

Kankakee County Wind Ordinance:

Sec. 121-295. - Siting of wind energy conversion systems (commercial wind farms).

Siting a wind energy conversion system (WECS) as defined in subsection 121-3(b) of the County Code shall be regulated by this section and all applicable state and federal regulations.

(a)

Special use permit. A wind energy conversion system shall be allowed as a special use in the following zoning districts:

A1-Agriculture district;

I1-Light Industrial district;

I2-General Industrial district.

All applications for a special use permit for wind energy conversion systems shall follow the procedures outlined in section 121-37 for obtaining a special use permit.

Due to the immense nature and length of the construction phase for wind energy conversion systems the one-year special use permit commencement period regulated in subsection 121-37(f)(5) is hereby suspended and a three-year commencement period shall apply.

(b)

Required submittals. Due to the unique nature and special requirements of wind energy conversion systems and their potential impacts to adjoining properties and government services, wind energy conversion systems shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the County Code or any special conditions required by the zoning board of appeals or the Kankakee County Board. The applicant shall provide 50 copies of all required submittals to the planning department. However, the applicant shall only be required to submit two copies of all documents proving ownership or interest in the property.

1.

All wind energy conversion system applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-way that will be utilized by the wind energy conversion system. Prior to the issuance of the special use permit, the applicant shall submit an executed agreement between the WECS owner/operator and all road district authorities with infrastructure affected by the WECS to the county. This agreement shall include at a minimum:

a.

A final map identifying the routes that will be used.

b.

A schedule detailing when the improvements will be made and by whom.

c.

A plan for maintaining the affected roads.

d.

Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.

2.

All wind energy conversion system applications shall include an operation and maintenance plan that includes, at a minimum, the following:

a.

A control braking system that can be operated in fail-safe mode.

b.

Certification that all electronic equipment conforms to all applicable state and national codes.

c.

A complaint policy and remediation plan.

d.

An indemnity clause indemnifying and holding harmless the county and its officials from and against any and all claims, demands, suits, causes of action, damages, injuries, costs, expenses, and liabilities, including attorney fees, arising from the approval and construction of the WECS.

e.

Proof that the WECS shall be operated without offensive noise, vibration, dust, smoke, odor, glare, lighting, risk of fire, explosion or other accident and shall not be detrimental to the public health, safety and/or general welfare of the immediate neighborhood or community at large.

f.

Other inclusions as specified by the zoning board of appeals or the county board.

3.

All wind energy conversion system applications shall include an emergency services plan that includes:

a.

An emergency shutdown procedure.

b.

Each WECS shall be assigned a street address by ETSB 911, and said address shall be prominently displayed along the road in front of the facility as required by applicable regulations.

c.

A plan for appropriate warning signs and safety procedures including locking portholes and climb prevention techniques.

d.

A formal education plan with all emergency service providers involved in the

administration of emergency services to the site.

e.

Other inclusions as specified by the zoning board of appeals or the county board.

4.

A site plan depicting the following information:

a.

Project boundary lines and parcel lines clearly depicted.

b.

The location of existing structures on the site(s).

c.

The location of all non participating existing structures within 1,500 feet of the site(s).

d.

The general location of all existing and proposed utilities and transmission lines on the site(s).

e.

The names of owners, addresses and parcel numbers for all participating properties in the WECS and any properties adjacent to properties participating in the WECS.

f.

The proposed location of all system towers.

g.

The proposed location of all driveways and access points.

h.

The location and plot plan of any operation and maintenance facilities and or accessory structures or uses.

i.

Applicant shall submit proof of ownership or agreements for all proposed properties within the WECS boundary.

j.

Other inclusions as specified by the zoning board of appeals or the county board.

5.

An environmental impact report that addresses:

a.

Archeological sites.

b.

Endangered species.

c.

Impacts to avian species.

d.

Identification and mitigation of wetlands and floodplains.

e.

Proof of compliance with all federal, state and other applicable requirements.

f.

Other inclusions as specified by the zoning board of appeals or the county board.

6.

A plan for the decommissioning of the facility when it becomes obsolete shall accompany the application. It shall include, at a minimum, the following information:

a.

A plan detailing how the facilities will be removed, the road network that will be used, and how the site(s) and roads shall be restored to their original condition.

b.

Other inclusions as specified by the zoning board of appeals or the county board.

7.

As a condition to the issuance of a special use permit for a wind energy conversion system, the following shall be submitted prior to the application of building permits:

a.

Proof of liability insurance sufficient to cover the operation of the WECS.

b.

A map of project boundary and parcel lines clearly depicted and certified by a licensed/registered surveyor.

c.

A plan depicting how the facility will comply with all requirements of the Kankakee County Stormwater Ordinance:

i.

Include a grading plan if required.

ii.

Include a siltation and erosion control plan.

iii.

Other inclusions as specified by the zoning board of appeals or the county board.

d.

Proof of an escrow account or bond, with the county as a beneficiary, with sufficient funds (accounting for inflation) to pay for the decommissioning of the facility as outlined in the decommissioning plan.

(c)

Bulk regulations. The bulk regulations listed in each zoning district for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all wind energy systems and the following bulk regulations shall apply instead. All other bulk regulations shall apply as stated in the appropriate zoning district unless

negotiated otherwise during the special use permitting process.

1.

Setbacks. All setbacks for WECS towers shall be measured from the vertical centerline of the foundation of the tower.

a.

Wind energy conversion system towers shall be set back a distance of 600 feet from all participating dwellings.

b.

Wind energy conversion system towers shall be set back a distance of at least 1.10 times the WECS tower height from any nonparticipating property line.

c.

Wind energy conversion system towers shall have a zero setback from any property line shared by two or more participating properties providing all other applicable setbacks and requirements are met.

d.

Wind energy conversion system towers shall be setback a distance of 1,200 feet from any nonparticipating dwellings in existence or which has received a building permit as of the date of the approval of the WECS special use permit.

e.

All nonparticipating dwellings constructed after the date that the WECS special use permit is approved shall be set back a distance of 600 feet from the nearest WECS tower.

f.

Wind energy conversion system towers shall be set back a minimum distance of

two miles from the centerline of the Iroquois and Kankakee Rivers.

g.

All wind energy conversion system towers shall be set back a distance of at least 1.10 times the WECS tower height from public roads, third-party transmission lines, and communication towers.

2.

Lot size, area and coverage.

a.

There is no minimum lot size for a wind energy conversion systems providing that all setbacks and other requirements of this ordinance and special use permit are met.

b.

There is no maximum number of wind energy conversion systems that may be installed on a lot providing that all setbacks and other requirements of this ordinance and special use permit are met.

3.

Height, clearance, and anchoring.

a.

The maximum permitted system height of a wind energy conversion system from average grade to the top of the blade shall be no more than 499 feet.

b.

The minimum distance between the ground and any protruding blades utilized on a wind energy conversion system shall be 75 feet, as measured at the lowest point of the arc of the blades.

c.

Guy wires and anchoring systems shall extend no closer than 200 feet from a nonparticipating adjacent property line.

Guy wires shall have guy wire identification balls installed per industry standard.

4.

Outdoor storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the wind energy conversion system shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein.

The planning director or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.

5.

Signage. No wind energy conversion system shall have any advertising material, writing, picture, or signage other than warning, equipment identification or ownership information. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, but not including meteorological/weather devices.

6.

Appearance and lighting.

a.

Color. Wind energy conversion systems, except as may be required by the FAA or other authority, shall be finished in either off-white, light gray, or other neutral color, or a color as approved by the planning director, including the blades. The finish shall be flat or matte. The required color and finish shall be maintained throughout the life of the system.

b.

Lighting. Wind energy conversion systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority.

c.

Utilities. All electrical wires and lines connecting each WECS shall be installed underground where feasible. Any connecting wires/lines requiring above-ground installation not indicated on the approved site plan shall be approved by the Planning Director or his/her designee.

(d)

Fees and costs.

(1)

[Applicable fees.] The fees listed in section 121-38 are not applicable to WECS applications and the following fees shall apply. No WECS special use application shall be accepted until the filing fee of \$50,000.00 is paid and accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant that the applicant will pay to the county additional fees to reimburse the county for moneys expended in excess of \$50,000.00 in preparing for processing, reviewing and evaluating the application to its final resolution. The applicant shall also agree in said notarized statement to stop all proceedings if an invoice for reimbursement to the county is not paid to the county treasurer within ten days after the invoice has been presented to the appropriate corporate officer or official legal representative of the applicant.

(2)

[Request for return of unused fees.] The applicant may request that any unused portion of the filing fee be returned. Such request shall be made in writing to the planning director within 30 days of the final approval of the special use permit. The planning director shall

forward the request to the planning, zoning, and agriculture committee for recommendation to the county board. The county board shall make the final decision on the request.

(3)

Remedial costs. Applicants and/or owners of wind energy conversion systems shall pay all actual reasonable costs associated with the remedy of any complaints deemed necessary and factual by the planning director or the Kankakee County Board.

(Res. No. 2008-08-12-110, § 3(Exh. A), 8-12-2008)

Sec. 121-296. - Small wind energy systems (SWES).

(a)

Small wind energy systems. Small wind energy systems shall be a permitted accessory use in any zoning district providing they conform with the following criteria:

(1)

All SWES must comply with the regulations set forth in the appropriate section of this Code as outlined below.

(2)

In no case shall an SWES be erected or established in a platted residential subdivision.

(b)

[SWES in Industrial districts.] SWES in the I-1 Light Industry district and the I-2 General Industrial district shall be regulated by section 121.208(a)(36).

(c)

[SWES in A-1 Agricultural district.] SWES in the A1-Agricultural district shall be regulated by section 121-99(b)(13).

(d)

[SWES in A-2 Agricultural Estate district.] SWES in the A2-Agriculture Estate district shall be regulated by section 121-100(b)(3).

(e)

[SWES in all other zoning districts.] SWES in all other zoning districts shall be regulated by section 121-99(b)(13).