

ORDINANCE

RE: WIND FARM BUILDING PERMIT

WHEREAS, the County Board has studied the current wind farm building permit ordinance and based upon that study has elected to modify certain terms of that ordinance; and

WHEREAS, those terms concern the fees and setback requirements and are attached to this ordinance and incorporated herein by reference; and

WHEREAS, it is appropriate to so modify the ordinance with the amendments shown in the attachments hereto.

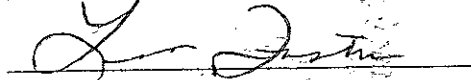
NOW, BE IT THEREFORE ORDAINED that the Wind Farm Building Permit ordinance is amended as provided in the attached exhibits and that said amendments become effective January 1, 2012

PRESENTED, APPROVED and ORDAINED by the County Board of Vermilion County, Illinois at the November 8, 2011 A.D. Session.

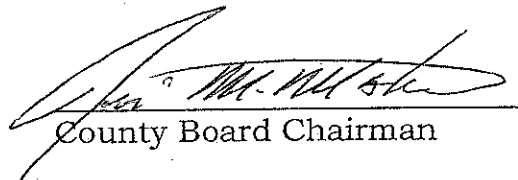
DATED this 8th day of November, 2011 A.D.

AYE 25 NAY 0 ABSTAIN 0
ABSENT 2

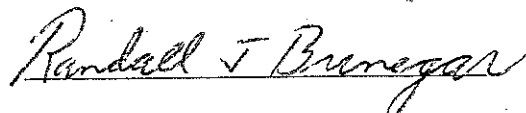
ATTEST:



Clerk of the County Board



County Board Chairman



Approved to Form: State's Attorney

AMENDMENT

absence or unavailability of the committee chairman, the County Board Chairman may call a meeting of the committee for any purpose.

The committee shall be limited to the review of permits applications and matters under the governance of this ordinance.

Any final decision or action of the Committee may be appealed. The first step in such appeal is to request an informal consultation with the committee. If such informal consultation is not available within 72 hours, excluding weekends and holidays, or if the informal consultation does not resolve the matter, a further appeal may be had by requesting the County Board Chairman to appoint a three person appeal committee from the current members of the County Board who shall hear the dispute and resolve the matter by hearing within seven days, excluding weekends and holidays unless the appealing party requests an extension. If, after a hearing and decision is rendered, such resolution is not acceptable to either party, then the matter may be further reviewed in accordance with the Illinois Administrative Review Act, 732 ILCS 5/3-101 et. seq.

The decision to grant or deny a permit application is within the sole discretion of the County Board and that decision may be appealed as provided for in the Illinois Administrative Review Act, supra, only after the County Board has voted on the matter.

VI. SITING APPROVAL APPLICATION

- A. To obtain approval to build any structure within the jurisdiction of this ordinance or as set out in Section III, the Applicant must first submit a permit approval application to the County. The application shall be filed with the Vermilion County Board Office, and any forms or information relative to the permit process shall be made available at such location.
- B. To assist in the incidental costs of the application process, each applicant shall be required to pay a non-refundable application fee of \$4,500.00 per wind turbine structure to be built as part of the WECs project. All fees shall be due at the time the application is submitted to the County Board Office and shall be deposited into the Vermilion County General Fund.
- C. The Structural Safety Committee shall have the authority to create and require the use of any application or information form necessary or useful in the execution of this ordinance. However, no application that substantially complies with the

AMENDMENT

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

G. Climb Prevention

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

H. Setbacks

1. To ensure the safety of surrounding buildings and owners, all WECS Towers shall be set back at least 1200 feet from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.10 times the WECS Tower Height.
2. All WECS 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. The County may waive this setback requirement.
3. All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.
4. The Applicant does not need to obtain a variance from the County upon waiver by either the County or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run