

APPENDIX E

COMMERCIAL WIND ENERGY FACILITY REGULATIONS

I. SCOPE.

This article applies to commercial wind energy facility siting and operations in unincorporated Logan County, Illinois, other than those areas surrounding municipal limits governed by municipal ordinance.

II. PURPOSE.

The purpose of these regulations is to facilitate the construction, installation, use, operation and decommissioning of wind energy facilities of equal or greater than 500 kilowatts in total nameplate generating capacity in Logan County, Illinois in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. These regulations will not impede personal or business solar collector development for the primary use of self-sustaining energy. These regulations are not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of these regulations shall not nullify any provisions of local, state or federal law.

Owners of WECS Projects with an aggregate generating capacity of less than 500 kilowatts who locate the WECS Project entirely on their own property are not subject to the provisions of these regulations.

No WECS Project, WECS or Substation governed by these regulations shall be constructed, erected, installed, or located within the County, unless a Siting Approval Permit and WECS Building Permit has been obtained for each individual WECS Project, Substation, or for a group of WECS Projects and Substations under a joint siting application pursuant to these regulations.

WECS Projects may be developed and operated in any zoning district zoned to allow agricultural or industrial uses.

III. DEFINITIONS.

- A. "Abandonment." Abandonment of the WECS Project occurs when Decommissioning has not been completed within eighteen (18) months after the WECS Project reaches the end of its useful life, as defined in the AIMA. For the purposes of this definition, a WECS shall be presumed to have reached the end of its useful life if, for a period of six (6) consecutive months, there is a failure to pay any participating property owner amounts owed in accordance with an agreement between the participating property owner and the Applicant, Owner, Operator, WECS Permittee, and all successors and assigns thereof pursuant to a written agreement regarding or related to the WECS.
- B. "Agricultural Impact Mitigation Agreement." The Agricultural Impact Mitigation Agreement by and between the Illinois Department of Agriculture and the Applicant applicable to the WECS Project construction and decommissioning activities of the Applicant or WECS Permittee, as applicable, also referred to herein as "AIMA."

- C. "Applicant." The entity who submits to the County an application for the siting and operation of any WECS Project or Substation. All references to Applicant in these regulations shall include Applicant's successors-in-interest and assigns, which includes a WECS Permittee (as defined below).
- D. "Commercial Operation Date." The calendar date on which the WECS Project produces power for commercial sale, not including test power. Within ten (10) calendar days of the Commercial Operation Date, the WECS Permittee shall notify the County in writing.
- E. "Commercial Wind Energy Facility." A wind energy conversion facility or combination of facilities, including but not limited to WECS Towers, WECS Turbines, substations, batteries, electric transformers, energy storage facilities, telecommunications equipment, roads, roadway materials, supporting facilities, permanent Meteorological Towers, meteorological stations and wind energy measurement equipment, maintenance, operations, administrative and storage areas and buildings, and all related improvements and equipment containing total nameplate generating capacity in an amount equal to or greater than 500 kilowatts located on one or more tracts of real property for the purpose of production and/or delivery of wholesale or retail commercial wind energy generation, also referred to herein as "Wind Energy Conversion System," "WECS," "Project," or "WECS Project."
- F. "County" or "Logan County." Logan County, Illinois.
- G. "Decommissioning." The removal of all above and below ground WECS Project improvements from a participating property and the restoration of that property as provided in the AIMA.
- H. "Decommissioning Plan." A plan prepared by a Professional Engineer with experience in the field of wind energy conversion projects, prepared at the cost of the Applicant or WECS Permittee, as applicable, that complies with the decommissioning provisions of the Illinois Department of Agriculture's standard wind farm AIMA, template 81818, as in effect on December 31, 2022, that includes, at a minimum:
  - 1. The estimated Deconstruction cost per turbine, in current dollars at the time of Siting Approval Permit application filing, for the WECS Project, taking into account, among other things:
    - i. The number of WECS Towers, Substations, and Supporting Facilities and related improvements involved;
    - ii. The original construction costs of the WECS Project;
    - iii. The size and capacity of the WECS Towers;
    - iv. The salvage value of the WECS Project improvements; and
    - v. The construction method and techniques for the WECS Towers and other WECS Project improvements.

2. A comprehensive detailed description of the method of decommissioning and how the Applicant, or WECS Permittee, as applicable, plans to pay for the decommissioning of the WECS Project.
3. A work schedule and a permit list necessary to accomplish the WECS Project decommissioning of all of the following WECS Project improvements:
  - i. WECS Towers;
  - ii. WECS generators;
  - iii. WECS Tower foundations (to depth of 60 inches);
  - iv. Transformers;
  - v. Collection/interconnection substations (components, cable, and steel foundations), provided, however, that electrical collection cables at a depth of 60 inches or greater may be left in place;
  - vi. Overhead collection systems;
  - vii. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the participating property owner;
  - viii. Access roads (unless participating property owner requests in writing that the access road is to remain);
  - ix. Operation/maintenance yard/staging area unless otherwise agreed to by the participating property owner; and
  - x. Debris and litter generated by WECS Permittee, Owner, Operator, or any agents of contractors of the same performing decommissioning activities.
4. Proposed Financial Assurance for the decommissioning of the WECS Project.
  - I. "Financial Assurance" or "Financial Security" or "Decommission Security." A form of commercially available financial assurance that is acceptable to the County, naming the County as primary beneficiary and participating property owners as secondary beneficiaries, examples of which include, but are not limited to, a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit. The Financial Assurance shall include the following terms and conditions:
    1. The amount of Financial Assurance included in the Decommissioning Plan shall be equal to the total cost of all decommissioning and restoration work minus the salvage value of the WECS Project. The salvage value of the WECS Project may only be used to reduce the estimated costs of Decommissioning in the Decommissioning Plan if the County certifies that all interests in the salvage value are subordinate or have been subordinated to that of the County if abandonment of the WECS Project occurs.

2. To determine the amount of the Financial Assurance, the Applicant shall: (a) obtain bid specifications provided by a professional structural engineer; (b) request estimates from construction / demolition companies capable of completing the decommissioning of the WECS Project; and (c) certification of the selected estimate by a professional structural engineer. The County Engineer, an independent engineer of the County's choosing, and the Logan County Zoning Office will review all estimates and make a recommendation to the County Board for an acceptable estimate. The County reserves the right to pursue other estimates. All costs to secure the estimates will be the responsibility of the Applicant or WECS Permittee, as applicable.
3. The Financial Assurance shall:
  - i. Identify all procedures for the County to access the Financial Assurances;
  - ii. Include a provision granting the County with all legal rights to transfer applicable WECS Project improvement materials to salvage firms as of the date that the Financial Assurance is accessed by the County; and,
  - iii. Include a provision granting the County access to the WECS Project area and all participating property, as of the date that the Financial Assurance is accessed by the County, subject to reasonable notice, to affect or complete decommissioning.
4. If the County approves an irrevocable letter of credit or surety bond as the form of financial assurance for the WECS Project, the original of the irrevocable letter of credit or surety bond shall be held by the County.
5. If the County approves cash escrow as the form of financial assurance for the WECS Project, the cash escrow shall be held and managed by an independent third party (e.g., escrow agent or title company) on behalf of the County, subject to escrow instructions that incorporate the applicable obligations of these regulations and the AIMA, executed by the County and the Applicant or WECS Permittee, as applicable.
6. If possible for the type of financial assurance provided, the Applicant shall grant perfected security in the financial assurance by use of a control agreement establishing the County as an owner of record pursuant to the Secured Transit Article of the Uniform Commercial Code, 810 ILCS 9/ et seq.
7. Upon completion of Decommissioning activities, the WECS Permittee shall be entitled to any surplusage or interest accrued on the Financial Assurance that is over and above the cost of Decommissioning.
8. Provision of this Financial Assurance shall be phased in over the first 11 years of the WECS Project's operation as follows:

- i. On or before the 1<sup>st</sup> anniversary of the Commercial Operation Date, the WECS Permittee or Owner shall provide the County with Financial Assurance to cover ten percent (10%) of the estimated costs of Decommissioning of the WECS Project as determined in the Decommissioning Plan.
  - ii. On or before the 6<sup>th</sup> anniversary of the Commercial Operation Date, the WECS Permittee or Owner shall provide the County with Financial Assurance to cover fifty percent (50%) of the estimated costs of Decommissioning of the WECS Project as determined in the Decommissioning Plan.
  - iii. On or before the 11<sup>th</sup> anniversary of the Commercial Operation Date, the WECS Permittee or Owner shall provide the County with Financial Assurance to cover one hundred percent (100%) of the estimated costs of Decommissioning of the WECS Project as determined in the Decommissioning Plan.
9. The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced.
10. After the 10<sup>th</sup> anniversary of the Commercial Operation Date, and every 5 years thereafter, the County may reevaluate the estimated costs of Decommissioning of the WECS Project. Such reevaluation shall be performed by an independent third party Professional Engineer licensed in the State of Illinois. The WECS Permittee shall be responsible for the costs of any reevaluation by a third party Professional Engineer engaged by the County. The County shall provide the WECS Permittee with a copy of such reevaluation reports. In accordance with the results of any reevaluation report, the County may require changes in the amounts of Financial Assurance required from the WECS Permittee or Owner, as provided for above, and in such case, the adjusted amount of Financial Assurance shall be secured within 6 months of the date that the County provides the WECS Permittee with a copy of such reevaluation reports. Failure to provide Financial Assurance, or adjusted Financial Assurance, as outlined herein shall be considered a cessation of operation.
11. Upon abandonment of the WECS Project or any other default or failure to comply with these regulations, the AIMA, or the Decommissioning Plan, the County may take all appropriate actions for Decommissioning, including drawing upon the Financial Assurance. In the event the County declines to take any action for Decommissioning, the participating property owners may draw upon the financial assurance.
- J. "Meteorological Tower." Those towers or other structures which are erected prior to construction of a WECS Project primarily to measure wind speed, wind direction, and other meteorological data relevant to siting and operation of a WECS Project. For purposes of these regulations, 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.
- K. "Nonparticipating property." Real property that is not a participating property.

- L. "Nonparticipating residence." A residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the WECS Project is filed with the County.
- M. "Notice to Proceed." A written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a WECS Project and identifying the date on which the construction activities are scheduled to commence.
- N. "Occupied community building." Any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the WECS Project is filed with the County: a school, place of worship, day care facility, public library, or community center.
- O. "Operator." The person or entity responsible for the day-to-day operation and maintenance of a wind energy conversion system, including any third-party subcontractors. The Operator must be a qualified wind power professional. All references to Operator in these regulations shall include Operator's successors-in-interest and assigns.
- P. "Owner" as used herein shall mean:
1. A person with a direct ownership interest in a WECS Project, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the WECS Project; and
  2. At the time the facility is being developed, a person who is acting as a developer of the WECS Project by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the WECS Project, regardless of whether the person will own or operate any portion of the WECS Project.
  3. The definition of "Owner" shall not mean:
    - i. The property owner from whom land is leased for locating a WECS (unless the property owner has an equity interest in a WECS); or,
    - ii. Any person holding a security interest in a WECS 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 WECS at the earliest practicable date.
- Q. "Participating property." Real property that is the subject of a written agreement between an Applicant, Owner, Operator, or WECS Permittee and the owner of the real property that provides an easement, option, lease, license, or other agreement to use the real property for the purpose of constructing a WECS Project or supporting facilities. "Participating property" also includes real property that is owned by an Applicant, Owner, Operator, or WECS Permittee for the purpose of constructing WECS Project or supporting facilities.

- R. "Participating residence." A residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the WECS Project is filed with the County.
- S. "Professional Engineer." A qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under terms of these regulations, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.
- T. "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.
- U. "Public Conservation Lands." Land owned in fee title by units of local government, state or federal agencies and managed specifically for conservation purposes, including but not limited to units of local government, state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildliferefuges 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.
- V. "Setback." The distances measures from the center of the base of the wind tower to: the nearest point on the outside wall of the structures of occupied community buildings, participating and nonparticipating residences; nearest point on the property lines of nonparticipating property, Fish and Wildlife Areas, and Illinois Nature Preserve Commission Protected Lands; center point of public road right-of-ways; nearest edge of the property line, easement, or right-of-way of overhead community and electric transmission and distribution facilities (excluding utility service lines to individual houses or outbuildings).
- W. "Siting Approval Permit." A permit approved by the County Board, after a public hearing, allowing the construction and operation of a WECS Project at a specified location subject to compliance with certain specified special conditions as may be required by the County Board, including, but not limited to, ordinances, regulations, and laws administered and enforced by Logan County.
- X. "Substation." The apparatus that collects and/or connects the electrical collection system of a WECS Projects and/or adjusts the voltage for connection with a utility's transmission lines.
- Y. "Supporting Facilities." The transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the Commercial Wind Energy Facility.



- Z. "WECS Permittee." An Applicant who applies for and receives a Siting Approval Permit under these regulations for the siting and operation of a WECS Project or Substation. All references to a WECS Permittee in these regulations shall include a WECS Permittee's successors-in-interest and assigns.
- AA. "WECS Tower" or "Wind Tower." The WECS Turbine tower, nacelle, and blades.
- BB. "WECS Tower Height." The distance from the rotor blade at its highest point to the top surface of the WECS Tower foundation.
- CC. "WECS Building Permit." A permit necessary for the commencement of work performed in furtherance of or related to the construction, erection or installation of an approved WECS Tower, Substation, supporting facility, or operations and maintenance building in connection with a WECS Project. A WECS Building Permit may be issued by the County after a WECS Project has obtained a Siting Approval Permit from the Logan County Board, and the Logan County Zoning Office determines that all conditions, if any, have been satisfied that are imposed by the Siting Approval Permit. The WECS Building Permit shall require the Applicant (WECS Permittee) to deliver a written "Notice to Proceed" for the WECS Project to the County prior to commencement of construction of the WECS Project. The term "commencement of work", as used in these regulations, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) in any way supportive of or in furtherance of the WECS Project.
- DD. "WECS Turbine." 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.

IV. APPLICABILITY.

- A. These siting regulations shall apply to all commercial Wind Energy Conversion Systems of equal or greater than 500 kilowatts in total nameplate generating capacity.
- B. Owners of a WECS Project with an aggregate generating capacity of less than 500 kilowatts who locate the WECS Project entirely on their own property are not subject to these regulations.
- C. No portion of a WECS Project governed by these regulations shall be constructed, erected, installed, or located within the County, unless a Siting Approval Permit and WECS Building Permit has been obtained for each portion of the WECS Project, or for a group of WECS Projects under a joint siting application pursuant to these regulations.
- D. A WECS Project may be developed and operated in any zoning district zoned to allow agricultural or industrial uses.

V. SITING APPROVAL PERMIT APPLICATION.

- A. To obtain a Siting Approval Permit, the Applicant shall submit a Siting Approval Permit Application to the Logan County Zoning Office.
- B. To be considered a complete and accepted submittal, the application shall contain or be accompanied by the following information:
  - 1. A written summary of the WECS Project, including:
    - i. General description of the WECS Project, including the approximate total name plate generating capacity of the project;
    - ii. Potential equipment manufacturer(s), and type(s) of WECS Towers(s);
    - iii. Number of WECS Towers, and name plate generating capacity of each WECS Tower; and,
    - iv. Maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s).
  - 2. The name(s), address(es), and phone number(s) of the:
    - i. Applicant(s), Owner and Operator, including their respective business structures;
    - ii. The name(s), address(es), and phone number(s) of all lenders and parties providing financing of any nature related to the WECS Project;
    - iii. All participating property owner(s); and,
    - iv. Documentation demonstrating land ownership or legal control of the property.
  - 3. A site plan for the WECS Project showing:
    - i. Boundaries of the WECS Project area;
    - ii. Locations, legal descriptions, and property lines for each parcel within the boundaries of the project;
    - iii. WECS Project site plan, project phasing plan, and project construction timeline plan;
    - iv. Location and legal descriptions of each WECS Tower, guy lines and anchor bases (if any);
    - v. All WECS Project structures including, but not limited to substation(s), interconnect substation(s), operations and maintenance buildings, supporting facilities, batteries, permanent Meteorological Towers, and location and voltage of any overhead or underground transmission lines;
    - vi. Location of participating and non-participating residences and occupied community buildings, and the parcel boundary lines for the tracts of real property

- upon which participating residences, non-participating residences, and occupied community buildings are located (including identification for adjoining properties);
- vii. Location and identification of all other structures, with their uses identified, within the geographical boundaries of any applicable setback;
  - viii. Location of all known communications towers within two (2) miles of the proposed WECS Project area boundaries;
  - ix. Electrical cabling from WECS Tower(s) to the Substation(s) and all other above and below ground cable locations;
  - x. Ancillary equipment;
  - xi. Third party transmission lines;
  - xii. A topographic map of the WECS Project area boundaries and the surrounding area;
  - xiii. Location of any wetlands, floodplain, and drainage structures, including surface ditches and subsurface drainage lines;
  - xiv. Underground mines;
  - xv. Scenic and natural areas within one thousand five hundred (1,500) feet of the proposed WECS Project area boundaries;
  - xvi. Setback lines;
  - xvii. Public access roads and turnout locations; and,
  - xviii. Location of all existing structures with their uses identified.
4. All determinations of No Hazard to Air Navigation issued by the Federal Aviation Administration applicable to the WECS Project.
  5. A Decommissioning Plan for the WECS Project including cost estimations to remediate the participating property in accordance with the AIMA.
  6. An affidavit provided by an authorized Applicant officer attesting to the following matters that shall be conditions of the Siting Approval Permit:
    - i. The Siting Approval Permit application is complete and includes all information and documentation required by these regulations and the AIMA, that all such information and documentation is true and correct, that there has not been any material omission of any relevant information, and that upon the discovery of any missing or incorrect information contained, or intended to be contained in the Siting Approval Permit application, Applicant shall immediately notify the County of the same and provide all relevant corrected information and documentation;

- ii. The obligations imposed by these regulations and the AIMA shall bind the Applicant, Owner, Operator, WECS Permittee, and all successors and assigns thereof;
  - iii. That the obligations and liabilities established by the grant of a Siting Approval Permit shall be binding upon the Applicant, Owner, Operator, WECS Permittee and their respective successors and assigns;
  - iv. That the sale, assignment in fact or at law, or other transfer of the Applicant's financial interest in the WECS Project shall in no way effect or modify the obligation of the Applicant, Owner, Operator, or WECS Permittee to comply with the terms, covenants and obligations of a Siting Approval Permit unless a successor or assign of the Applicant, Owner, Operator, or WECS Permittee, as applicable, agrees to assume all such obligations, including but not limited to the Decommissioning obligations associated with the WECS Project;
  - v. That the County and its authorized representatives have the right of entry onto the WECS Project area at all times for the purpose of inspecting the methods of construction, operation, remediation, and decommissioning, or for performing actual reclamation if necessary; and,
  - vi. Confirmation that the County shall be listed as a debtor in connection with any proceeding in insolvency or bankruptcy involving the Applicant, Owner, Operator, WECS Permittee or their respective successors and assigns, but shall not be responsible for any claims against the foregoing parties.
7. 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.
  8. A model study on shadow flicker. The applicant shall appropriately demonstrate to the County Board, through industry standard computer modeling ~~that any~~ that any occupied community building or nonparticipating residence within or adjacent to the WECS Project area boundaries will not experience more than 30 hours per year of shadow flicker under planned operating conditions.
  9. Waivers from the shadow flicker mitigation requirements executed by the occupied community building owners and the nonparticipating property owners within or adjacent to the WECS Project area boundaries bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against the title to the affected real property.
  10. A comprehensive vegetation management plan consistent with the goals of the Pollinator-Friendly Solar Site Act detailing the type of vegetative ground cover to be planted, established, and maintained for the life of the WECS Project.

11. A plan detailing adherence to the Illinois Department of Natural Resources guidelines ensuring adherence to the guidelines for vegetation management and short and long term property management practices that provide and maintain native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators.
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 the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the United States Fish and Wildlife Service's Land-Based Wind Energy Guidelines.
14. Results of an avian and wildlife impact study completed at the Applicant's expense by a third party, qualified professional (after submission of resume and relevant work experience). Each portion of a WECS Project shall be located, designed, constructed, and operated so as to avoid and, if necessary, mitigate the impacts to wildlife.
15. Results of the consultation with the Illinois State Historic Preservation Office assessment of potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
16. Results of an 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. The analysis shall be conducted by a third party, qualified professional (after submission of resume and relevant work experience) at the expense of the Applicant.
17. Results of 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 WECS Project. The analysis shall be conducted by a third party, qualified professional (after submission of resume and relevant work experience) at the expense of the Applicant.
18. Information demonstrating that the WECS Project will avoid protected lands.
19. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures;
20. Any other information requested by the County or the County consultants that is necessary to evaluate the siting permit application and operation of the WECS Project and to demonstrate that the WECS Project meets each of the regulations herein, including the Siting Approval Permit standards set forth below.
21. The applicant shall submit twelve (12) copies of the Siting Permit Application to the Logan County Zoning Office, and at least one (1) copy in electronic format.

- C. The Applicant, at its expense, shall enter into an AIMA with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the WECS Project 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 AIMA.

VI. DESIGN AND INSTALLATION.

A. Design Safety Certification.

- 1. WECS Turbines 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 without the approval of a variance by the County Board.
- 2. Following the granting of siting approval pursuant to these regulations, a structural engineer shall certify, as part of the WECS Building Permit application process, that the foundation and tower design of the WECS Tower and Turbines are within accepted professional standards, given local soil, subsurface and climate conditions. The engineer shall be retained by Logan County, the cost of which will be paid by the applicant.

B. Controls and Brakes.

- 1. All WECS Turbines 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.
- 2. 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 Project shall conform to 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 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 Projects 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 a WECS Project, 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.
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 AIMA until such lines 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 WECS 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. Height. Blade tip height may not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.

G. Setbacks. WECS Towers shall be sited as follows, with setback distances measured from the center of the base of the WECS Tower unless waived by the written consent of the owner(s) of each affected nonparticipating property. Any waivers of setbacks shall run with the land and be recorded with the Recorder of Deeds of the County, with copies submitted with the Siting Approval Permit application.

1. Occupied Community Buildings: 2.1 times the maximum blade tip height of the WECS 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 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 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 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 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 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 Tower to the nearest point on the property line of the fish and wildlife area or protected land.
- H. Use of Public Roads
1. An Applicant proposing to use any County, municipality, township or village road(s), for the purpose of transporting parts and/or equipment for construction, operation, or maintenance of the WECS Project, shall:
    - i. Identify all such public roads; and
    - ii. 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:
    - i. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
    - ii. 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 Siting Approval 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 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 the Siting Approval Permit.
- iii. Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
    1. Project layout map;
    2. Transportation impact analysis;
    3. Pre-construction plans;
    4. Project traffic map;
    5. Project scope of repairs;
    6. Post-construction repairs;
    7. Insurance; and,
    8. Financial Security in forms and amounts acceptable to the County;
  - iv. The road use agreement shall require the Applicant to be responsible for the reasonable cost of improving roads used to construct the WECS Project and the reasonable cost of repairing roads used by the facility owner during construction of the WECS Project so that those roads are in a condition that is safe for the driving public after the completion of the WECS Project construction. Roadways improved in preparation for and during the construction of the WECS Project 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 County 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 County public roads and highways, must be approved by the County Board prior to the Board's approval of any WECS Building Permit applications related to the construction of the proposed WECS Project.
- I. Noise Levels. Noise levels from each portion of the WECS Project shall be in compliance with applicable sound limitation regulations established by the Illinois Pollution Control Board (IPCB) under 35 Ill. Adm. Code Parts 900, 901, and 910, or such successor regulations hereafter issued by the IPCB as to WECS Project sound limitations. The Applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise 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 Siting Approval Permit application.

- J. As-Built Map and Plans. Within sixty (60) calendar days of completion of construction of the WECS Project, the Applicant or Operator shall deliver "as-built" maps, site plans and engineering plans for the WECS Project that have been signed and stamped by a Professional Engineer and a licensed surveyor.
- K. Engineer's Certificate. The WECS Project 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 each WECS 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 engineer's certificate shall be a public record and shall be submitted as part of the Siting Approval Permit application.
- L. Conformance with Approved Application and Plans. The Applicant shall construct and operate the WECS Project in substantial conformance with the construction plans contained in the County approved submitted Siting Approval Permit application(s), conditions placed upon the operation of the WECS Project, these regulations and all applicable state, federal, and local laws and regulations.
- M. 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 Siting Approval 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, professional engineer, or both to make appropriate inspections of the WECS Project 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 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 WECS Permittee.
  - 3. The Applicant shall provide a locked metal gate or a locked chain installed at the access road entrances of all the WECS Turbine locations. An exception may be made when a participating property owner has filed a written statement with the County which states that the participating property owner does not want a locked

metal gate or a locked chain installed and has provided a signed liability waiver to the County.

VII. WECS OPERATION.

A. Maintenance.

1. Annual Report. The WECS Permittee shall submit, on an annual basis on the anniversary date of the siting approval 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 Project and/or its infrastructure;
  - ii. Name(s), address(es), and phone number(s) of the current owner and operator, including their respective business structures, and lenders for the WECS Project;
  - iii. Calls for emergency services;
  - iv. Status of liability insurance; and,
  - v. A general summary of WECS Project service calls.
2. Failure to provide the annual report shall be considered a material violation of these regulations and subject to a fine in the amount of \$500 per WECS Tower for each 30 day period occurring between the date that the annual report is due and the date that it is filed by the WECS Permittee.

B. Coordination with Emergency Responders.

1. The WECS Permittee 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 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 any portion of the WECS Project may evaluate and coordinate their emergency response plans with the WECS Permittee.
2. The WECS Permittee, 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. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment such as winches, pulleys, and harnesses.
3. The WECS Permittee 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 WECS Permittee and the Operator and at least three (3) designated

WECS Permittee 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 WECS Permittee 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, or emergency response laws and regulations.

C. Electromagnetic Interference.

1. The WECS Permittee and the Operator, at their 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 Project.
  - i. The WECS Permittee shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) a summary of the WECS Project, which shall include a site plan, as submitted with the Siting Approval Permit Application.
  - ii. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS Project, the WECS Permittee and the Operator, at ~~thier~~their expense, shall take reasonable measures to minimize and mitigate such anticipated interference.
  - iii. With regard to interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the WECS Permittee and the Operator, at their expense, shall take all necessary and available commercial measures to eliminate any such interference.
  - iv. If, after construction of the WECS Project, the WECS Permittee or Operator receives a written complaint related to the above-mentioned interference, the WECS 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 WECS Permittee and the Operator, at their expense, shall immediately take all necessary and available commercial measures to eliminate any such interference.

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

1. All solid wastes related to the construction, operation and maintenance of the WECS Project shall be promptly disposed of in accordance with all federal, state and local laws.
  2. All hazardous materials related to the construction, operation and maintenance of the WECS Project shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
  3. The WECS Project shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.
  4. Signage. Signage regulations shall 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, and at all entrances to WECS Towers.
- E. Drainage Systems. WECS Permittee, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the WECS Project in accordance with the AIMA.
- F. Complaint Resolution.
1. The WECS Permittee shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the WECS Project. The WECS Permittee shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the County. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the WECS Permittee. The WECS Permittee shall also designate and maintain for the duration of the WECS Project either a local telephone number or a toll-free telephone number and an email address as its public information / inquiry / and complaint "hotline" which shall be answered by a customer service representative on a 24/7 basis. The Applicant shall post the telephone number(s) and email address(es) for the customer service representative(s) in a prominent, easy to find location on their websites and at the WECS Project site on signage.
  2. If, after construction of the WECS Project, the WECS Permittee or Operator receives a written complaint related to interference with local broadcast residential television, the WECS Permittee shall take commercially reasonable steps to respond to the complaint. A summary of complaint and subsequent response from WECS Permittee shall be forwarded to the Logan County Zoning Office for review. The Logan County Zoning Office will have thirty (30) days to verify the complaint and forward to the appropriate committee of the County Board. If the committee finds the complaint to be valid, the WECS Permittee shall be notified to respond, in writing, within fifteen (15) calendar days. Said response shall be addressed and forwarded to both the Logan County Zoning Office 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 WECS Permittee. If considered valid by the WECS Permittee: an explanation, including a timeline, as to what the WECS Permittee intends to do about the complaint. The WECS Permittee will be provided an additional fifteen (15) calendar days from the validation date to resolve said TV reception issue. If considered invalid by the WECS Permittee, an explanation, including supporting documentation and expert opinions, as to why the WECS Permittee believes the complaint is not valid. Television reception complaints must be filed within eighteen (18) months from the date each WECS Turbine is operational.

VIII. LIABILITY INSURANCE AND INDEMNIFICATION.

A. Insurance.

1. Commencing with the issuance of a WECS Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the "Notice to Proceed by the Applicant under the turbine supply and/or balance of plant construction contract(s) for the WECS Project, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the WECS Project. The County may increase the coverage amounts from time to time so long as such increases are commercially reasonable.
2. The Applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a WECS Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter. Any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operation.

- B. Indemnity. The WECS Permittee shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the Siting Approval Permit or the construction, operation, maintenance and removal of the WECS Project and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or

negligence) or any acts or omissions of the WECS Permittee, the Owner, or the Operator under these regulations or the Siting Approval Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

IX. DECOMMISSIONING PLAN.

Applicant must formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned in accordance with the provisions of the AIMA and these regulations prior to the issuance of any Siting Approval Permit. The Decommissioning Plan shall be binding upon the Applicant and its successors-in-interest and assigns, and shall apply to all participating parcels in the WECS Project, irrespective of the owner of title to such parcels. As part of Decommissioning, the WECS Permittee shall remove all physical material and WECS Project improvements, and restore all soil and vegetation, in accordance with the Decommissioning Plan and the AIMA. Decommission shall occur in accordance with the following conditions:

- A. Decommissioning by the WECS Permittee shall commence upon any one of the following occurrences:
  - 1. Abandonment.
  - 2. Inactive construction for twelve (12) consecutive months.
  - 3. If no electricity is generated by the WECS Project for twelve (12) consecutive months after electricity is initially generated or the WECS Permittee has not paid participating property owners the amount owed in accordance with their applicable agreements for a period of six (6) consecutive months.
  - 4. The WECS Permittee or Owner dissolves or abandons the WECS Project without first transferring the WECS Project to a successor-in-interest or assign.
  - 5. If any part of an individual WECS Tower or the WECS Project falls into disrepair, is in threat of collapsing or creates any other health and safety hazard as determined by applicable County, state, or federal officials.
- B. The WECS Permittee shall ensure that the WECS Project is properly decommissioned within eighteen (18) months of the end of the WECS Project life.
- C. Financial Assurance:
  - 1. The County shall have immediate access to and may use the Financial Assurance for Decommissioning upon written notice to the Applicant after any one of the following occurrences:
    - i. Abandonment of the WECS Project;

- ii. A reasonable determination by the County that the WECS Project or any portion thereof constitutes a health and safety hazard that has not been addressed by the WECS Permittee in a timely manner; or,
    - iii. The WECS Permittee fails to Decommission the WECS Project or any portion thereof in accordance with the Decommissioning Plan.
  2. The County or its escrow agent shall release the Financial Assurance to the WECS Permittee upon written notice by the WECS Permittee, as confirmed by the County, that Decommissioning has been satisfactorily completed. Ten percent (10%) of the Financial Assurance shall be retained for a period of one (1) year beyond the date of the County's confirmation that Decommissioning has been satisfactorily completed to settle any outstanding Decommissioning obligations or concerns.

X. REMEDIES.

- A. The failure of Applicant, Owner, Operator, or WECS Permittee, or any agent, contractor, or representative thereof to materially comply with any of the provisions under the Siting Approval Permit or Building Permit, any conditions imposed on the WECS Project, and/ or failure to comply with any law or regulation shall be grounds for revocation of the Siting Approval Permit by the County.
- B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County must first provide written notice to the WECS Permittee, setting forth the alleged default(s) and provide an opportunity for the WECS Permittee to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the WECS Permittee commence the cure within that 30-day cure period, and diligently pursues a cure, then the WECS Permittee shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If the default relates to a life safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the WECS Permittee shall take all necessary and available commercial measures to immediately cure the default. If the WECS Permittee cannot cure the default(s) or resolve the alleged default(s) within the cure period, then the applicable County shall have the right to address the default(s) by any means available pursuant to applicable law.

XI. FEE SCHEDULE AND PERMITTING PROCESSES.

- A. Fees to Accompany Application–Fee. Prior to processing any application for a Siting Approval Permit application for a WECS Project, the Applicant must submit a certified check to Logan County for the Application fee of \_\_\_\_\_ dollars



~~(\$ \_\_\_\_\_) up to the first five (5) acres of real property included in the WECS Project area, and \_\_\_\_\_ dollars (\$ \_\_\_\_\_) for each additional acre or portion thereof comprising the WECS Project area. This filing fee is Zoning Board of Appeals Hearing fee charged at the time of application filing (\$235.00 at the time of adoption of this Exhibit, and subject to change without modification to this Exhibit), along with any other application fees promulgated after adoption of this Exhibit. Such fees are non-refundable after publication. Each Applicant will be responsible for the payment of all legal publications required by the County or applicable law for the issuance of a Siting Approval Permit or other applicable permits or approvals.~~

- B. Building Permit Fees. Prior to the issuance of building permits, the Building Permit Applicant must remit a Building Permit Fee to the Logan County Zoning Office in accordance with the following schedule, or such other fee schedule promulgated after adoption of this Exhibit:

Nameplate -Generating Capacity	Fees
0 <del>-- less than</del> 10 kW	\$ _____ <del>\$100.00</del>
<del>11--50</del> 10 - less than 40 kW	\$ _____ <del>\$250.00</del>
<del>51-100 kW</del>	\$ _____
<del>101--500 kW</del>	\$ _____
<del>501 kW--1 MW</del>	\$ _____
<del>1 MW--2 MW</del>	\$ _____
<del>Over 2 MW</del> 40 kW or more	\$ _____ + \$ _____ per each additional 100kW or \$ _____ per each addition <del>MW</del> \$20 per foot of total height of all towers (including blades)

- C. All Costs to be Paid by Applicant or WECS Permittee. In addition to all fees noted above, the Applicant or WECS Permittee shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, legal review, engineering costs, professional services, operations, inspections, decommissioning, litigation, disputes, and/or negotiations.

XII. HEARING.

- A. Hearing and Approval Process.

1. The County Board may issue a Siting Approval Permit after holding at least one public hearing in accordance with the Open Meetings Act.

2. The Logan County Zoning Office will schedule the public hearing(s) within forty-five (45) days of receiving a complete Site Approval Permit Application. Notice of the hearing shall be published in a newspaper of general circulation in the County, at the owner's expense.
  3. The public hearing shall be conducted by the ~~\_\_\_\_\_~~ Logan County Zoning Board of Appeals. Interested parties shall be given an opportunity to present evidence and to cross-examine witnesses at the hearing, but reasonable restrictions may be imposed on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses.
  4. The County Board shall make its siting and permitting decisions not more than thirty (30) days after the conclusion of the public hearing.
- B. Hearing Factors. The County Board may approve a Siting Approval Permit application if it finds the evidence complies with state, federal and local law and regulations, and with the standards of these regulations.
- C. Siting Approval Permit Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the WECS Project as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of these regulations.
- D. Revocation.
1. In any case where a Siting Approval Permit has been approved for a WECS Project, the Applicant shall apply for a WECS Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction, and commence and actively pursue construction of the WECS Project within thirty-six (36) months from the date of the granting of the Siting Approval Permit. If the Applicant fails to apply for a WECS Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County, the Siting Approval Permit authorizing the construction and operation of the WECS Project shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the WECS Project is due to conditions out of the WECS Permittee's control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of a resolution amending the Siting Approval Permit.

2. The Siting Approval Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the WECS Project or the WECS Project ceases to operate for more than eighteen (18) consecutive months for any reason.
  3. Subject to the provisions of these regulations, a Siting Approval Permit may be revoked by the County Board if the WECS Project is not constructed, installed and/or operated in substantial conformance with the County-approved WECS Project plans, these regulations and the stipulated Siting Approval Permit conditions and restrictions.
- E. Transferability; Owner or WECS Permittee. The WECS Permittee and its respective successors and assigns shall provide written notification to the County at least thirty (30) days prior to any change in ownership of a WECS Project of any such change in ownership. The phrase "change in ownership of a WECS Project" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of Applicant, Owner, Operator, WECS Permittee or their respective successors and assigns, the WECS Project or any portion thereof. The WECS Permittee and its respective successors and assign shall remain liable for compliance with all conditions, restrictions, and obligations contained in the Siting Approval Permit, the provisions of these regulations and applicable County, state and federal laws for all periods of time within which it owned, operated, or had any interest in the WECS Project.
- F. Modification and Recertification. Any modification of a WECS Project that alters or changes the essential character or operation of the WECS Project in a way not intended at the time the Siting Approval Permit was granted, or as subsequently amended, shall require a new Siting Approval Permit. The WECS Permittee or its authorized representative(s), shall apply for an amended Siting Approval Permit prior to any modification of the WECS Project. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require recertification. 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 the Logan County Zoning Office to determine if the physical modification requires a recertification.
- G. Permit Effective Date. The Siting Approval Permit shall become effective upon adoption of the applicable ordinance by the County Board.

XIII. NONCONFORMING USES.

- A. Any and all ~~solar farms and solar gardens~~ **WECS Projects** granted authorization to conduct operations pursuant to any County regulations or ordinances prior to the effective date of these regulations shall be authorized to continue operations as a nonconforming use in accordance with the nonconforming use provisions of the Logan County Zoning Ordinance.

XIV. MISCELLANEOUS.

- A. The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the County and its residents. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the County nor conflict with any statutes of the State of Illinois.
- B. The Siting Approval Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest and assigns.
- C. If any provision of these regulations, or conditions placed upon the operation of the WECS Project is held invalid, such invalidity shall not affect any other provision of these regulations that can be given effect without the invalid provision and, to this end, the provisions in these regulations are severable.
- D. Nothing in these regulations is intended to preempt other applicable state and federal laws and regulations.
- E. These regulations shall be in full force and effect from and after its passage, publication and approval as required by law.