

3.4 RURAL DISTRICTS

3.41 A - AGRICULTURAL

3.41-1 Purpose

The Agricultural district is established as a district in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This district is also designed to prevent the health hazards brought about by the illogical placements of inappropriately high residential densities in the otherwise open countryside.

3.41-2 Permitted Uses

- a. Agricultural uses, including, but not limited to horticulture; forestry, crop and tree farming; truck farming; natural areas; gardening; dairy; stock and poultry farming; and the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding all agricultural pursuits in violation of the IEPA performance standards.
- b. Dwellings, single family, including earth-sheltered homes.
 1. Farmsteads
 2. Single family dwellings for families of those residing on and owning the farmsteads.
- c. Signs, as permitted in Article V of this Ordinance.

3.41-3 Accessory uses, including the following:

- a. Home occupations in a single family dwelling, provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling.

- b. Living quarters for persons employed on the premises and not rented. If the living quarters is a mobile home, a Conditional Use permit is required.
- c. Barns and other bona fide farm buildings.
- d. Private garages and private greenhouses.
- e. Private stable which is for the exclusive use of the occupants of the premises and not less than fifty (50) feet from any property line.
- f. Roadside stands, offering for sale agricultural or other products grown or produced on the premises upon which the stand is located, provided said stand is located at least fifty (50) feet from the right-of-way, and off-street parking is provided in accordance with Article IV of this Ordinance.
- g. Off-street parking and loading as regulated in Article IV of this Ordinance.
- h. Private hunting, fishing, boating, swimming, skiing, hiking and other related recreational activities.
- i. Private swimming pools.
- j. Family recreational areas as defined herein:

Picnic areas and camping areas, with State approved sewage disposal, for not more than two (2) tents or camping units per twenty (20) acres are permitted. Such tents or camping units shall be parked, placed or used on the premises for not more than forty-five (45) days in a calendar year with no period of occupancy to extend more than fifteen (15) days. Mobile homes are not permitted. Shelters open on three (3) sides and buildings under six hundred (600) square feet used exclusively for the storage of maintenance equipment for use on the premises are permitted with a building permit. Such family recreational area may be used only by the owner, his family and occasional nonpaying guest.

k. Small Wind Energy Systems.

The provisions of this subsection (k) apply to electric generating wind devices hereinafter referred to as small wind energy systems. For the purpose of this Ordinance, a small wind energy system is defined as: one (1) wind turbine generator, including the generator, tower and associated controls and/or conversion electronics, which converts wind energy into electricity, has a rated capacity of one hundred (100) kilowatts or less and is intended to primarily reduce on-site consumption of utility power for onsite farm and farm home use. Wind energy systems with a rated capacity of more than one hundred (100) kilowatts shall be governed by 3.41-4 s. of the Bureau County Zoning Ordinance.

All small wind energy systems shall be in compliance with all applicable county, state and federal regulatory standards (including applicable building codes and electrical codes). No appurtenances shall be connected to any small wind energy system except in accordance with the Bureau County Zoning Ordinance.

All small wind energy systems shall be mounted on a monopole tower specifically designed for the unit it supports. Guyed towers are not allowed. Applicants shall submit certificates from equipment manufacturers documenting that the proposed equipment has been manufactured in compliance with industry standards.

All applications for a building permit to construct a small wind energy system shall contain, as part of the application, the following information, whether on the application itself or as attachments thereto:

1) Description of Project.

This shall include a legal description for the location of the small wind energy system, the location of property lines of adjoining property owners (in the case of leased property, the location of property lines of property owners adjoining the landlord's property), the capacity of the proposed small wind energy system, height, type and color of proposed tower, the diameter of rotor and the direction in which it rotates. All small

wind energy systems shall be new or manufacturer reconditioned and recertified equipment; no experimental or prototype homemade equipment shall be approved unless a Variation is granted by the Bureau County Zoning Board of Appeals.

2) Site Plan:

The site plan shall detail the location of the project area boundaries and must detail compliance with the following:

a) Setback Requirements.

All parts of a small wind energy system shall be subject to setback requirements and this section of the Ordinance:

(1.) Setbacks from all property lines of the parcel of land on which the small wind energy system is located and the right-of-way of all public roads shall be a minimum of 1.1 times the total height. Total height is defined as the distance above grade to the tip of the blade in its highest, twelve (12) o'clock position.

(2.) Setbacks from dwellings shall be a minimum of 1.1 times the total height.

Distance shall be measured from the foundation at the base of the tower.

Applicant is responsible for ensuring that the project meets any and all setback requirements from utilities in the vicinity of the proposed small wind energy system, including, but not limited to gas lines and other utilities.

(3.) Small wind energy systems shall be located a minimum of one and one-half (1½) miles outside of the municipal limits of any town, village or city.

b) Noise Standards.

Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations and applicant shall supply manufacturer certification that the proposed small wind energy system is in compliance with same.

c) Waste Management.

Solid Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the small wind energy system, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner.

Hazardous Waste. All hazardous waste generated by the operation and maintenance of the small wind energy system, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal rules and regulations.

d) Signage.

No small wind energy system, building, or other structure associated with a small wind energy system shall be used to advertise or promote any product or service. No wording or graphic representation, other than appropriate warning signs, shall be placed on a small wind energy system so as to be visible from any public road.

e) Aesthetics.

The following items are recommended standards to mitigate visual impact:

1. **Coatings and Coloring:** Small wind energy systems shall be of a non-reflective, unobtrusive color that blends into the surrounding landscape to the greatest extent possible. Black is acceptable for mitigation of icing.
2. **Tower Height:** For agricultural zoned property between one (1) acre and three (3) acres in size, the tower height shall be limited to fifty (50) feet. For property sizes of three (3) acres or more, the tower height shall be limited to seventy (70) feet. The tower height is defined as the distance above grade of the fixed portion of the tower, excluding the turbine itself.

3. **Total Height:** Total height is hereby defined as the distance above grade to the tip of the blade in its highest, twelve (12) o'clock position. The maximum total height allowed for a small wind energy system shall be no more than one hundred and thirty (130) feet.
4. **Rotor Size:** The rotor diameter allowed for a small wind energy system shall be a maximum of sixty (60) feet in diameter. In all cases, there shall be a minimum of twenty-five (25) foot of ground clearance, which is defined as the distance above grade to the tip of the rotor blade in its lowest, six (6) o'clock position.
5. **Lighting:** Projects shall utilize minimal lighting. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Required lighting must comply with FAA minimum requirements and, whenever possible, be the lowest intensity allowed using red lights at night. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA.
6. **Power Lines:** All electrical wires and power lines associated with a small wind energy system shall be buried underground unless a Variation is granted by the Bureau County Zoning Board of Appeals.

f) Lot Size.

No small wind energy system shall be allowed on a lot of less than one acre in size unless a Variation is granted by the Bureau County Zoning Board of Appeals.

g) Utility Notification.

Applicant is responsible for applying for an interconnect agreement with their utility company notifying them of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement. Said interconnect agreement is subject to verification at any time by the Zoning Enforcement Officer.

h) Interference.

When applying for a building permit, the owner of a small wind energy system shall submit information from the manufacturer that certifies that the proposed system will not interfere with microwave transmissions, residential television or radio reception.

i) Violations.

It shall be unlawful for any person to construct, install, maintain, modify or operate a small wind energy system that is not in compliance with this Ordinance or the building permit issued for a small wind energy system pursuant to this Ordinance.

j) Building Permits.

All small wind energy systems require a building permit to be issued prior to the initiation of construction. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. Building permit applications shall also be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. This information is frequently supplied by the manufacturer. The property owner is responsible for ensuring that the foundation is installed according to the manufacturer's specifications and is in compliance with the Uniform Building Code.

k) Decommissioning Plan.

Cost of decommissioning a small wind energy system shall be borne by the property owner of the land upon which said small wind energy system was constructed.

l) Abandonment.

If a small wind energy system is inoperable for six (6) consecutive months, the owner shall be notified that they must, within six (6) months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six (6) month

time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower would then be subject to the Public Nuisance provisions of the Bureau County Zoning Ordinance. A tower without an operating turbine shall be considered a nuisance unless it is repurposed for a permitted use.

3.41-4 Conditional Uses

- a. Mobile home parks - Subject to regulations of the County Mobile Home Park Ordinance and shall conform to the Planned Development Procedure listed herein.
- b. Public or private community facilities such as schools, churches, cemeteries, pet cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and other similar uses.
- c. Public utility and service uses such as electric substations, telephone transmission structures, radio, television, cellular and microwave relay towers, water reservoirs, or pumping stations and government buildings.
- d. Junkyards

Any junkyard, scrap yard or salvage yard for which permission is granted under this Section shall at all times be subject to the performance standards established in this Ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height, or enclosed with a dense evergreen at least six (6) feet in height. Storage between the street and such fence or screen is expressly prohibited. Maximum height of salvage shall be no greater than one (1) foot below the screened material.

Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.

- e. Landing strip, private.
- f. Kennels.
- g. Confinement feeding on less than a twenty (20) acre farm.
- h. Grain dryers - commercial.
Three hundred (300) foot minimum from nearest residence (other than owner or lessor).
- i. Extraction of earth products.
- j. Agricultural implement or machinery business (including sales and services).
- k. Any agricultural or horticultural related operation requiring material which may cause offensive or noxious odors affecting an area where any established residences are located will be required to obtain a Conditional Use permit, in accordance with Article VII Performance Standards, Section 7.6 Odorous Matter, Paragraph 7.61.
- l. Any meat processing plant, fertilizer works, bone yards, plants for the processing of animal skins or hides and plants for the reduction of animal waste.
- m. Bed and Breakfasts.

Bed and Breakfast establishments shall meet the State Fire Marshall's requirements for one (1) and two (2) family dwellings. The operator shall obtain certification from the State Fire Marshall that the proposed Bed and Breakfast establishment meets the requirements of Section 6 of the State of Illinois "Bed and Breakfast Act." The operator shall submit a site plan and floor plan with the application of the proposed Bed and Breakfast establishment illustrating that the proposed Bed and Breakfast establishment will comply with this Ordinance.

The operator shall obtain all required licenses and permits for a Bed and Breakfast establishment from Bureau County prior to beginning the operation of such establishment.

No signs, other than an identification sign as allowed by this Ordinance, shall be permitted for a Bed and Breakfast establishment.

Parking requirements shall consist of two (2) parking spaces for the dwelling, plus one (1) additional parking space for each guest room. All parking must be off the street, located within two hundred (200) feet of the facility and must be of hard surface, properly marked and have bumper stops.

n. Transfer station.

All transfer stations must be located on a minimum of ten (10) acres and all roads on the premises and leading to the premises must be of pavement type A or B as defined by the Bureau County Subdivision Ordinance. A solid or chain link fence at least six (6) feet high must surround the entire site, excluding ingress and egress. A landscape design plan must be submitted with site plan at the time of application.

o. Sanitary landfill.

All sanitary landfills must be located on a minimum of ten (10) acres and all roads on the premises and leading to the premises must be of pavement type A or B as defined by the Bureau County Subdivision Ordinance. A solid or chain link fence at least six (6) feet high must surround the entire site, excluding ingress and egress. A landscape design plan must be submitted with site plan at the time of application.

p. Landscape waste composting facility, subject to the following conditions and minimum standards:

1. An application for permission to construct and operate a landscape waste composting facility shall be accompanied by copies of all valid permits issued and required by the Illinois Environmental Protection Agency, and any other relevant local, State or Federal Agency.
2. All landscape waste composting facilities shall be located on a site containing at least five (5) acres.
3. The location of the portion of the site where active biological decomposition of the landscape waste is taking place shall be located a minimum of five hundred (500) feet

from the lot line of any lot containing any residence or not within five hundred (500) feet from Residence District Boundary Line and shall be set back no less than two hundred (200) feet from the property line.

4. Evidence shall be submitted to show that the operation shall be conducted in such a manner as to prevent the blowing of any waste materials onto any adjoining property or roadway.
 5. The location of such landscape waste composting facility shall include a setback of at least two hundred (200) feet from any potable water supply well.
 6. The location of all operations of such landscape waste composting facility shall be outside the boundary of any Special Flood Hazard Area.
 7. The proposed hours of operation of such composting facility shall be submitted with the application for the special use.
 8. The marketing of any composted waste materials at retail or at wholesale from such composting facility may be allowed only when such marketing is accessory and incidental to such composting facility.
- q. Residential-Care Home of up to ten (10) persons provided:
1. The home must be eligible to obtain or must have obtained a state license or certification, or the sponsoring agency is licensed or certified by the state to operate residential-care homes; and,
 2. The home must be located not less than one thousand three hundred and twenty (1,320) feet from another Residential-Care Home; and,
 3. Prior to occupancy, a certificate of zoning compliance is applied for and received.
- r. Any permitted agriculture use that sells or charges a fee for related non-agriculture products or agriculture products not produced on the premises.

s. Wind Power Facilities.

The provisions of this subsection (s) apply to wind power facilities. All wind power facility turbines shall be in compliance with all applicable county, state and federal regulatory standards (including applicable building codes and electrical codes), FAA requirements, EPA regulations (hazardous waste, construction, storm water, etc.). All electrical components of the wind turbine generators (WTG)s shall conform to applicable state and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).

Facility equipment 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 another similar internationally recognized organization that provides certification for wind turbines.

All applications for conditional use filed under this subsection s shall contain, as part of the application, the following information, whether on the application itself or as attachments thereto:

1) Description of Project.

This shall include a legal description for the location of the tower and/or substation, the location of property lines of adjoining property owners (in the case of leased property, the location of property lines of property owners adjoining the landlord's property), the number and capacity of turbines, height and diameter of turbine rotors, turbine color, and rotor direction. All turbines shall be new equipment; no used, experimental or prototype equipment shall be approved by the Zoning Officer or the Zoning Board of Appeals. All turbines to be installed shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in case of load loss on the generator. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

2) Site Plan:

The site plan shall detail the location of the project area boundaries (i.e., the property lines if the site is owned by the developer or the leased property lines if the site is leased), the turbines, roads, transformers, power lines, communication lines, interconnection points with transmission lines, and other ancillary facilities or structures, and must detail compliance with the following:

a) Setback Requirements.

Wind Turbine Generators and Meteorological Towers

<u>Object</u>	<u>Setback</u>
Residence	1,400 feet or 3.2 times the height of tower & blade with blade at 12:00 o'clock position, whichever is greater.
Property Line.....	1.10 times height of tower & blade with blade at 12:00 o'clock position
Public Roads (from right-of-way).....	1.10 times height of tower & blade with blade at 12:00 o'clock position
Other Structures	1.10 times height of tower & blade with blade at 12:00 o'clock position
Incorporated Community	1.5 miles from Corporate Boundary Line
Unincorporated Platted Community	2,640 feet
Platted Rural Subdivision	2,640 feet

Unless otherwise noted, distance shall be measured from the foundation at the base of the wind turbine generator or tower to the foundation of the residence.

Setback distance from an Unincorporated Platted Community and/or a Platted Rural Subdivision shall be measured from the foundation at the base of the wind turbine generator or tower to the closest perimeter line of said platted community or subdivision.

A Variation of the setback requirements from a wind turbine generator to a home may be granted for a Participating Landowner. However, the home must maintain a minimum

setback distance of 1.25 times the height of tower & blade with blade at 12:00 o'clock position.

A Variation of the setback requirements from a wind turbine generator to a corporate boundary line may be granted if an Incorporated Community does not wish to enforce the 1.5 mile setback requirement from their corporate boundary line and the Governing Board agrees to the granting of the Variation in writing.

A Variation of the setback requirement may be granted for little-used public roads.

A Variation of the setback requirement may also be granted for the property line of an adjoining property owner participating in the particular wind power facility being developed and who agrees to the Variation in writing.

A Participating Landowner is defined as a landowner or landowners who have entered into an agreement in writing with a wind farm developer based on financial remuneration in exchange for the landowner's or landowners' use, license, lease or easement of real property rights.

Ancillary structures

Setback requirements for Ancillary structures (other than meteorological towers) shall be as follows:

<u>Object</u>	<u>Setback</u>
Substation.....	Minimum 50 feet from the right-of-way of any road and a minimum of 30 feet from side and rear property lines.
Transmission line support structures	All components of transmission line support structures, including overhead crossarms, must be a minimum of 10 feet from the existing and/or future right-of-way of any road. In all other cases, they must be a minimum of 10 feet from participating landowner property lines or a minimum of 1.1 times the height of the support structure from non-participating landowner property lines.

The location of all transmission line support structures and all proposed access points that will be used during the construction, installation and erection of transmission line support structures, their foundations and overhead transmission lines, shall be identified and approved by the Township Road Commissioner and/or the County Engineer prior to the granting of a building permit to accommodate road and/or drainage improvements within the existing and/or future right-of-way.

A Variation of the setback requirement for a transmission line support structure may be granted for the property line of an adjoining property owner participating in the particular wind power facility being developed and who agrees to the Variation in writing.

In no case shall any component of a transmission line support structure overhang a property line and/or a right-of-way line.

The setback requirement for transmission line support structures is not subject to any blowout effect of transmission lines caused by climactic conditions.

The setback requirement for transmission line support structures does not preclude the actual transmission line from crossing over public roadways, if approved by the proper roadway authority.

A transmission line as used in this subsection (a) is defined as a power transmission line from an electrical substation with a capacity of at least 69 kilovolts and excludes intra-project power collection lines as defined under 3.41-4 s.) 7) 5., which are required to be buried underground.

b) Conformance With Approved Application and Plans

The Petitioner, Owner and/or Operator of the wind power facility shall construct said wind power facility in substantial accordance with submitted Conditional Use Permit applications and all accompanying documents.

The Petitioner, Owner and/or Operator of the wind power facility shall be bound by any and all proposals and representations made under oath at the public hearing(s) before the Zoning Board of Appeals, which shall be considered as

supplementary conditions of the Conditional Use Permit granted by the Bureau County Board, even if not directly specified herein.

Nothing contained herein shall be deemed to preclude the agricultural use of the balance of the subject property not occupied by the wind power facility. Said agricultural use will be considered as being the principal use of the subject property notwithstanding adoption of a conditional use ordinance and the construction and operation of one or more WTGs on a given lot or parcel of land, at locations approved by the County Board pursuant to Conditional Use approval on a Site Plan Map.

3) Noise Standards.

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Bureau County Zoning Enforcement Officer, conduct an appropriate analysis of the noise impact to nearby properties. The sound pressure level generated by a WTG shall comply with all Illinois Pollution Control Board (IPCB) noise regulations. A modeling analysis of the proposed site shall be included in the application predicting the sound pressure in accordance with the best available practices. The program generating the modeling must take into account not only topography, but also prevailing winds, temperature, air density, ground cover, and other effects which contribute to the distance that sound can travel. The modeling must be submitted to Bureau County as part of the Conditional Use application.

To demonstrate compliance with the IPCB regulatory limits, the modeling must perform its analysis from the noise emitting property to the property line of the neighboring property. A “0” background ambient noise level shall be used for all modeling.

After a WTG is completed and operational, the Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Bureau County Zoning Enforcement Officer, complete a

sound pressure analysis of the existing conditions. The analysis shall be completed and returned to Bureau County Zoning Office within sixty (60) days. The owner of the wind power facility must immediately cease any violation of the IPCB regulations unless said violation is excused and waived in writing by the affected landowners and occupants. All analyses and studies are subject to approval of the Bureau County Zoning Enforcement Officer and are a matter of public record.

Once the wind farm has been constructed, the owner of the wind power facility shall provide evidence to the Zoning Enforcement Officer that the wind farm, as constructed, meets all the noise levels, rules and regulations established by the IPCB.

4) Television Interference

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Bureau County Zoning Enforcement Officer, 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 proposed wind power 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 wind farm facility and shall be submitted as part of the Conditional Use application.

Once the windfarm construction is complete and a television reception complaint is received by the Zoning Enforcement Officer, who will have thirty (30) days to verify the complaint, the Petitioner, Owner and/or Operator of the wind power facility will be given fifteen (15) days to respond, in writing (validation date). Said response shall be addressed and forwarded to both the Zoning Enforcement Officer and the complainant. Such response shall include but not be limited to the following: an acknowledgment that the complaint is considered by the Owner/Operator to be valid. If considered valid by the Owner/Operator: an explanation, including a time line, as to what the Owner/Operator intends to do about the complaint. The Petitioner, Owner and/or Operator of the wind

power facility will be given an additional fifteen (15) days from the validation date to resolve said TV reception issue. If considered invalid by the Owner/Operator, an explanation, including supporting documentation and expert opinions, as to why the Owner/Operator 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.

5) Waste Management.

Solid Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site immediately and disposed of in accordance with all federal, state and local laws.

Hazardous Waste. All hazardous waste related to the construction, operation and maintenance of the wind power facility, including but not limited to lubricating materials, shall be handled, stored, transported and disposed of in accordance with all federal, state and local laws.

6) Signage.

Signage regulations are to be consistent with ANSI and AWEA standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

7) Aesthetics.

The following items are recommended standards to mitigate visual impact:

1. Coatings and Coloring: Non-reflective, unobtrusive color. Black blades are acceptable for mitigation of icing.
2. Signage, including anything in the tower or nacelle, shall comply with other county ordinances pertaining to signage.

3. Turbine Consistency: To the extent feasible, the project 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.
4. Lighting: Projects shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA.
5. Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines and all communication lines shall be buried underground until same reach the property line or a substation adjacent to the property line.

8) Public Services.

1. Roads.

(a) Construction Phase Road Use Agreements. Prior to the granting of a Conditional Use Permit, the Wind Power Facility developer/operator (the “Operator”) shall enter into a Construction Phase Road Use Agreement covering the construction phase of the Project with the County, as well as the Highway Commissioner(s) of Township Road District(s) if construction of the Project will require use of Township roads and roadway appurtenances. The Operator may be required to make pre-construction improvements and shall be required to repair and improve the roads and roadway appurtenances following construction of the Project. The Operator shall also be required to provide financial security in a form acceptable to the County and any affected Road District before pre-construction road improvements are made (if required) or before construction of the Project may begin. The term of any Construction Phase Road Use Agreement shall not exceed three years. If the Operator does not start construction of the Project within one year of the date of execution of the Construction Phase Road Use Agreement, then the agreement shall be subject to an annual review on the first and second years of the date of its execution and the County (or Road District) may require amendments to the agreement based on existing

conditions. The Operator's failure to amend the agreement as requested by the County (or Road District) shall be grounds for revocation of the Conditional Use Permits issued for the Project.

(b) Operational Phase Road Use Agreements. Prior to the issuance of a Certificate of Occupancy, the Operator shall enter into an Operational Phase Road Use Agreement with the County and any affected Road District covering the Operator's use of, maintenance of and improvements to public roads and roadway appurtenances during the ongoing operations of the Project. An Operational Phase Road Use Agreement shall be in place while the Project remains in operation and the term of any Operational Phase Road Use Agreement shall not exceed three years. The Operator shall also be required to provide financial security in a form acceptable to the County and any affected Road District during the operational phase of the Project.

(c) Decommissioning Phase Road Use Agreements. Prior to the issuance of a Certificate of Occupancy, the Operator shall enter into a Decommissioning Phase Road Use Agreement with the County and any affected Road District covering the Operator's use of public roads and roadway appurtenances to dismantle the wind farm facility and repairs and improvements required after the dismantling of the facility is complete. The Operator, not the County (or Road District), shall bear the financial risks associated with damage caused to County (or Road District) roads and roadway appurtenances when the Project is dismantled or reconstructed or re-configured with new turbines. The County shall select an expert to assist the County to determine the amount of financial security, whether in the form of a bond or other surety, to be funded to assure sufficient financial resources exist to repair and improve public roads and roadway appurtenances at the time the wind farm facility is decommissioned. The cost of such expert shall be paid for by the Operator. The bond or other surety, when determined, shall be held by an independent third party on behalf of the County (or Road District). The bond or other surety must be provided by an AA or AAA rated entity.

The adequacy of the financial security being held shall be re-evaluated on the following schedule:

- i. Years 5 and 10 of operation;
- ii. Years 13, 16, 19, 22, 25 of operation; and
- iii. After the 25th year of operation, annual re-evaluation.

Start of Project operation shall begin upon the issuance of the first Certificate of Occupancy for the turbines which comprise the Project.

(d) During the construction, operational and decommissioning phases of the Project, the Operator shall be responsible for all professional advisor and consultant fees and costs incurred by the County (and any affected Road Districts). Upon the filing of the first application seeking a Conditional Use Permit for the Project, the Operator shall deposit \$5,000.00 with the Bureau County Highway Department (and Road District as appropriate). The deposited funds shall be used by the County Engineer (or Road District) for the payment of expenses and costs of consultants and professional advisors and shall be deducted automatically from the deposited funds as necessary. Replenishment of the deposited funds shall be mandatory upon request of the County (or Road District). If an applicant or Operator fails to comply a request to replenish funds within ten business days, the County (or Road District), may refuse to:

- i. proceed with any negotiations or request,
- ii. make inspections as otherwise required, or
- iii. issue any applicable certificate or permit.

(e) All repairs and improvements to public roads and roadway appurtenances shall be subject to the prior approval of the County (or any affected Road District) before being made and shall also be subject to inspection and acceptance by the County (or any affected Road District) after such repairs and improvements are completed.

The County Roads Agreement, and any further agreements contemplated therein, regarding the maintenance and repair of county highways, must be approved and adopted by the Bureau County Board prior to the Bureau County Board's approval of

any Conditional Use applications related to the construction of the proposed wind power facility.

9) Fire.

The following permit standards shall be followed to reduce risk of fire: 1. Adherence to applicable electrical codes and standards. 2. Removal of fuel sources, like vegetation, from immediate vicinity of electrical gear and connections. 3. Utilization of twistable cables on turbines.

The owner of the wind power facility shall submit to the Bureau County Zoning Enforcement Officer, the jurisdictional fire district and jurisdictional ambulance service, a copy of the wind power facility's site plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs) for the wind power facility so that the local fire protection district and rescue units that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the owner and/or operator of the wind power facility. In addition, the owner of the wind power facility shall provide training for, and the necessary equipment to, local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the wind project. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment such as winches, pulleys, harnesses, etc.

Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

10) Sewer and Water.

All facilities shall comply with existing septic and well regulations as required by the Bureau County Health Department and the State of Illinois Department of Public Health.

11) Shadow Flicker

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified

professional (after submission of resume and relevant work experience), approved by the Bureau County Zoning Enforcement Officer, conduct an initial shadow flicker modeling and analysis of the shadow flicker impact to nearby properties. The results of said modeling and analysis shall be public record and shall be submitted as part of the Conditional Use application.

After a WTG is completed and operational, the Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a different third party, qualified professional (after submission of resume and relevant work experience), approved by the Bureau County Zoning Enforcement Officer, complete a post construction shadow flicker analysis of the existing conditions. The post construction analysis shall be completed and returned to Bureau County Zoning Office within sixty (60) days after a WTG is completed and operational. The owner of the wind power facility shall be considered to be in violation of the Bureau County Zoning Ordinance if the post construction shadow flicker analysis is in excess of the initial shadow flicker study, unless said excess shadow flicker is excused and waived in writing by the affected property owner(s). All analyses and studies are subject to approval of the Bureau County Zoning Enforcement Officer and are a matter of public record.

12) Topographic Map.

The topographic map shall include the project site and the surrounding area.

13) Engineer's Certificate.

The engineer's certificate shall be completed by a structural engineer registered in the State of Illinois and shall certify that the tower and foundation design is compatible with and appropriate for each turbine design proposed to be installed and that the specific soils at the site can support the apparatus, given local soil and climate conditions. All commercially installed wind turbines must utilize self-supporting, tubular towers. Smaller co-generators of 40 kilowatts or less, however, may use lattice construction towers, but must meet all other standards contained in this subsection s. Said engineer's certificate shall be public record and shall be submitted as part of the Conditional Use application.

14) Certificate of Contracts.

Certificate shall detail power purchase contracts and power transmission contracts, or documentation that the project will be a merchant facility. Documentation shall be provided to the Zoning Enforcement Office prior to the issuance of a building permit.

15) Decommissioning Plan.

The decommissioning plan shall ensure that the facility is properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation) within six (6) months of the end of project life or facility abandonment.

The Decommissioning Plan shall include provisions describing the triggering events for decommissioning the WTG, which shall include the following language: “Any wind turbine generator or meteorological tower that is not operated in a continuous period of twelve (12) months shall be considered abandoned, unless due to documented maintenance or electrical grid issues and written notice provided to the County’s legal contact. The owner of such wind turbine generator or meteorological tower shall remove same within six (6) months of receipt of notice from the County.”

The decommissioning plan shall state how the facility will be decommissioned, the structural engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The Decommissioning Plan shall contain a replenishment obligation and shall be reviewed every five (5) years for the life of the project for the purpose of adjusting or recalculating decommissioning costs, if necessary.

The decommissioning plan shall also recite an agreement between the applicant and the county that:

- a) The financial resources for decommissioning shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Enforcement Officer.

- b) A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
- c) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
- d) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- e) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county's right to seek reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

The decommissioning cost shall be determined by the county, considering the engineer's estimate, and the time and manner of payment shall be determined on a case by case basis, considering the amount, the developer's financial resources, the anticipated rate of return on investment, and similar factors. The Engineer used to estimate said decommissioning costs, shall be a structural engineer, licensed in the State of Illinois, and shall be approved by the County Engineer or their designee.

The Decommissioning and Site Restoration Plan, and any further agreements contemplated therein, must be approved and adopted by the Bureau County Board prior to the Bureau County Board's approval of any Conditional Use applications related to the construction of the proposed wind power facility.

16) Site Assessment

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall provide soil boring reports to the County Engineer with respect to each WTG location, as part of its building permit application. The Owner of the wind power facility shall follow the guidelines for Conservation Practices

Impact Mitigation submitted by the Bureau County Soil and Water Conservation District. Also the grading plans for the proposed substations must be approved by the Bureau County Soil and Water Conservation District prior to the issuance of any building permit for the construction of said substations.

17) Avian and Wildlife Impact Study

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Bureau County Zoning Enforcement Officer, conduct an avian and wildlife impact study and submit said study to the Zoning Enforcement Officer as part of the Conditional Use application.

Prior to the substantial completion of the physical aerial erection of the wind turbines, the owner of the wind power facility shall develop to the reasonable satisfaction of the Illinois Department of Natural Resources (“IDNR”) and the United States Fish and Wildlife Service (“USFWS”) (to the extent the IDNR and the USFWS choose to participate in the process), a professional monitoring program of reasonable duration and scope, consistent with common practice in the wind power industry, to assess migratory bird mortalities resulting from the operation of the wind power facility. The monitoring program shall be undertaken at owner’s expense and shall be performed at the direction of a qualified independent professional to be mutually agreed upon by the aforesaid parties in good faith. Such monitoring program shall commence upon the substantial completion of the physical aerial erection of the wind turbine generators, unless otherwise mutually agreed to by the owner of the wind power facility, IDNR and USFWS (to the extent the IDNR and the USFWS choose to participate in the process). If the results of the monitoring program demonstrate the need, the owner of the wind power facility shall work with IDNR and USFWS (to the extent IDNR and USFWS each, respectively, choose to participate) to develop an appropriate response, including the potential further study and implementation of practicable mitigation measures that may either directly or indirectly minimize migratory bird mortality or increase bird populations.

The owner of the proposed wind power facility shall follow the guidelines suggested by the Illinois Department of Natural

Resources (“IDNR”) and United States Fish and Wildlife Services (“USFWS”) Endangered Species Consultation program.

18) Communications Analysis.

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Bureau County Zoning Enforcement Officer, conduct a communications analysis that indicates that the E 9-1-1 communications, emergency communications or official County communications reception shall not be negatively impacted or influenced by the proposed wind power facility. Said communication analysis shall be public record and shall be submitted as part of the Conditional Use application.

19) All Conditional Use permits issued under this subsection s shall be conditioned on the following:

a) Each applicant, or successor in interest, shall have applicant’s facility inspected annually by qualified wind power professionals, approved by the Zoning Enforcement Officer, and shall submit a certificate from said professionals reciting the annual maintenance done on the facility and stating that the facility is in good working condition and is not a hazard to the public. Failure to submit such annual certificate shall be grounds for revocation of the Conditional Use permit by the Zoning Enforcement Officer.

b) Obtaining necessary access easements and necessary utility easements, copies of which shall be submitted to the Zoning Enforcement Officer.

c) No appurtenances shall be connected to any wind tower except in accordance with the Bureau County Zoning Ordinance.

20) Additional Terms and Conditions

a. Technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the application filed for Conditional

Use shall bear the seal of an Illinois Professional Engineer for the relevant discipline.

- b. The County may retain a qualified, independent code inspector both to make appropriate inspections of the 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 wind power facility is performed in compliance with applicable electrical and building codes. The cost and fees so incurred by the County in retaining said inspector shall be reimbursed by the owner of the wind power facility. No Certificate of Occupancy shall be issued for a wind power facility until the turbine has been inspected by said code inspector and the Zoning Enforcing Officer has been provided surveys prepared by a licensed surveyor to show that all setback requirements have been met. No wind turbine generator shall become operational until a Certificate of Occupancy is issued by the Zoning Enforcement Officer.
- c. The owner of the wind power facility shall ensure that 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 Zoning Enforcement Officer which states that the owner does not want a locked metal gate installed and has provided a signed liability waiver to the County.
- d. The Conditional Use permit granted to the applicant shall bind and inure to the benefit of the applicant, its successors and assigns. If any provision in this Ordinance 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.
- e. A violation of the terms and conditions herein shall constitute a violation of the Conditional Use granted herein and shall be grounds for revocation of the Conditional Use by the Zoning Enforcement Officer.
- f. The owner of the wind power facility shall supply written proof of an approved entrance, from the appropriate governing Township Road Commissioner,

County Engineer or the Illinois Department of Transportation, to the Zoning Enforcement Officer prior to the issuance of any building permits for the proposed wind power facility.

- g. The Bureau County Engineer shall determine which WTG's would be required to have necessary ice sensors installed.
- h. 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.

21) Complaint Resolution

The owner of the wind power facility shall, at owner's expense and in coordination with the County, develop a system for logging and investigating complaints related to the wind power facility. The owner of the wind power facility shall resolve such complaints on a case-by-case basis and shall provide written confirmation to the Bureau County Zoning Office. Unresolved complaints shall be addressed as set forth in Article 14.4 and 14.5 of the Bureau County Zoning Ordinance. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the owner of the wind power facility. The owner of the wind power facility shall also designate and maintain either a local telephone number or a toll-free telephone number as its public information / inquiry / and complaint "hotline."

22) Liability Insurance

The Owner or Operator of the wind power facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$2 million per occurrence and \$5 million in the aggregate. The Owner or Operator of the wind power facility shall file the

original certificate of insurance with the Zoning Enforcement Officer prior to the issuance of a Certificate of Occupancy and annually thereafter.

t. Mobile homes as designated below:

A maximum of two (2) mobile homes may be maintained by a farm owner or operator living on the land providing:

1. The mobile home is occupied by a relative standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father, mother, brother, sister, grandchild, or grandparent of said owner or tenant or his wife.
2. The mobile home is located in close proximity to the farmstead occupied by said owner or tenant; and
3. Adequate provision is made for modern running water and sewage facilities.
4. Mobile homes on farmsteads require a Conditional Use permit.

u. Extended Use Family Recreational Area

Picnic areas and camping areas, with State approved sewage disposal, for not more than two (2) tents or camping units per twenty (20) acres. Such tents or camping units may remain parked on the premises but shall not have occupancy extending more than fifteen (15) consecutive days. Mobile homes are not permitted. Such extended use family recreational area may be used only by the owner, his family and occasional nonpaying guest. Shelters open on three (3) sides and buildings less than six hundred (600) square feet in area used exclusively for the storage of maintenance equipment for use on the premises are allowed after a building permit has been secured. All camping units utilized must be properly licensed at all times. A Conditional Use for an extended Use Family Recreational Area may be granted for up to two (2) years at which time the applicant may reapply.

v. Solar farms.

3.41-5 Special Regulations and Building Setbacks

No building shall be erected within fifty (50) feet of the right-of-way line on any public road or highway, nor within a minimum of thirty (30) feet, or one (1) foot for each foot of building height, whichever is greater, of any lot line. When Agriculture zoned property is contiguous to a school, church, library, hospital, nursing home, sheltered care home, senior citizen complex, daycare center or similar institution, then no building or other structure, except for any building used as a residence, shall be erected closer than three hundred (300) feet of the lot line of said school, church, library, hospital, nursing home, sheltered care home, senior citizen complex, daycare center or similar institution.

3.42 RR - RESORT-RECREATIONAL

3.42-1 Purpose

The Resort-Recreational district is established in the vicinity of natural recreational resources where small lot residential development is appropriate. It is intended to encourage better use of recreational resources, through the authorization of certain limited recreational activities, without adversely affecting the Resort-Recreational character of these areas. Preliminary plans for development must be submitted with the application for rezoning to Resort-Recreational.

3.42-2 Permitted Uses

- a. Cabin or cottage (seasonal).
- b. Camps and/or campgrounds.
- c. Dwelling, single family, and/or modular homes.
- d. Signs as permitted in Article V of this Ordinance.
- e. Agriculture production.
- f. Public hunting, fishing, boating, swimming, skiing, hiking trails, and other related recreational activities.