

LAND USE COMMITTEE MINUTES

DATE OF MEETING: January 8, 2018 at 5:30 p.m. DeWitt County Building

MEMBERS PRESENT: Melonie Tilley, Jay Wickenhauser, Camille Redman, Randy Perring and Sue Whitted- Chair. Also, present – Angela Sarver, Zoning Administrator and Dee Rentmeister, County Administrator.

MEMBERS ABSENT: None

SUMMARY OF DISCUSSION:

- Tom Swierczewski – development director with Trade Wind Energy presented an informational packet to the committee and summarized the information in the packet. The information will be attached to the minutes. (Note: exhibits will be on file with original minutes)
- Motion by Redman, 2nd by Perring to approve the claims. Voice vote, motion carried.
- Motion by Tilley, 2nd by Wickenhauser to approve last months' minutes. Voice vote, motion carried.
- Due to the size of the crowd, a motion was made by Perring, 2nd by Wickenhauser to adjourn the meeting at 5:43 p.m. and move to the court room. Voice vote, motion carried.
- Whitted called the meeting back to session at 5:45 p.m. with all members being present.
- Tom Swierczewski continued with his presentation of the material given to the committee members.
- Terry Ferguson, Harp Township Road Commissioner, addressed the committee. He indicated that he was concerned about the road agreement for the wind towers but had recently spoken with Mark Mathon, County Engineer, and was assured that the road agreement is more than adequate. Mr. Ferguson then went on to speak about the decommissioning section of the wind ordinance and indicated that the Code lists three types of decommissioning funding and feels that the code should be changed to state an irrevocable letter of credit in place of letter of credit and a reclamation bond instead of performance bond. He also stated that engineer's estimates are usually low and suggested a factor be put in the code when using a cash escrow for decommissioning. Mr. Ferguson indicated that the IL Farm Bureau is concerned with wind farms throughout IL in regards to the low frequency sounds emitted and that this should possibly be addressed in the Code in addition to looking at different setbacks for non-participating landowners.
- Ken Shaffer and Chris Shaffer were present to address the committee with some additional information concerning wind towers. A handout was given to committee members and is attached to the minutes. They also requested a moratorium on all special use requests involving wind farms pending Code changes – at least 6 months or longer.
- Committee reviewed and discussed the original 11 items presented by the Shaffer's and others at last month's meeting. (attached to minutes)
 - Eight of the items the committee felt were addressed in the Code and had no recommendations for changes to the full board on the following items:
 - Siting approval application.
 - Wildlife requirements.
 - Electromagnetic interference.
 - Noise Levels.
 - Use of public roads.
 - Maintenance
 - Mitigation of shadow flicker
 - Property value guarantee
 - Committee discussed in further detail the following items:
 - Height of the towers. Committee did not have a recommendation for the full board and felt this should be addressed further with the full board.

- Decommissioning plan. Committee felt that the Code should be revised to change the surety bond to reclamation bond, and the letter of credit to irrevocable letter of credit. The Code should specify that the County has the power to decide which type of financial resource is required.
- Add to the Code that an incorporated village or municipality shall approve the location of any tower to be located within 1.5 miles of the corporate limits of such incorporated village or municipality.
- Setback distances. Committee did not have a recommendation to the full board and felt this should be addressed further with the full board.

After review and discussion, a motion was made by Tilley, 2nd by Redman to send all items originally presented for consideration for revisions to the Wind Ordinance to the full board with no recommendations for changes to 8 items as listed above and further review and possible changes in 4 areas as outlined above. Voice vote, motion carried.

- Motion by Tilley, 2nd by Whitted to adjourn at 7:09 p.m. Voice vote, motion carried.

COMMITTEE ACTION:

Approve the claims.

Approve last months' minutes.

Send all items originally presented for consideration for revisions to the Wind Ordinance to the full board with no recommendations for changes to 8 items as listed above and further review and possible changes in 4 areas as outlined above.

RECOMMENDATIONS TO THE FULL BOARD:

Send all items originally presented for consideration for revisions to the Wind Ordinance to the full board with no recommendations for changes to 8 items as listed above and further review and possible changes in 4 areas as outlined above. None

**AGENDA FOR THE
DEWITT COUNTY BOARD**

_____ Finance Committee X Land Use Committee _____ Property Committee
_____ Public Safety Committee _____ Road & Bridge Committee _____ CenCom

A. Date and Time of Meeting: January 8, 2018 at 5:30 p.m. County Board Room

1. Call Meeting to Order
2. Roll Call
3. Persons Wishing to Address the Committee (If requesting action, also list below in section 3)

Ken Shaffer – Present to answer any question regarding revisions to the Wind Energy Ordinance

Tom Swierczewski - Present a Letter Regarding the Proposed Text Amendment to the Wind Energy Ordinance

Terry Ferguson – Harp Township Regarding Decommissioning & Road Agreement

Andrea Rhoades – Present to answer any question regarding revisions to the Wind Energy Ordinance

4. Items for Discussion and Possible Action
 - A. Approve Claims
 - B. Approve last month's minutes
 - C. Text Amendment Revisions to Wind Energy Ordinance
5. Items for Discussion Only (No Action Requested)
 - A. Zoning Report
 - B. Mileage Report

6. Executive Session:

7. Recommendations:

Posted: January 4, 2018 at 11:45AM by: Angie Sarver, Zoning Administrator



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January 8, 2018

Chairperson Whitted and the Land Use Committee:

Thank you for the opportunity to discuss wind energy development in DeWitt County this evening. My name is Tom Swierczewski and I am a Development Director with Tradewind Energy and Project Manager of Alta Farms II Wind Project, LLC, proposed in northern DeWitt County and in development since 2008. Alta Farms II is a wholly owned subsidiary of Tradewind Energy, Inc.

I attended your last Committee meeting on December 11th at which Mr. Kenneth Shaffer presented and read a letter to this Committee signed by 12 individuals that refer to themselves as "DeWitt County Residents Against Wind Turbines". I also attended the subsequent full County Board meeting on December 21st at which the same issues were raised by Ms. Betty Shifflet, another member of this group. At the December 21st meeting, the County Board directed the Land Use Committee to discuss, review and consider a set of amendments proposed by this group to Section 153 of the County Zoning Ordinance relating to Commercial Wind Energy Conversion. It is my understanding that your Committee has commenced with that effort and I submit this letter and associated attachments as Alta Farms II's initial input on the group's proposed amendments. Thank you again for your consideration.

It is important to note up front that the information presented by this group contains misinformation, including a lack of understanding of wind farm development and operations as well as the recently updated DeWitt County wind regulations. Not unsurprisingly, the group's proposed amendments would have the effect of completely prohibiting wind development in DeWitt County. Alta Farms II could not site a single wind turbine in our project area that we have been developing since 2008.

Before I explain these issues and present Alta Farms II's responses to each proposed amendment, I want to summarize the details and status of our Alta Farms II project, the potential benefits to the County and discuss the development of wind farms generally as this will aid in this Committee's efforts to evaluate the impact of these amendments on wind development in DeWitt County.

Project History

Development of the Alta Farms II wind farm commenced in 2008 and continues to this day. The project was delayed for several years due to the economic downturn and legislative uncertainty in Washington D.C. and Springfield, but Alta Farms II saw the potential of this site in northern DeWitt County and continued on with development. In 2015, development picked back up as the economy surged forward and the legislative uncertainty was resolved.

Fast forward to late 2016 when Alta Farms II placed two new interconnection requests into the electrical grid while the demand for renewable energy contracts in Illinois began to increase. To date, we are approaching 200

leases executed with our host landowners in Dewitt County accounting for 22,000 acres and increasing every week.

The Alta Farms II Project is anticipated to be a 344 MW project built in one or more phases using modern turbine technology sized between 2.5 and 4 MWs. This Project would contain between 80 and 140 turbines between 480' and 600' in total height depending on the specific model or models selected. Each individual wind turbine would remove an average of 2/3 of an acre from crop production including the foundation and the access road. Factoring in all project elements, the total area taken out of production would be around 150 acres or less than 1% of all leased land.

Project Benefits

I'd like to highlight some of the financial benefits this Project would bring to DeWitt County.

- Since 2008, Alta Farms II has paid more than \$2.5 million in rent to our DeWitt County landowners. Between now and construction commencement, Alta Farms II expects to pay another \$1.5 million.
- During operation, our landowner group would receive annual rent payments of up to \$2.5 million.
- For the first 20 years of operation, the total taxes paid by this Project could be as high as \$80 million or roughly \$4 million per year on average for a 344 mw project size.
- Of that total tax amount, approximately 67% would go to the Clinton School District. Factoring in estimated state aid reductions over the first 20 years of operation, the Clinton School District could expect to receive as much as \$54 million or roughly \$2.7 million per year on average, again for a 344 MW project size.

To further illustrate the overwhelmingly positive benefits that wind farms bring to communities, in particular school districts, please find attached as Exhibit A, a 2011 third-party report titled "Wind Farm Implications for School District Revenue" from the Center for Renewable Energy at Illinois State University, co-founded and directed by Dr. David Loomis, Professor of Economics. Also attached at Exhibit A is an update letter from Dr. Loomis dated December 18, 2017. To quote from the 2017 letter:

"In summary, I believe the conclusion from the report still holds under the new state aid formula and the net revenue stream will be positive. In fact, in most cases the impact is a very large increase in revenue." He continues; "The wind farm allows the school district more stability by receiving timely tax payments than by waiting for state aid checks."

We have commissioned Dr. Loomis to analyze the expected economic impacts of the Alta Farms II Wind Project and intend to submit his final report to the County as a part of our Special Use Permit application, which we plan to make later this year.

Clearing Up Some Misinformation

The amendments proposed by the Dewitt County Residents Against Wind Turbines, make clear the intent of this group, also evidenced by its name, to stop wind development in DeWitt County. Several of the proposed

amendments would have the effect, if not the intent, to stop wind development, rather than provide a compromise to reasonably regulate for the health, safety and welfare of the public.

The amount of confusion and misinformation presented by the DeWitt County Residents Against Wind Turbines is concerning for a group that wants to be viewed as educating the public. There are many examples but in the interest of time, I will highlight several obvious printed inaccuracies:

1. They assert several times on pages 1 and 3 of their December 11th letter to this Land Use Committee that DeWitt County's wind regulations are outdated and are in need of updating. As you know, this is inaccurate. The wind regulations were thoroughly discussed and updated in April of 2017, less than nine months ago. DeWitt County's wind regulations are one of the most if not most recently adopted regulations in the entire state of Illinois.
2. The last point on page 3 of their December 11th letter dealing with decommissioning plans states that: "Decommissioning of wind turbines at the end of their useful life is a significant expense that might be borne by the landowner or the community at large". This again is inaccurate. Both DeWitt County's regulations and the Illinois Department of Agriculture require a Decommissioning Plan be entered into by all new wind farms; a main focus of which is to ensure that the costs of decommissioning are not borne by the landowner or the community at large.
3. In a one-page document titled "This Could Save DeWitt County" that was handed out by this group at both the December 11th Committee meeting and the December 21st Board meeting, item 6 states: "Turbines will be sited where they, not you, want them." This statement is inaccurate with regard to the Alta Farms II lease, which contains a Site Plan Approval provision that gives the host landowners' final approval of the location of project facilities on their property. I have attached an excerpt from the Alta Farms II lease to this letter as Exhibit B for your further review.
4. Item 12 of that same handout states: "You are ultimately liable for anything on your property. The general rule of USA law holds that a lessor is not liable to a lessee, or anyone else, for physical harm caused by a condition on your property." This is not accurate industry wide, and completely false with respect to the Alta Farms II Project. The Alta Farms II lease contains extensive indemnification and insurance provisions designed to protect DeWitt County landowners from damages, including third party claims arising out of wind project operations on their property. In addition, the current wind ordinance requires wind projects to obtain comprehensive general liability insurance that covers participating landowners for liability arising from wind farm operations on their property. Finally, note that this group is apparently unaware that the wind ordinance was recently updated, suggesting amendments that include items already incorporated in the wind ordinance and quoting outdated Code language that has been revised. These amendments were adopted unanimously on April 20, 2017 after a thorough review process beginning with the Regional Plan Commission followed by a Public Hearing with the Zoning Board of Appeals, this Land Use Committee and finally the full County Board.

Alta Farms II does not believe that DeWitt County's wind regulations are in need of updating given that you currently possess an up to date set of wind regulations that have been freshly reviewed and discussed and that the group requesting these changes are clearly attempting to stop all wind development in the county.

If, however, the County is interested in reviewing the regulations for the second time within a year, we are willing to actively participate and help in any way we can. Alta Farms II believes it is important that communities fully discuss wind farms and understand their significant benefits and potentially modest impacts and to provide reasonable regulation to protect our participating landowner partners, their neighbors and the larger community. We are confident that good communication will further our cause and look forward to this process.

Alta Farms II Response to Proposed Amendments

- Proposed Section 153.25(J): Siting Approval Application

Alta Farms II does not support nor see the need for mandating pre-application community meetings and 90-day notices in addition to the already sufficient mailed and published public notice requirements of the DeWitt County Code and Illinois zoning law. Alta Farms II may hold open houses and additional landowner meetings to continue to educate the public but we do not believe such efforts should be required with more notices and rigid timeframes.

- Proposed Section 153.27(A): Height of Wind Turbines Reduced to 499 Feet

Alta Farms II does not support a height restriction. The health, safety and welfare of the residents of DeWitt County are well served by setbacks to property lines and houses along with sound and shadow flicker standards. In many cases, taller turbines could actually be preferable if they allow greater spacing between turbines, increased efficiencies or large name plate capacity machines. Finally, the Federal Aviation Administration regulates wind turbines based on height and the Wind Ordinance currently requires a "No Hazard" certification from the FAA.

- Proposed Section 153.27(B): Setback Distances

Alta Farms II does not support an increase in setbacks. The proposed setbacks are extreme and designed to prohibit wind development in the County. In most cases, strict shadow flicker and noise regulations are more than sufficient to ensure adequate protection to any nearby houses and the house setback simply acts as a backstop type of absolute minimum. Additionally, land use rights should not be contingent upon obtaining permission from a neighbor through a waiver process. Waivers should be used to improve the locations of proposed facilities not be necessary for their installation.

To illustrate the impact that the proposed setbacks would have on the Alta Farms II project, attached please find Exhibits C and D. Exhibit C illustrates the Alta Farms II project area with the existing 1500' house setback and the 1.1x height (550' in this example) property line setback. Exhibit D illustrates the proposed house setback of 3250' and the proposed property line setback of 1640'.

Of the 51,789 acres within the project boundary, on Exhibit C you can see the small areas in white. Those areas are available for turbine placement and total only 5,805 acres or 11.2% of the total area factoring in just these two setbacks. Once all setbacks are considered, the area is even further reduced. As you can see from Exhibit D,

there is no white area. Of the same 51,789 acres within the project boundary, exactly zero acres are available for turbine placement.

- Proposed Section 153.27(C): Noise Levels

Alta Farms II believes that the current language in the Zoning Ordinance is sufficient as the Illinois Pollution Control Board (IPCB) requirements provide for robust protections that are much greater than is found in other states. Due to the complex nature of noise impacts and standards, the Illinois Pollution Control Board adopted their strict set of standards to apply to all uses, not just wind turbines, after several years of study and significant input for experts in the field. Accordingly, the County should rely on the IPCB standards and not attempt to create new regulations which are proposed by individuals that lack expertise on this complicated subject.

- Proposed Section 153.27(I): Use of Public Roads

Alta Farms II believes that the current language at 153.27(F) is sufficient protection for the County and its residents. It clearly requires a Road Maintenance and Upgrade Agreement from all applicable highway authorities and the County Engineer. That agreement is a separate consideration by the County requiring its own negotiation and approval by County Legal and Engineering staff followed by County Board approval.

- Proposed Section 153.27(J): Maintenance

Alta Farms II believes that the current language at Section 153.10(G) is sufficient as it already requires the submittal of annual operation and maintenance reports.

- Proposed Section 153.27(K): Shadow Flicker

Alta Farms II has stated publically that we plan on voluntarily meeting a 30 hour per year Shadow Flicker standard. Including this standard as a condition of approval of the Alta Farms II Special Use Permit approval would be acceptable.

- Proposed Section 153.27(L): Property Value Guarantee

Property Value Guarantees are unworkable and would act as a free insurance policy to anyone wishing to sell their home while a wind project is operational, regardless if the value was impacted by the wind farm. DeWitt County already has a requirement that a Special Use Permit applicant demonstrate that the proposed use will not substantially diminish or impair property values in the neighborhood at Section 155.130(D)(2). Additionally, there is no authority under State law for Counties to impose a property value guaranty.

- Proposed Section 153.27(M): Aircraft Detection Lighting Systems

Alta Farms II does not support the requirement to use a particular lighting system. The FAA controls lighting requirements for wind turbines based on safety considerations. The technology is frequently changing and there are many variables taken into account to determine if such a system is feasible and would even noticeably reduce the amount of time the red lights are on. Such consideration is much better suited for discussion and consideration on a case-by-case basis during the Special Use Permit process based on the requirements of the FAA and the technology available at the time of approval.

- Proposed Section 153.27(N): Wildlife Requirements



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Alta Farms II believes that current regulations are sufficient to ensure any wind farm proposed in DeWitt County will meet all requirements from the US Fish and Wildlife Service, Illinois Department of Natural Resources and all other agencies having oversight. State and Federal requirements address impacts to species and the wind regulations already require compliance with these regulations for wind projects and to provide applicable documentation of such compliance at Section 153.25(D) and 153.26(E).

- Electromagnetic Interference

Alta Farms II believes that the current language at Section 153.28(B) is sufficient.

- Decommissioning Plan

Alta Farms II believes that the current wind regulations are sufficient as they already require a Decommissioning Plan be submitted and approved as a part of the Special Use Permit process that details financial security with engineer's estimates updated every 3 years. Additionally, the state of Illinois requires each wind project to enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture requiring a "Deconstruction Plan" including triggering events, demolition and restoration, approved by the host County so a second layer of protection is already provided.

Thank you again for the chance to present to you this evening. We welcome the chance to work with the County to continue to educate the residents of DeWitt County on wind farms and, if the County desires, in further improving an already up to date set of regulations to ensure that only first rate wind farms may be built here.

If Committee Members, other County Board Members, County Staff or anyone in the audience would like to discuss wind development further, I am interested, available and happy to discuss. Please call me at: 847-909-8579, email me at tom@tradewindenergy.com or stop by our office at 705 North Side Square here in Clinton. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. Swierczewski".

Tom Swierczewski, AICP
Development Director
Tradewind Energy
847-909-8579
tom@tradewindenergy.com

C: DeWitt County Board Members
Zoning Administrator Sarver
State's Attorney Markwell



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Exhibit A

Wind Farm Implications for School District Revenue
and a 2017 update letter from Dr. Loomis

Compilation of IL County Wind Ordinances

County	Set Back	Decommissioning	Noise meets IPCB	Road Maintenance	Electrical Interference (i.e. TV, Internet) & Mediation	Shadow Flicker Study	Wildlife Impact study
Boone	setbacks from the "property lines" are 5.5 times the tower height or 2640 feet whichever is greater	Readjusted for inflation every five years Includes abandonment clause	Yes	Yes	Yes	Not addressed	Yes, completed by qualified professional
Bureau	3.2 times tower height or 1400 feet whichever is greater	Evaluated every 5 years for cost appreciation	Yes	Requires wind farm pay for consultants, expenses, repairs /improvements during construction and decommissioning	Yes	Required for application	Submitted to IDNR and US Wildlife Service, must act upon all recommendations
Iroquois	12 rotor diameters (2000 to 3600 feet) from the primary structures of Non-participating landowners and 1500 from property lines	Min deposit \$50,000 per tower, removal of all structures & debris to 72 inches. Financial assurances adjusted every 3 years.	Yes Not to exceed 35 db during day and 30db at night	Yes	Yes	Yes None allowed within 1-mile radius of wind turbine onto non-participants property or primary structure	Not addressed
Livingston	6 times the height of the tower or 3250 feet whichever is greater, from any primary structure. 1640 feet from adjacent property lines. Substations setback 1600 feet from adjacent property	Updated every 3 years Nonfunctioning turbines decommissioned after 6 months nonuse	Yes	Yes	Yes	Yes Limited to 30 hours/year	Yes, completed by qualified professional

County	Set Back	Decommissioning	Noise meets IPCB	Road Maintenance	Electrical Interference (i.e. TV, Internet) & Mediation	Shadow Flicker Study	Wildlife Impact Study
McLean	1500 feet 2000 feet from R1 and R2 districts	Min deposit \$35,000 per tower, removal of all structures & debris to 40 inches.	Yes	Yes, Agricultural impact mitigation for repair and damage to farm lands and roads.	Yes	Not addressed	Submitted to IDNR and US Wildlife Service, must act upon all recommendations
Woodford	4 times height from any non-participating homestead	Removal of all structures & debris to 4 feet.	Yes	Yes Agricultural impact mitigation for repair and damage to farm lands and roads, including siting of underground tile	Yes, study conducted prior to construction and mitigation measures implemented	Yes Limited to 30 hours/year	Yes, conducted by qualified professional, Submitted to IDNR, must not impact migratory birds

Sue Whitted
Dewitt County Board
69 Somerset
Clinton, IL 61727

Dear Ms. Whitted,

We would like the Dewitt County Board to review the County Ordinances on Wind Energy Conversion. If wind energy is coming to our area, we request that changes be considered to protect the health, safety and welfare of the County and its citizens. The changes being requested would update our ordinances to state of the art, promote cooperation between neighbors, and can be accomplished by a simple update to our ordinances.

Since our ordinance was enacted, technology and practices in areas with experience with wind farms have improved the entire process. Our neighboring counties with experience with wind farms have enacted changes to improve the health, safety and welfare of their citizens. Livingston County (April 2017), McLean County (November 2016), and Woodford County (February 2012) have upgraded their ordinances. Livingston County updated its ordinance when a third wind farm was proposed. They examined issues and addressed feedback received from the community with experience living with two wind farms.

Certainly, you can agree a proactive approach to update and modernize our ordinances will lessen the likelihood of disputes and maintain the unique character of Dewitt County. Wind farms will create changes in the landscape of our communities and county, as such, it is crucial that our ordinances are robust to protect your citizens.

We are aware of the process to enact a text amendment and merely seek the opportunity to present a way to improve the relationship between wind farms and the public. Below are a few of the areas Dewitt County can update our ordinances.

Siting approval application: Frequent, open communication and community input is essential when a business with a huge footprint is likely to develop in Dewitt County. This will dramatically change the physical landscape of our rural communities. Currently, information about such developments are limited. Rumors and gossip abound. Lacking information non-participating landowners worry and stew about what is going to happen. An amendment to our ordinance to improve transparency and educate all those within 1.5 miles of the boundary of the project will ensure all citizens are informed and educated of the planned development.

Height of Wind turbine reduced to 499 feet: FAA Advisory Circular 70-7460-IL outlines lighting requirements for aviation safety. The FAA recognizes wind tower lighting as light pollution. Objects above 499 feet are considered obstacles for aviation and require robust lighting requirements; the total number of obstruction lights increases with an increase in the wind turbine tower height. Lights must meet specified intensities, beam patterns, color, and flash

rates. Limiting wind turbines to height of 499 feet could result in less light pollution / annoyance due to flashing. The County should consider technology changes that make the presence of wind farms more palatable, such as aircraft detection lighting systems (includes lighting technology and synchronization of lighting).

Set back distances: Wind tower effects are decreased incrementally with increases in distance from the wind turbines. Wind turbines emit noise, cause shadows, and have flashing lights. According to research they are annoying and impact quality of life for those who live near established wind farms.¹ Current setbacks of 1.5 miles of a village protects those residents. Such a setback in the rural areas may not be feasible but property owners outside of villages should receive fair consideration for additional protection. An increase to 3,250 feet is small in comparison to the protection villages have.

Noise levels: One of the greatest benefits of Dewitt County is the tranquil environment in which to live. Wind turbines are typically placed in areas where background noise levels are low. Wind turbines create noise in the low frequency spectrum, more intense than say, road traffic. Wind Turbines can increase the odds of sleep disturbance and affect the quality of life.² The Illinois Pollution Control Board (IPCB) has established noise standards for the state. It makes sense that wind energy companies monitor noise levels and report these to the County to ensure compliance with state law.

Use of public roads: Protection of the roads will be a standard requirement in any wind energy development. It is reasonable and prudent that the ordinance clearly set out what is expected of the Wind Energy companies in regards to usage, required maintenance, and financial support of these roads.

Maintenance: To ensure transparency that the operation of the WECS meets county requirements Wind Energy companies should submit annual maintenance summary and operational reports to the county.

Mitigation of Shadow Flicker: Shadow flicker is the movement of shadows caused by rotating blades casting shadows on neighboring homes and properties. Shadow flicker has been related to decreased quality of life and elevated annoyance in those that live in close proximity to wind turbines.³ New advances in wind technology (shadow-flicker mitigation systems) and appropriate siting plans and an analysis of shadow flicker as part of the siting process should be fully addressed in any proposed wind farm plan to limit impact of shadow flicker on county residents.

Property Value Guarantee: Homes and property are the biggest investment for the average person in Dewitt County. Analysis of impact of property value is complex and requires expertise. Wind farms companies and residents will disagree about the likelihood of property value loss or the amount of such loss. While the wind farm and participating landowners may benefit from wind towers, objective fairness suggests it should not be at expense of neighboring property owner's equity. If, there is no property value impact for non-participants, then a wind developer should have no objection to agreeing to a property value guarantee requirement. Property value guarantees are standard in many wind conversion ordinances.

Wildlife requirements: Wind farms impact wildlife. Birds and bats collide with wind turbines. Additional adverse wildlife impacts include direct and indirect habitat loss from the construction and operation of wind energy facilities.⁴ Wind Energy applicants should conduct pre-and post-siting studies of all relevant species and provide these to the County, the Illinois Department of Natural Resources (IDNR) and U.S. Fish and Wildlife Service (USFWS) and implement all IDNR/USFWS recommendations based on post-siting study results. This is becoming a standard ordinance or special use requirement among many counties.

Electromagnetic interference: Wind turbines can disrupt radio wave such as FM radio, communication systems, and navigational systems⁵. The ordinance should require and address analysis of potential interferences with local broadcast residential television, wireless internet services and complaint resolution.

Decommissioning plan: Decommissioning of wind turbines at the end of their useful life is a significant expense that might be borne by the landowner or the community at large. To mitigate this risk, communities typically require a decommissioning plan and security facility (bonding company) to cover the cost of removal of the turbine and recovery of the site. Updating the decommissioning plan (which should include demolition and restoration of the land) every three years will ensure that the decommissioning costs are appropriately estimated and covered, reducing possible financial risk to Dewitt County and landowners.⁶

In closing, we have attached suggested text amendments for your consideration. We seek harmony in light of the environmental, landscape and property impact any wind project may have. These amendments are intended to benefit all the citizens of Dewitt County. Please consider the following:

1. Other counties have enacted significant changes in how wind farms are addressed in their ordinances. These changes are for the purpose of the protection of the health safety and welfare of the public.
2. Important technology changes make the presence of wind farms more palatable, such as aircraft detection lighting systems and flicker protection systems.
3. Our ordinance should be at least state of the art and not based on dated practices.
4. The changes to the ordinance should make special use hearings less contentious and perhaps help maintain the unique character of Dewitt County.
5. Addressing concerns via the text amendment process would be less adversarial than the special use hearing. It might tone down the situation and lead to a little compromise.

Thank you for your consideration

Kenneth and Christen Shaffer

Kenneth Shaffer
Christen Shaffer

Jim and Andrea Rhoades

Jim Rhoades

Andrea Rhoades

Joseph and Angela Witte

Joseph Witte
Angela Witte

Rodney and Sharon Leesman

Rodney Leesman

Eric and Betsy Shifflet

Eric Shifflet
Betsy Shifflet

John and Melinda Heinlen

John Heinlen
Melinda Heinlen

Diana Morin

Diana Morin



DEWITT COUNTY ZONING

Angela Sarver, Administrator

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REVISION TO THE WIND ORDINANCE PROPOSED FROM CONCERNED CITIZENS OF DEWITT COUNTY

- 1. SITING APPROVAL APPLICATION – REQUESTING NOTIFICATION TO ALL NON-PARTICIPATING LANDOWNERS 1 ½ MILES OF THE BOUNDARY OF THE PROJECT.**

The ordinance reads notification of a Special Use Permit should be sent to all landowners within 250 ft. of the property in question. If you would grant their request, I feel we are setting the County up for a potential lawsuit, due to someone be overlooked in receiving a notice. I feel it should be consistence with all Special Use Permit Request.

I spoke with DeeDee and we will be updating DeWitt County's website on a regular basis to keep the public aware of what is going on once Tradewind submits their Special Use Permit Application. All of the scheduled RPC Meetings and ZBA Hearings will be added immediately once they are determined.

- 2. HEIGHT OF WIND TURBINE Chapter 153.27 (A) – REQUESTING THE HEIGHT OF A WIND TOWER TO BE 499 FT.**

The ordinance does not have any height restrictions on towers. I have been informed the taller the tower, the less towers needed. Macon County towers are 493 ft. tall and they have 139 towers on approximately 26,000 acres. If you make a restrictions on height, there is a possibly there will be more towers installed.

- 3. WILDLIFE REQUIREMENTS – CHAPTER 153.25 (D) REQUESTING THIS TO BE ADDED TO THE ORDINANCE.**

I have prepared a checklist of studies, reports to be submitted with the Special Use Permit. This is listed as the Environmental Impact Study on the checklist.

4. ELECTRONMAGNETIC INTERFERENCE. CHAPTER 153.28 (B) REQUESTING THIS TO BE ADDED TO THE ORDINANCE.

This is mentioned in the ordinance, also with the checklist of studies and reports to be submitted with Special Use Permit a Communication Tower Study is required.

5. DECOMMISSIONING PLAN CHAPTER 153.30 (B) (6)(A) REQUESTING IN CHANGING THE DECOMMISSIONING.

I recommend this to be changed as well. It should be reclamation bond not a surety bond and an irrevocable letter of credit, not a letter of credit. It should specify that the County has the power to decide which type of financial resource is required. The way it is worded now does not clearly specify who has the power to decide.

6. SETBACK DISTANCES CHAPTER 153.27(B) (2) REQUESTING SETBACK BE INCREASE TO 3250 FT OR 6 TIMES THE HEIGHT WHICHEVER IS GREATER FROM ANY PRIMARY STRUCTURE.

The ordinance reads 1500 ft. or 3 times the height of a tower whichever is greater. Of all the wind ordinances that I have read, the 3250 ft. or 6 times the height, is by far the most stringent. As I mentioned, the taller the tower the less towers installed, and setback will be greater due to restriction of three times the height.

The State Statute reads: A county may also regulate the siting of wind farms and electric-generating wind devices in unincorporated areas of the county outside the zoning jurisdiction of a municipality and the 1.5 mile radius surrounding the zoning jurisdiction of a municipality. Because the County does zoning for Waynesville some are interpreting that Waynesville has no authority over this; the County has the authority. If we would add to our ordinance: An incorporated village or municipality shall approve of the location of any tower to be located within 1.5 miles of the corporate limits of such incorporated village or municipality. This would give Waynesville the authority.

7. NOISE LEVELS CHAPTER 153.27 (C) – REQUESTING TO CHANGE OUR THE NOISE LEVELS

The ordinance reads no greater than 50dba, which is equivalent to a midsize window air conditioner unit. I have requested a noise study be submitted with the Special Use Permit application.

8. USE OF PUBLIC ROADS REQUESTING THE PROTECTION OF PUBLIC ROADS.

There will be a road agreement between the wind farm and the County Highway Dept., and Township Road Commissioners. Mark Mathon will be the spoke person for the County. There is a section that covers the Road Agreement in the Wind Energy Ordinance.

9. MAINTENANCE CHAPTER 153.10 (G) & 153.26 – REQUESTING TO ENSURE TRANSPARENCY THAT OPERATION OF THE WIND FARM MEETS COUNTY REQUIREMENTS.

Under these two sections in our ordinance addresses their concerns; during the construction process and after construction.

10. MITIGATION OF SHADOW FLICKER CHAPTER 153.25 (D) – REQUESTING THIS TO BE ADDED TO ORDINANCE.

The Shadow Flicker Study is to be submitted with the Special Use Permit. This study is listed on the checklist.

11. PROPERTY VALUE GUARANTEE – REQUESTING WE IMPLEMENT THIS FOR THE NON-PARTICIPATING RESIDENCE.

This is rather unrealistic for anyone to be able to determine. A Property Value Report is to be submitted at the time of the Special Use Permit.



DEWITT COUNTY ZONING

Angela Sarver, Administrator

Dewitt County Building
201 W. Washington St.
P. O. Box 439
Clinton, IL 61727-0439
Phone 217-935-7775
Fax 217-935-7779

SPECIAL USE PERMIT CHECKLIST FOR COMMERCIAL WIND ENERGY CONVERSION

- _____ **Special Use Permit Application**
- _____ **Total Acreage of Wind Farm**
- _____ **Fee Paid**
- _____ **Site Plan of Wind Farm. (An extra copy attached for County Engineer and Soil & Water Conservation District)**
 - _____ **Location of Each Tower Demonstrated & Boundary of Projects**
 - _____ **Location of Guy Lines & Anchor Bases**
 - _____ **Property Lines (including identification of adjoining properties and owners)**
 - _____ **All existing structures location to the wind turbines with the primary structures identified.**
 - _____ **Setback Lines**
 - _____ **Land Use, zoning, public roads and structures indicating the required setbacks for for the WECS Site**
 - _____ **Public Access Roads and turnout locations**
 - _____ **All buried and overhead electrical cabling from towers to the substation**
 - _____ **Substation(s) location**
 - _____ **Ancillary Equipment , third party transmission lines and layout of all structures within the geographical boundaries of any applicable setbacks**
- _____ **Submission of all studies and reports**
 - _____ **Environmental Impact Study**
 - _____ **Shadow Flicker**

_____ **Noise Study**

_____ **Historic Preservation Study**

_____ **Economic Impact Report**

_____ **Property Value Report**

_____ **Communication Tower Study**

_____ **Ag Impact Mitigation Act**

_____ **Agreements with Municipalities**

PERMITS ISSUED 12/1/2017 THRU 12/31/17

Permit #	Date	Fee	Est. Cost of Construction	Issued For	Location
7197	12/5/2017	\$100.00	\$50,000.00	Storage Shed Storage Shed Attached to Garage	Waynesville
7198	12/13/2017	\$40.00	\$1,500.00	Garage	Waynesville - V
7199	12/14/2017	\$100.00	\$59,500.00	Room Addition & Garage	Clintonia
7200	12/19/2017	\$40.00	\$20,000.00	Room Addition	Tunbridge
7201	12/19/2017	\$100.00	\$60,000.00	Storage Shed	Tunbridge
7202	12/26/2017	\$40.00	\$38,000.00	Room Addition	DeWitt
		\$420.00		Permit Fees	
			\$229,000.00	Estimated Construction Cost	

48 Inspections for the Month
 4 Staking, 11 Foundation, 9 Enclosure, 19 Final, 5 Bldg/Zoning/Nuisance Violation.
 6 new permits came in and issued
 235 miles

Year-To-Date	Total Permits	Dec Permits	Total New Residences	Multi-Family
2014	117	3	21	-
2015	129	11	23	1
2016	130	3	11	0
2017	166	6	11	0