wind Energy Facility shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.