

---

# ZONING TEXT AMENDMENT APPLICATION FOR PARTIES IN INTEREST

*For Office Use*

Application # \_\_\_\_\_

Application Fee: \_\_\_\_\_  
Publication, mailing, and hearing costs are the  
responsibility of the applicant and separate  
from the application fee.

## Contact Information:

Date of Application: October 26, 2020

Co-Applicant's Name(s): Unit Drainage District #3 of the Towns of Assumption and Pana

Co-Applicant's Address: 781 U.S. 51, Pana, Illinois, 62557

Phone Number: 217-226-4050

Cell Number: 217-827-4080

Email: jinie@pwr-net.coop

Co-Applicant's Name(s): Union Drainage District #1 of the Towns of Pana and Assumption

Co-Applicant's Address: 387 N. 1900 East Road, Pana, Illinois 62557

Phone Number: N/A

Cell Number: 217-825-9286

Email: m4berner@icloud.com

Agent/Attorney Name for Applicants: H. Allen Yow

Agent/Attorney/Firm: Rammelkamp Bradnev, P.C.

Agent/Attorney Phone Number: 217-245-6177

Email: ayow@rblawyers.net

---

## Application History

Have any previous applications been made for a similar text amendment to the Christian County Zoning Ordinance?

Yes \_\_\_ No X

If yes, please provide specific details (Date, application number, etc.)

Not Applicable.

## Interested Party Status

Please state the basis for your being a "Party in Interest," as that term is used in Christian County Zoning Code § 1-11-36:

Applicants are drainage districts organized under the laws of the State of Illinois and are located in Christian County, Illinois. The districts own and maintain drainage ditches, drains and/or drainage structures to protect the lands within their boundaries and located in Christian County, Illinois. The siting of Wind Energy Conversion Systems can adversely impact and cause damage to the ditches, drains and drainage structures of drainage districts, thus impeding the proper drainage of farmland. The disruption of proper drainage can have severe economic consequences to landowners and the county at large.

**Text Amendment**

1. Identify the specific section(s) of the Zoning Ordinance sought to be amended, including section number.

**Ordinance Regulating the siting of Wind Energy Conversion Systems, Ordinance No. 02008ZN004 (last revised September 15, 2020, Section: VB3, E, F (pages 119-121)**

- 
2. What is the existing text requested to be eliminated, if any? (The ZBA prefers that the applicant provide a (1) copy of the proposed amendment redlined on top of the existing version of the text, and (2) a clean copy of the proposed new text in proposed final form.)

**See attached.**

---

---

---

---

---

---

3. What is the proposed text, if any? (The ZBA prefers that the applicant provide a (1) copy of the proposed amendment redlined on top of the existing version of the text, and (2) a clean copy of the proposed new text in proposed final form.)

**See attached.**

---

---

---

---

---

---

4. State the reason(s) for the proposed text amendment(s):

To protect all public and private drainage systems, all drainage districts, and all farmland within Christian County.

---

---

---

---

We, the applicants, hereby declare under penalty of perjury that the above information is true and correct to the best of our knowledge. We also certify that we understand that we are responsible for the initial application filing fee due at the time of submission of the application, the costs of notice (including publication and mailing), and court reporter costs at the ZBA hearing.

Co-Applicant's Signature:

Jack Erisman

Co-Applicant's Printed Name: Jack Erisman, Chairman and Commissioner of Unit Drainage District #3  
of the Towns of Assumption and Pana

Date:

10/26 .2020.

Co-Applicant's Signature:

Mike Berner

Co-Applicant's Printed Name: Mike Berner, Chairman and Commissioner of Union Drainage District #1  
of the Towns of Pana and Assumption

Date:

Oct. 26 .2020.

- F. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial building, schools, hospitals, and day care facilities, Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
- G. "Substation" means that apparatus that connects the electrical collection system of the WECS (s) and increases the voltage for connection with the utility's transmission lines.
- H. "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).
- I. "WECS Project" means the collection of WECS(s) and Substations as specified in the special use permit approval application pursuant to Section V of this Ordinance.
- J. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- K. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

### **III. APPLICABILITY**

This Ordinance governs the siting of WECS(s) and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 3MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

### **IV. PROHIBITION**

No WECS or Substation governed by Section III of this Ordinance shall be constructed, erected, installed or located within Christian County unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this Ordinance.

### **V. SITING APPROVAL AND SPECIAL USE APPLICATION**

- A. To obtain siting approval, the Applicant must submit an application for special use to the County.
- B. The application for a special use permit shall contain or be accompanied by the following information:
1. A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the actual equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
  2. The name(s), address(es), and phone numbers(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known;
  3. A final site plan for the installation of WECS(s) showing the planned location of each WECS Tower, guy lines and anchor bases (if any). Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, layout of all structures within the geographical boundaries of any applicable setback, and the location of any construction staging areas, including concrete batch plans, and the location of all affected drainage districts, the structures, facilities, ditches, drainage tiles, and rights-of-way of the affected drainage districts, and the location of all other agricultural drainage tiles of private landowners;
  4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance;
  5. All information necessary to demonstrate compliance with this entire Wind Energy Conversion System Ordinance; and
  6. Any other information normally required by the County as part of its Zoning Ordinance;

7. Sufficient documentation that the Applicant, Owner, company, or parent company are generally financially viable and sufficiently experienced to complete the WECS Project as proposed, and both financial viability and experience may be demonstrated by a successful track record on similar projects; and
  8. If the Applicant intends to offer a Good Neighbor Plan or Property Value Guarantee Plan, a copy of such plan shall be included with the special use permit application.
  9. Executed interconnection agreements.
- C. The Applicant shall immediately notify Christian County of any changes to the information provided in Section V.B. above that occur while the special use permit application is pending.
  - D. The Applicant shall enter into the Agricultural Impact Mitigation Agreement ("AIMA") with the Illinois Department of Agriculture prior to the public hearing for the WECS Project special use application.
  - E. The Applicant shall provide notice pursuant to the Christian County Zoning Code Section 1-11-22 to any "Drainage District," as that term is used in the Illinois Drainage Code (70 ILCS 605/1-1 et seq.)<sup>2</sup>, in which any construction is proposed, or which may be affected by the project. The Applicant must consult and work with affected drainage districts to locate, stake and mark all the structures, facilities, ditches, drainage tiles, and rights-of-way of the affected drainage districts prior to the issuance of Building Permits. - To the extent necessary, The issuance of Building Permits for construction of the WECS shall also be conditioned on (1) the Applicant obtaining a license, easement, or right of way from any affected the dDrainage dDistrict consistent with 70 ILCS 605/4-30, and (2) compliance by Applicant, Owner and/or Operator with the construction rules and requirements of the affected drainage districts.
  - F. The Applicant, Owner and Operator shall each become a member of the Illinois state-wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or "JULIE") and provide JULIE with all the information necessary to update its records with respect to the WECS.

point to the top surface of the WECS foundation.

### **III. APPLICABILITY**

This Ordinance governs the siting of WECS(s) and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 3MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

### **IV. PROHIBITION**

No WECS or Substation governed by Section III of this Ordinance shall be constructed, erected, installed or located within Christian County unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this Ordinance.

### **V. SITING APPROVAL AND SPECIAL USE APPLICATION**

- A. To obtain siting approval, the Applicant must submit an application for special use to the County.
- B. The application for a special use permit shall contain or be accompanied by the following information:
  1. A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the actual equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
  2. The name(s), address(es), and phone numbers(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known;
  3. A final site plan for the installation of WECS(s) showing the planned location of each WECS Tower, guy lines and anchor bases (if any). Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary

equipment, third party transmission lines, layout of all structures within the geographical boundaries of any applicable setback, location of any construction staging areas, including concrete batch plants, and the location of all affected drainage districts, the structures, facilities, ditches, drainage tiles, and rights-of-way of the affected drainage districts, and the location of all other agricultural drainage tiles of private landowners;

4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance;
  5. All information necessary to demonstrate compliance with this entire Wind Energy Conversion System Ordinance; and
  6. Any other information normally required by the County as part of its Zoning Ordinance;
  7. Sufficient documentation that the Applicant, Owner, company, or parent company are generally financially viable and sufficiently experienced to complete the WECS Project as proposed, and both financial viability and experience may be demonstrated by a successful track record on similar projects; and
  8. If the Applicant intends to offer a Good Neighbor Plan or Property Value Guarantee Plan, a copy of such plan shall be included with the special use permit application.
  9. Executed interconnection agreements.
- C. The Applicant shall immediately notify Christian County of any changes to the information provided in Section V.B. above that occur while the special use permit application is pending.
- D. The Applicant shall enter into the Agricultural Impact Mitigation Agreement ("AIMA") with the Illinois Department of Agriculture prior to the public hearing for the WECS Project special use application.
- E. The Applicant shall provide notice pursuant to the Christian County Zoning Code Section 1-11-22 to any "Drainage District," as that term is used in the Illinois Drainage Code (70 ILCS 605/1-1 et seq.), in which any construction is proposed, or which may be affected by the project. The Applicant must consult and work with affected drainage districts to locate, stake and mark all the structures, facilities, ditches,



drainage tiles, and rights-of-way of the affected drainage districts prior to the issuance of Building Permits. The issuance of Building Permits for construction of the WECS shall also be conditioned on (1) the Applicant obtaining a license, easement, or right of way from any affected the drainage district consistent with 70 ILCS 605/4-30, and (2) compliance by Applicant, Owner and/or Operator with the construction rules and requirements of the affected drainage districts

- F. The Applicant, Owner and Operator shall each become a member of the Illinois state-wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or "JULIE") and provide JULIE with all the information necessary to update its records with respect to the WECS.

## **VI. DESIGN AND INSTALLATION**

### **A. *Design Safety Certification***

1. WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
2. Following the granting of approval special use permit under this Ordinance, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions,

### **B. *Controls and Brakes***

1. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

### **C. *Components***