

HAMILTON COUNTY, ILLINOIS

COMMERCIAL WIND ENERGY FACILITY SITING ORDINANCE

WHEREAS, Hamilton County, Illinois, is a non-home rule unit of local government and may establish standards for commercial wind energy facilities under 55 ILCS 5/5-12020;

WHEREAS, the Hamilton County Board finds that commercial wind energy facilities are complex projects for which the citizens of Hamilton County benefit from clear siting, construction, operation, maintenance, public safety, road use, drainage, and decommissioning standards;

WHEREAS, the Hamilton County Board desires to adopt an ordinance governing commercial wind energy facilities in a form intended to comply with 55 ILCS 5/5-12020, as amended through Public Act 104-458, effective June 1, 2026;

WHEREAS, Hamilton County has not adopted a countywide zoning ordinance, but 55 ILCS 5/5-12020 authorizes a county, notwithstanding any other provision of law or whether the county has formed a zoning commission and adopted formal zoning, to establish standards for commercial wind energy facilities and commercial solar energy facilities;

WHEREAS, this Ordinance is intended to establish Hamilton County's commercial wind energy facility siting standards to the extent authorized by law; and

NOW, THEREFORE, BE IT ORDAINED by the County Board of Hamilton County, Illinois, as follows:

ARTICLE I. DEFINITIONS

- A. "Applicant"** means the entity that submits to the County an application for siting approval or a Special Use Permit for a Commercial Wind Energy Facility, or for modification of an approved siting approval or Special Use Permit. References to Applicant include the Applicant's successors and assigns.
- B. "Commercial Operation Date"** means the calendar date on which the Commercial Wind Energy Facility first produces power for commercial sale, excluding test power.
- C. "Commercial Wind Energy Facility"** means a wind energy conversion facility of equal or greater than five hundred (500) kilowatts in total nameplate generating capacity. Commercial Wind Energy Facility includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before January 27, 2023.
- D. "Commercial Wind Energy Facility Building Permit"** means a single building permit that may be required by the County for the construction, erection, or installation of an approved Commercial Wind Energy Facility and all Supporting Facilities.
- E. "Commercial Wind Energy Facility Permittee"** means an Applicant that receives siting approval or a Special Use Permit under this Ordinance for the siting and operation of a Commercial Wind Energy Facility.
- F. "County"** means Hamilton County, Illinois.
- G. "Facility Owner or Owner"** means a person with a direct ownership interest in a Commercial Wind Energy Facility, or, at the time the facility is being developed, a person acting as a developer of the

facility by acquiring necessary rights, permits, and approvals or by planning for construction and operation of the facility, regardless of whether the person will own or operate the facility. Facility Owner includes successors and assigns.

- H. **"Financial Assurance or Decommissioning Security"** means a reclamation bond, surety bond, irrevocable letter of credit, corporate guarantee, escrow, parent guarantee, or other commercially available financial assurance in a form permitted by applicable law and by the Department of Agriculture's standard wind farm agricultural impact mitigation agreement, template 81818, as applicable and in effect on December 31, 2022.
- I. **"Maximum Blade Tip Height"** means the distance from grade at the base of the wind tower to the highest point of the rotor blade at its highest point of rotation.
- J. **"Meteorological Tower"** means a tower, including a temporary tower, that is used to measure wind speed, wind direction, or other meteorological data relevant to siting, operation, or maintenance of a Commercial Wind Energy Facility.
- K. **"Nonparticipating Property"** means real property that is not Participating Property.
- L. **"Nonparticipating Residence"** means a residence located on Nonparticipating Property that is existing and occupied on the date that an application for a permit to develop the Commercial Wind Energy Facility is filed with the County.
- M. **"Notice to Proceed"** means a written document stating that the Applicant intends to commence construction activities for the Commercial Wind Energy Facility and identifying the date on which the construction activities are scheduled to commence.
- N. **"Occupied Community Building"** means a school, place of worship, day care facility, public library, or community center that is existing and occupied on the date that the application for a permit to develop the Commercial Wind Energy Facility is filed with the County.
- O. **"Operator"** means the person or entity responsible for the day-to-day operation and maintenance of the Commercial Wind Energy Facility, including any third-party subcontractors.
- P. **"Participating Property"** means real property that is the subject of a written agreement between a Facility Owner and the owner of the real property that provides the Facility Owner an easement, option, lease, or license to use the real property for the purpose of constructing a Commercial Wind Energy Facility or Supporting Facilities, and also includes real property owned by a Facility Owner for that purpose.
- Q. **"Participating Residence"** means a residence located on Participating Property that is existing and occupied on the date that an application for a permit to develop the Commercial Wind Energy Facility is filed with the County.
- R. **"Professional Engineer"** means an individual licensed as a professional engineer under Illinois law. Where a structural engineer is specifically required, a Professional Engineer may serve in that role only if appropriately qualified and authorized under Illinois law.

- S. **"Protected Lands"** means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act, or that is registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- T. **"Public Conservation Lands"** means land owned in fee title by county, state, or federal agencies and managed specifically for conservation purposes, including parks, wildlife management areas, state scientific and natural areas, wildlife refuges, and waterfowl protection areas, but excluding private land subject only to contractual conservation relationships.
- U. **"Special Use Permit"** means a permit approved by the County Board after a public hearing allowing a Commercial Wind Energy Facility at a specified location subject to this Ordinance and any lawful conditions imposed by the County Board.
- V. **"Substation"** means the apparatus that collects and connects the electrical collection system of the Commercial Wind Energy Facility and increases voltage for connection with the utility's transmission lines.
- W. **"Supporting Facilities"** means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation, collection, interconnection, operation, maintenance, and limited storage of electricity by the Commercial Wind Energy Facility. Supporting Facilities may include an energy storage system only to the extent the system is ancillary to and specifically disclosed as part of the Commercial Wind Energy Facility application. Any battery energy storage system or energy storage system that is required to be reviewed under 55 ILCS 5/5-12024 shall comply with that Section and is not deemed approved under this Ordinance unless specifically identified and reviewed under all applicable energy storage standards.
- X. **"WECS"** means wind energy conversion system and includes a wind turbine, wind tower, nacelle, blades, foundations, collection facilities, substations, access roads, meteorological towers, and other related facilities that comprise a Commercial Wind Energy Facility.
- Y. **"Wind Tower"** includes the wind turbine tower, nacelle, and blades.

ARTICLE II. APPLICABILITY, AUTHORITY, AND PROHIBITION

- A. This Ordinance governs the siting, construction, operation, maintenance, public safety coordination, road use, drainage, and decommissioning of Commercial Wind Energy Facilities and Supporting Facilities in the unincorporated area of Hamilton County to the extent authorized by 55 ILCS 5/5-12020.
- B. This Ordinance applies to Commercial Wind Energy Facilities of equal or greater than five hundred (500) kilowatts in total nameplate generating capacity. Owners of wind energy conversion systems having a nameplate generating capacity of less than five hundred (500) kilowatts on their own property are not subject to this Ordinance.
- C. No Commercial Wind Energy Facility governed by this Ordinance shall be constructed, erected, installed, modified, or operated within the County unless siting approval or a Special Use Permit has been obtained in accordance with this Ordinance.
- D. This Ordinance is intended to impose the maximum lawful and enforceable standards permitted by 55 ILCS 5/5-12020 and other applicable State and federal law, without imposing a requirement that is more

restrictive than State law allows. If any provision is determined to be more restrictive than permitted by applicable law, the provision shall be applied only to the maximum extent permitted by law.

E. No internal deadline, staff omission, incomplete review step, or failure to request additional information shall waive the Applicant's obligation to satisfy this Ordinance and applicable law, and no application shall be deemed approved by silence or inaction unless State law expressly requires that result. Nothing in this subsection authorizes the County to disregard or extend a mandatory decision deadline imposed by State law.

ARTICLE III. PUBLIC HEARING, APPROVAL STANDARD, AND PERMIT TERM

A. Before the County grants siting approval or a Special Use Permit for a Commercial Wind Energy Facility, or a modification of an approved siting approval or Special Use Permit, the County Board or the zoning board of appeals, if applicable, shall hold at least one public hearing.

B. The public hearing shall be conducted in accordance with the Open Meetings Act and shall conclude not more than sixty (60) days after the filing of the application. The County shall allow interested parties to a Special Use Permit an opportunity to present evidence and cross-examine witnesses, subject to reasonable restrictions including reasonable time limitations. The County shall also allow public comment in accordance with the Open Meetings Act.

C. The County shall make its siting and permitting decision not more than thirty (30) days after the conclusion of the public hearing. Notice of the hearing shall be published in a newspaper of general circulation in the County. If no newspaper of general circulation is available, notice shall be provided in the manner allowed by applicable law and should also be posted on the County website, if available. Failure to satisfy an internal administrative step shall not constitute approval of an application unless State law expressly requires that result.

D. A Facility Owner must enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to the date of the required public hearing. A Commercial Wind Energy Facility Owner seeking an extension of a permit granted by a county before July 24, 2015, must enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture before a decision by the County to grant the permit extension.

E. A request for siting approval or a Special Use Permit, or modification of an approved siting approval or Special Use Permit, shall be approved if the request complies with the standards and conditions imposed by 55 ILCS 5/5-12020, this Ordinance, and all applicable State and federal statutes and regulations.

F. A siting approval or Special Use Permit shall not be subject to any deadline to start construction or obtain a building permit of less than five (5) years from the date of approval. The Applicant may request an extension based upon reasonable cause, and the extension shall not be unreasonably withheld, conditioned, or denied.

ARTICLE IV. SPECIAL USE PERMIT APPLICATION

A. To obtain siting approval, the Applicant shall submit a Special Use Permit application to the County.

B. The Special Use Permit application shall contain or be accompanied by the following information:

1. A Commercial Wind Energy Facility project summary, including, to the extent available, the general description of the project, nameplate generating capacity, potential equipment manufacturer or manufacturers, type of WECS, number of wind towers, maximum nameplate generating capacity of each

WECS, maximum height of each wind tower, maximum rotor diameter, number of substations, a site plan, phasing plan, construction timeline, and a description of the Applicant, Owner, Operator, and their business structures.

2. The names, addresses, and telephone numbers of the Applicant, Owner, Operator, and all known property owners, together with documentation demonstrating land ownership or legal control of the property.
3. A site plan showing the planned location of each wind tower and Supporting Facility; legal descriptions; Participating and Nonparticipating Residences; Occupied Community Buildings; parcel boundary lines and adjoining properties; setback lines; public access roads and turnout locations; substations; operations and maintenance buildings; electrical cabling; ancillary equipment; third-party transmission lines; wetlands; floodplain; drainage structures, including surface ditches and subsurface drainage lines; underground mines; scenic and natural areas within one thousand five hundred (1,500) feet; and the layout of all structures within any applicable setback area.
4. All Determinations of No Hazard to Air Navigation from the Federal Aviation Administration, or evidence of pending review if the final determination is not yet available, provided that any final County approval shall be conditioned upon receipt of required final determinations.
5. A proposed decommissioning and site reclamation plan for the Commercial Wind Energy Facility and Supporting Facilities, including cost estimates and proposed financial assurance consistent with Article VII.
6. Any proposed energy storage system, battery energy storage system, or storage-related Supporting Facility, including a statement of whether the system is ancillary to the Commercial Wind Energy Facility or requires separate review under 55 ILCS 5/5-12024, together with all fire safety, emergency response, equipment, site plan, and compliance information reasonably necessary for County review under applicable law.
7. All required studies, reports, certifications, and approvals demonstrating compliance with this Ordinance and applicable law.
8. The executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
9. A topographic map showing the facility site and surrounding area.
10. Any requested waivers from setback requirements, shadow flicker requirements, or sound enforcement rules, together with documentation that the waiver has been or will be recorded in the Hamilton County Recorder's Office where required by applicable law.
11. The results and recommendations from consultation with the Illinois Department of Natural Resources obtained through EcoCAT or a comparable successor tool.
12. Evidence of consultation with the Illinois State Historic Preservation Office regarding potential impacts on State-registered historic sites, if required by law.
13. Information demonstrating avoidance of Protected Lands, or consideration of applicable recommendations of the Illinois Department of Natural Resources and Illinois Nature Preserve Commission relating to setbacks from Protected Lands.
14. A farmland drainage plan meeting the requirements of Article VII.
15. Road use information identifying proposed construction routes, anticipated traffic, weights, sizes, access points, and affected highway authorities.
16. An emergency response, fire safety, and emergency contact plan meeting the requirements of Article IX.
17. Any other information reasonably requested by the County or its consultants that is necessary to evaluate the application and determine compliance with this Ordinance and applicable law.

C. Material changes to the application are not permitted after notice of the public hearing has been published unless requested by or approved by the County.

D. The Applicant shall submit twelve (12) paper copies of the application and at least one electronic copy, unless the County authorizes a different format.

ARTICLE V. DESIGN, INSTALLATION, AND SITING STANDARDS

A. Design Safety Certification. Commercial Wind Energy Facilities shall conform to applicable industry standards, including applicable standards of the American National Standards Institute, American Clean Power Association, Underwriters Laboratories, International Electrotechnical Commission, and other applicable national and international standards. Turbines and associated equipment shall be new commercially available equipment unless otherwise approved by the County Board.

B. Professional Certification. Following approval and before construction, an Illinois-licensed structural engineer or other appropriately qualified Illinois-licensed Professional Engineer shall certify that the design of the Commercial Wind Energy Facility is within accepted professional standards given local soil, subsurface, and climate conditions.

C. Controls and Brakes. All WECS shall be equipped with a redundant braking system and controls sufficient to meet applicable industry standards, including manual and automatic overspeed controls and appropriate failsafe systems.

D. Electrical Components. All electrical components shall conform to applicable local, State, and national codes and relevant standards, including the National Electrical Code, National Electrical Safety Code, Illinois Commerce Commission requirements, Federal Energy Regulatory Commission requirements, and requirements of their designees or successors.

E. Height. The County may set blade tip height limitations for wind towers, but no limitation shall be more restrictive than the height allowed under a Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration under 14 CFR Part 77.

F. Aesthetics and Lighting. Wind towers and blades shall be painted white, gray, or another non-reflective color unless otherwise required by the Federal Aviation Administration or applicable law. Lighting shall be the minimum required by the Federal Aviation Administration. The Applicant shall install Aircraft Detection Lighting Systems or other approved light mitigation technology when commercially reasonable, technically feasible, approved by the Federal Aviation Administration, and not inconsistent with applicable law.

G. Warnings and Signage. Warning signs concerning voltage shall be placed at substations, pad-mounted transformers, wind tower bases, and facility entrances. All signage shall be consistent with applicable ANSI standards and applicable law.

H. Climb Prevention. Wind towers shall be unclimbable by design or protected by anti-climbing devices, locked tower access, or other reasonable safety measures. Fences around substations and other electrical facilities shall comply with applicable codes and utility requirements.

I. Setback Requirements. Wind towers shall be sited with setback distances measured from the center of the base of the wind tower as follows:

Setback Description	Setback Distance
Occupied Community Buildings	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure.

Participating Residences	1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure.
Nonparticipating Residences	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure.
Boundary Lines of Participating Property	None.
Boundary Lines of Nonparticipating Property	1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the Nonparticipating Property.
Public Road Rights-of-Way	1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way.
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 wind tower to the nearest edge of the property line, easement, or right-of-way containing the overhead line.
Overhead Utility Service Lines to Individual Houses or Outbuildings	None.
Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands	2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife area or protected land.

J. Setback Waivers. Setback requirements may be waived subject to the written consent of the owner of each affected Nonparticipating Property. A waiver shall run with the land and shall be recorded with the Hamilton County Recorder. A seller or transferor shall disclose the existence of a recorded waiver to any buyer or transferee before any sale or transfer, as required by applicable law.

K. Shadow Flicker. A wind tower shall be sited so that industry standard computer modeling indicates that any Occupied Community Building or Nonparticipating Residence will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions. This requirement may be waived by written consent of the owner of each affected property, and any waiver shall be recorded with the Hamilton County Recorder where required by applicable law.

L. Noise Levels. Noise levels from wind towers shall comply with applicable Illinois Pollution Control Board regulations under 35 Ill. Adm. Code Parts 900, 901, and 910. The County shall not set a sound limitation that is more restrictive than the sound limitations established by the Illinois Pollution Control Board. Any waiver of enforcement of Illinois Pollution Control Board rules shall comply with Section 25 of the Environmental Protection Act and shall be recorded in the Hamilton County Recorder's Office.

M. EcoCAT and Protected Lands. The County shall require the results and recommendations from consultation with the Illinois Department of Natural Resources obtained through EcoCAT or a comparable successor tool, shall require adherence to recommendations provided in an EcoCAT natural resource review report under 17 Ill. Adm. Code Part 1075, and may require the Facility Owner to demonstrate avoidance of Protected Lands or consideration of recommendations of the Illinois Department of Natural Resources for setbacks from Protected Lands.

N. Historic Resources. The County may require evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

O. Communications and Interference. The Applicant shall provide a communications analysis identifying potential interference with local emergency, public safety, dispatch, radio, telephone, microwave, television,

internet, and other communications. The Applicant shall take commercially reasonable steps to avoid, minimize, and promptly correct material interference caused by the Commercial Wind Energy Facility, with priority given to public safety and emergency communications.

P. No Preclusion of Supporting Facilities. The County shall not establish siting standards for Supporting Facilities that preclude development of Commercial Wind Energy Facilities. Supporting Facilities remain subject to reasonable safety, access, road use, drainage, emergency response, utility clearance, engineering, and compliance requirements that are not more restrictive than permitted by 55 ILCS 5/5-12020 and applicable law. These requirements shall not be applied in a manner that effectively prohibits an otherwise compliant Commercial Wind Energy Facility.

Q. Compliance with Additional Law. Nothing in this Ordinance exempts or excuses compliance with applicable State or federal statutes, regulations, codes, utility interconnection requirements, or electric facility clearances approved or required by the National Electrical Code, National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, or their designees or successors.

ARTICLE VI. PUBLIC ROADS, SITE ASSESSMENT, AND BUILDING PERMIT

A. Use of Public Roads. An Applicant proposing to use any county, municipal, township, road district, village, or State road for transporting Commercial Wind Energy Facility parts or equipment for construction, operation, or maintenance shall identify such roads and obtain applicable weight and size permits from the relevant highway authority.

B. Baseline Survey and Coordination. The Applicant shall conduct a pre-construction baseline survey, identify proposed construction routes, and coordinate with the County Engineer and affected highway authorities before construction begins.

C. Road Use Agreement. The County may require a road use agreement for construction traffic affecting county roads. Any road use agreement shall comply with 55 ILCS 5/5-12020(s). The agreement shall require the Facility Owner to pay only the reasonable cost of improving roads used to construct the facility and the reasonable cost of repairing roads used during construction so that those roads are safe for the driving public after construction is complete. The agreement shall not require costs, fees, charges, or road work that are not specifically and uniquely attributable to construction of the facility or restoration of roads used during construction-related activities. No permit fee, fine, or other payment obligation shall be required as part of a road use agreement unless equivalent to actual expenses incurred by the governmental unit for negotiating, executing, constructing, or implementing the road use agreement.

D. Site Assessment. To ensure that subsurface conditions will provide proper support for wind towers and soil restoration, the Applicant shall provide soil and geotechnical boring reports to the County Engineer as part of final engineering review or building permit review, if applicable. The Applicant shall submit grading plans for proposed substations, tower locations, access roads, and other materially disturbed areas for review and comment by the Hamilton County Soil and Water Conservation District, County Engineer, drainage district, or other appropriate agency before commencement of construction, to the extent permitted by applicable law.

E. Single Building Permit and Building Permit Fee. The County may require a single building permit for the Commercial Wind Energy Facility, which shall include all Supporting Facilities. Building permit fees shall be Five Thousand Dollars (\$5,000.00) per each megawatt of nameplate capacity of the facility, not to exceed Seventy-Five Thousand Dollars (\$75,000.00). The Applicant shall also reimburse the County for

reasonable expenses incurred by the County in processing the building permit in excess of the maximum fee. If the County does not require a building permit for a particular project, the technical information that would otherwise be submitted with the building permit shall be submitted as part of final compliance review before construction begins.

F. Notice to Proceed. The Applicant shall provide a written Notice to Proceed to the County before commencement of construction. Commencement of construction includes site development work such as demolition, grubbing, grading, excavation, road work, and construction of project-related structures and infrastructure improvements.

ARTICLE VII. AGRICULTURAL IMPACT MITIGATION, DRAINAGE, AND DECOMMISSIONING

A. Agricultural Impact Mitigation. The Applicant shall enter into and comply with an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by law. All impacted agricultural land shall, at a minimum, be remediated in accordance with that agreement.

B. Farmland Drainage Plan. The Applicant shall file a farmland drainage plan with the County and any impacted drainage districts outlining how surface and subsurface drainage of farmland will be restored during and following construction or deconstruction of the Commercial Wind Energy Facility. The plan shall be created independently by the Facility Owner and shall include the location of potentially impacted drainage district facilities to the extent publicly available from the County or the drainage district, plans to repair subsurface drainage affected during construction or deconstruction using procedures outlined in the applicable Agricultural Impact Mitigation Agreement, and procedures for repair and restoration of surface drainage affected during construction or deconstruction. All surface and subsurface damage shall be repaired as soon as reasonably practicable.

C. Drainage Damage and Agricultural Damages. The Facility Owner shall compensate landowners for crop losses or other agricultural damages resulting from damage to the drainage system caused by construction of the Commercial Wind Energy Facility and shall repair or pay for the repair of all damage to the subsurface drainage system and the repair and restoration of surface drainage as required by applicable law and the Agricultural Impact Mitigation Agreement.

D. Decommissioning and Site Reclamation. As part of the siting application, the Applicant shall submit a decommissioning and site reclamation plan and cost estimate prepared by an Illinois-licensed Professional Engineer. The plan shall describe how the Commercial Wind Energy Facility and Supporting Facilities will be decommissioned and how the site will be restored at the end of the project, upon abandonment, or as otherwise required by applicable law. The plan shall include removal and lawful disposition of wind towers, nacelles, blades, foundations, overhead facilities, substations, transformers, operations and maintenance buildings, access roads unless the landowner requests in writing that roads remain, and other project-related equipment to the maximum extent permitted by the Department of Agriculture's standard wind farm agricultural impact mitigation agreement, template 81818, as applicable and in effect on December 31, 2022, and 55 ILCS 5/5-12020.

E. Cost Estimate and Financial Assurance. The cost estimate shall be stated in current dollars at the time prepared and shall identify the estimated cost to complete decommissioning and site restoration. Salvage value may be used only to the extent permitted by applicable law and the applicable Agricultural Impact Mitigation Agreement. The Owner shall provide and maintain financial assurance for decommissioning in the form, timing, amount, renewal terms, replacement terms, beneficiary structure, and enforceability terms

required or permitted by the Department of Agriculture's standard wind farm agricultural impact mitigation agreement, template 81818, as applicable and in effect on December 31, 2022. The County shall not require decommissioning standards, deconstruction standards, or related financial assurances that are more restrictive than those included in that agreement, but the County may require timely proof of compliance with those standards.

F. Updates. The Owner shall file with the County any updated decommissioning plan, updated decommissioning cost estimate, updated proof of Financial Assurance, renewal, replacement instrument, or other compliance documentation required by the applicable Agricultural Impact Mitigation Agreement and applicable law. The County may require evidence of continuing compliance with those requirements as part of the annual report required by this Ordinance and may require correction of any lapse, deficiency, expiration, nonrenewal, or nonconforming financial assurance instrument to the extent permitted by applicable law.

G. Property Value Guarantee Prohibited. The County shall not condition approval of a Commercial Wind Energy Facility on a property value guarantee and shall not require a Facility Owner to pay into a neighboring property devaluation escrow account.

ARTICLE VIII. OPERATION AND MAINTENANCE

A. Annual Report. On an annual basis, on the anniversary of the Special Use Permit application date unless the County approves another reporting date, the Applicant or Operator shall submit an operation and maintenance report to the County describing physical repairs, replacements, or modifications to the facility; complaints received concerning setbacks, shadow flicker, noise, appearance, safety, lighting, communications, drainage, public roads, emergency response, and the resolution of those complaints; calls for emergency services; the status of liability insurance; the status of decommissioning financial assurance; the status of any required road use agreement obligations; any known material violations or notices of violation from State or federal agencies; and a general summary of service calls.

B. Complaint Response Log. The Applicant and Operator shall maintain a written log of material complaints received from the County, emergency responders, road authorities, drainage districts, participating landowners, nonparticipating landowners, or members of the public concerning the Commercial Wind Energy Facility. The log shall identify the date received, nature of the complaint, action taken, and date of resolution. The log shall be provided to the County upon reasonable request. This requirement does not expand County authority beyond applicable law but is intended to document compliance with lawful permit conditions.

B. Re-Certification. Any physical modification to the Commercial Wind Energy Facility that alters the mechanical load, mechanical load path, tower structure, foundation design, or major electrical components shall require re-certification by an appropriately qualified Professional Engineer. Like-kind replacements and routine maintenance performed in the ordinary course of operations do not require re-certification.

C. As-Built Maps and Plans. Within sixty (60) days after completion of construction, the Applicant or Operator shall deliver as-built maps, site plans, and engineering plans for the facility signed and stamped by a Professional Engineer and a licensed surveyor.

D. Conformance with Approved Plans. The Applicant shall construct and operate the Commercial Wind Energy Facility in substantial conformance with the approved application, any lawful permit conditions, this Ordinance, and all applicable law.

E. Access. Access to wind tower bases, substations, and other electrical equipment shall be controlled by locked access, fencing where appropriate, warning signage, and other reasonable safety measures consistent with industry standards and applicable law.

ARTICLE IX. EMERGENCY RESPONSE, MATERIALS, AND SIGNAGE

A. Emergency Response Materials. The Applicant shall submit to local emergency responders a copy of the site plan, standard operating procedures, standard operating guidelines, and any amendments thereto so that local law enforcement, fire protection districts, emergency medical providers, and emergency management providers may evaluate and coordinate emergency response.

B. Training. The Applicant, at its expense, shall provide reasonable training and any reasonably necessary information to the Operator and local emergency response authorities so they can properly respond to a potential emergency at the facility.

C. Emergency Contacts. The Applicant and Operator shall cooperate with local emergency responders to develop and maintain an emergency response plan that includes 24-hour contact information for the Applicant, Operator, and at least three designated facility representatives.

D. Waste and Hazardous Materials. All solid waste related to the construction, operation, and maintenance of the Commercial Wind Energy Facility shall be removed from the site promptly and disposed of in accordance with applicable law. All hazardous materials shall be handled, stored, transported, and disposed of in accordance with applicable law.

E. Septic and Well Regulations. The Commercial Wind Energy Facility shall comply with existing septic and well regulations as required by the County Health Department and the Illinois Department of Public Health.

F. Signage. Facility signage shall remain consistent with applicable standards and warning signage requirements contained in this Ordinance and applicable law.

ARTICLE X. LIABILITY INSURANCE, INDEMNIFICATION, AND COUNTY COSTS

A. Liability Insurance. Upon start of construction of the Commercial Wind Energy Facility, the Applicant shall maintain liability insurance that is commercially reasonable and consistent with prevailing industry standards for similar energy facilities, including commercial general liability, automobile liability, workers compensation as required by law, and umbrella or excess liability coverage where commercially reasonable for the size and risk profile of the project. The County shall be named as an additional insured on applicable liability policies to the extent commercially available. The Applicant shall file certificates of insurance and applicable endorsements with the County before commencement of construction and upon renewal as reasonably requested by the County. The Applicant shall provide reasonable written notice to the County of cancellation, nonrenewal, or material reduction in coverage to the extent provided by the insurer or within the Applicant's control.

B. Indemnification. To the fullest extent permitted by law, the Applicant shall defend, indemnify, and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers, and agents from and against claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities arising out of the issuance of the permit or the construction, operation, maintenance, or removal of the Commercial Wind Energy Facility, except to the extent caused by the negligence or willful misconduct of an indemnified party.

C. Application Fee. All siting approval or Special Use Permit application fees shall be Five Thousand Dollars (\$5,000.00) per each megawatt of nameplate capacity of the facility, not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000.00). The Applicant shall also reimburse the County for reasonable expenses incurred by the County in processing the application in excess of the maximum fee.

D. County Costs. In addition to the fees expressly allowed by this Ordinance and applicable law, the Applicant or Owner shall reimburse the County for reasonable third-party costs actually incurred by the County for processing the application, conducting public hearings, reviewing engineering, reviewing road use obligations, reviewing drainage issues, reviewing emergency response materials, conducting inspections, reviewing decommissioning compliance, and enforcing permit compliance, to the extent permitted by law.

E. Outstanding Balances. The County may withhold issuance, processing, advancement, or final approval of a siting approval, Special Use Permit, building permit, amended permit, construction authorization, Notice to Proceed acceptance, inspection approval, or other County approval while any undisputed and lawfully imposed application fee, building permit fee, reimbursement obligation, consultant fee, engineering fee, hearing cost, publication cost, inspection cost, legal cost, road-related cost, decommissioning review cost, or other amount owed to the County under this Ordinance remains unpaid, to the extent permitted by law. If an amount is disputed in good faith, the County may require payment under protest, a deposit, escrow, bond, letter of credit, or other commercially reasonable security for the disputed amount while the dispute is resolved, provided that the process is not used to impose a fee or condition prohibited by State law.

ARTICLE XI. DEFAULT, REMEDIES, REVOCATION, TRANSFER, AND MODIFICATION

A. Default. The Applicant's failure to materially comply with the Special Use Permit, any lawful condition imposed on the project, this Ordinance, or applicable law shall constitute a default and shall be grounds for enforcement action or revocation by the County Board after notice and opportunity to cure.

B. Notice and Cure. Before pursuing revocation or other formal enforcement action, the County shall provide written notice to the Applicant and Operator setting forth the alleged default and shall provide thirty (30) calendar days to cure. If the Applicant commences cure within that period and diligently pursues cure, the Applicant shall receive an additional sixty (60) days to continue the cure before the County pursues further enforcement, unless the default relates to a life-safety issue, lapse in required insurance, lapse in required financial assurance, interference with public safety communications, obstruction of emergency access, or another condition requiring immediate action to protect public health or safety.

C. Commencement of Construction. If a Special Use Permit has been approved, the Applicant shall apply for any building permit required by the County and any other permits required by applicable governmental agencies and commence and actively pursue construction within five (5) years after approval, unless an extension is granted for reasonable cause. Any extension request shall be considered in accordance with Article III of this Ordinance. The County may require the Applicant to provide periodic status updates during the five-year period to confirm continuing intent to proceed, continuing site control, and continuing compliance with lawful permit conditions.

D. Revocation. The Special Use Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the Commercial Wind Energy Facility, ceases operation for more than twelve (12) consecutive months without reasonable cause, allows required insurance or financial assurance to lapse, fails to maintain required emergency contact information, or materially fails to comply with this Ordinance, the approved permit, or lawful conditions imposed by the County, after notice and opportunity to cure as provided in this Article, except where immediate action is necessary to protect public health or safety.

E. Transferability. The Special Use Permit shall bind and inure to the benefit of the Applicant and its successors and assigns. Before any transfer of ownership or operating control, the Applicant shall provide written notice to the County and documentation that the transferee assumes all obligations under the Special Use Permit, this Ordinance, the Agricultural Impact Mitigation Agreement, road use agreement, decommissioning obligations, financial assurance obligations, and applicable law.

F. Modification. Any modification of a Commercial Wind Energy Facility that materially alters or changes the essential character or operation of the facility in a way not intended at the time the Special Use Permit was granted, or as subsequently amended, shall require a new or modified Special Use Permit. Routine maintenance, like-kind replacement, and nonmaterial changes may be approved administratively by the County if consistent with this Ordinance and applicable law.

ARTICLE XII. GENERAL PROVISIONS

A. Interpretation. The provisions of this Ordinance shall be held to be the maximum lawful requirements adopted for the promotion and preservation of public health, safety, and general welfare of Hamilton County, subject to the limitations imposed by 55 ILCS 5/5-12020 and other applicable State and federal law. These regulations are not intended to repeal, abrogate, annul, or interfere with existing regulations or laws of Hamilton County except to the extent inconsistent with this Ordinance or applicable State law.

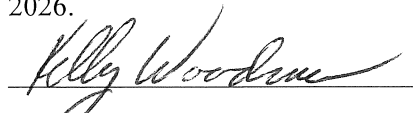
B. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to that end the provisions of this Ordinance are severable.

C. Conflict. All ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent of the conflict.

D. Adoption and Prior Conflicts. This Ordinance is intended to establish Hamilton County Commercial Wind Energy Facility siting provisions. Any prior County ordinance, rule, or provision addressing Commercial Wind Energy Facilities is superseded only to the extent it is inconsistent with this Ordinance.

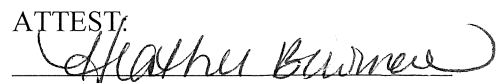
E. Effective Date. This Ordinance shall take effect immediately upon passage and publication as provided by law.

PASSED by the County Board of Hamilton County, Illinois, this 27 day of May, 2026.



Kelly Woodrow

County Board Chairperson

ATTEST:


Heather Bowman

Heather Bowman

County Clerk