CITY OF SPRING VALLEY

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ORDINANCE NO. \_\_**1729**\_\_\_\_\_\_\_

AN ORDINANCE AMENDING TITLE 14 OF THE SPRING VALLEY CITY CODE

(ALSO KNOWN AS THE SPRING VALLEY ILLINOIS LAND DEVELOPMENT CODE)

TO INCLUDE USE SPECIFIC STANDARDS FOR SOLAR ELECTRICAL PANELS AND WIND ENERGY SYSTEMS AND MAKING TECHNICAL CORRECTIONS TO TITLE 14 OF THE SPRING VALLEY CITY CODE (ALSO KNOWN AS THE SPRING VALLEY ILLINOIS LAND DEVELOPMENT CODE)

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ADOPTED BY THE CITY COUNCIL OF

THE CITY OF SPRING VALLEY

THIS \_\_**30th**\_\_\_\_\_ DAY OF JULY, 2018

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Published in pamphlet form by authority of the City Council of the City of Spring Valley,

Bureau County, Illinois, this \_\_**30th**\_\_\_\_ day of July, 2018.

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STATE OF ILLINOIS )

 ) SS.

COUNTY OF BUREAU )

 I, Rebecca Hansen, certify that I am the duly elected and acting municipal clerk of the City of Spring Valley, Bureau County, Illinois.

 I further certify that on the \_\_**30th**\_\_\_\_\_\_\_ day of July, 2018, the corporate authorities of the above municipality passed and approved Ordinance No. \_\_\_**1729**\_\_\_\_\_\_\_\_entitled “An Ordinance Amending Title 14 of the Spring Valley Code (Also Known as the Spring Valley Illinois Land Development Code) to Include Use Specific Standards for Solar Electrical Panels and Wind Energy Systems and Making Technical Corrections to Title 14 of the Spring Valley City Code (Also Known as the Spring Valley Illinois Land Development Code)" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. \_\_\_**1729**\_\_\_\_, including the ordinance and cover sheet thereof, was prepared and a copy of such ordinance was posted in the municipal building, commencing on the \_\_**30th** \_ day of July, 2018, and continuing for at least ten days thereafter. Copies of the ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated in Spring Valley, Illinois, this \_\_\_**30th**\_ day of July, 2018.

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 Municipal Clerk

(SEAL)

ORDINANCE NO. \_\_**1729**\_\_\_\_\_\_

AN ORDINANCE AMENDING TITLE 14 OF THE SPRING VALLEY CITY CODE

(ALSO KNOWN AS THE SPRING VALLEY ILLINOIS LAND DEVELOPMENT CODE)

TO INCLUDE USE SPECIFIC STANDARDS FOR SOLAR ELECTRICAL PANELS AND WIND ENERGY SYSTEMS AND MAKING TECHNICAL CORRECTIONS TO TITLE 14 OF THE SPRING VALLEY CITY CODE (ALSO KNOWN AS THE SPRING VALLEY ILLINOIS LAND DEVELOPMENT CODE)

 WHEREAS, the City of Spring Valley has adopted as its zoning ordinance the Spring Valley Illinois Land Development Code; and

WHEREAS, the Spring Valley Illinois Land Development Code is included in Title 14, Land Development Code, of the Spring Valley City Code; and

WHEREAS, Section 14-3-2 of the Spring Valley City Code contains specific use standards for certain unique types of structures permitted under the Spring Valley Illinois Land Development Code for certain uses set forth in Section 14-3-2 of the Spring Valley City Code; and

WHEREAS, Section 14-3-1 of the Spring Valley City Code contains the use table provided for uses specified in the Spring Valley Illinois Land Development Code; and

WHEREAS, Section 11-13-1 of the Illinois Municipal Code (65 ILCS 5/11-13-1) authorizes municipalities to adopt zoning ordinances and Section 11-13-3.1 of the Illinois Municipal Code (65 ILCS 5/11-13-3.1) authorizes municipalities to amend their zoning ordinances; and

WHEREAS, the City of Spring Valley deems it to be necessary to make certain technical corrections to Title 14 of the Spring Valley City Code, also known as the Spring Valley Illinois Land Development Code; and

WHEREAS, the Corporate Authorities of the City of Spring Valley deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Spring Valley to amend Title 14 of the Spring Valley City Code, also known as the Spring Valley Illinois Land Development Code, to provide guidelines for solar electrical panels and wind energy systems, and to also make certain technical corrections to Title 14.

 NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRING VALLEY, BUREAU COUNTY, ILLINOIS, AS FOLLOWS:

1. The recitals contained in the preamble to this ordinance are incorporated by reference as if set out in full herein.

2. Section 14-3-2 of the Spring Valley City Code shall be hereby amended to include subsection 14-3-2(J) Solar Energy Systems:

14-3-2(J) Solar Energy Systems:

**1. Scope**  This subparagraph applies to all solar energy installations in the City of Spring Valley.

### 2. Definitions

**Active Solar Energy System:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**Building-integrated Solar Energy Systems:** An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**Grid-intertie Solar Energy System:** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

**Ground-Mount:** A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

**Off-grid Solar Energy System:** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**Passive Solar Energy System:** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**Photovoltaic System:** An active solar energy system that converts solar energy directly into electricity.

**Renewable Energy Easement, Solar Energy Easement:** An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

**Renewable Energy System:** A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

**Roof-Mount:** A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

**Roof Pitch:** The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

**Solar Access:** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**Solar Farm:** A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

**Solar Garden:** A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to individual or multiple households or businesses residing or located either on-site or off-site from the location of the solar energy system. A community solar system may be either an accessory or a principal use.

**Solar Resource:** A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

**Solar Collector:** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

**Solar Collector Surface:** Any part of a solar collector that absorbs solar energy for use in the collector’s energy transformation process. Collector surface does not include frames, supports and mounting hardware.

**Solar Daylighting:** A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

**Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System:** A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

**Solar Heat Exchanger:** A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

**Solar Hot Air System:** An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

**Solar Hot Water System:** A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

**Solar Mounting Devices:** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

**Solar Storage Unit:** A component of a solar energy device that is used to store solar generated electricity or heat for later use.

 **3. Permitted Accessory Special Use**. Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in C below will require a special use permit pursuant to Section 14-11-5 of the Spring Valley City Code.

**A.** **Height:** Active solar energy systems must meet the following height requirements:

* + 1. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building- integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
		2. Ground or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
	1. **Set-back:** Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
		1. **Roof or Building-mounted Solar Energy Systems.** In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
		2. **Ground-mounted Solar Energy Systems**. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
	2. **Visibility:** Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys provide that screening shall not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.
		1. **Building Integrated Photovoltaic Systems.** Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
		2. **Solar Energy Systems with Mounting Devices.** Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.
		3. **Reflectors.** All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
	3. **Coverage:** Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
	4. **Historic Buildings:** Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the community Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.
	5. **Plan Approval Required:** All solar energy systems shall require administrative plan approval by the City of Spring Valley Zoning Administrator via the review of the application for a building permit.
		1. **Plan Applications.** Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
			1. **Pitched Roof Mounted Solar Energy Systems.** For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
			2. **Flat Roof Mounted Solar Energy Systems.** For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
		2. **Plan Approvals.** Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Zoning Administrator and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.
	6. **Approved Solar Components:** Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.
	7. **Compliance with Building Code:** All active solar energy systems shall meet approval of local building code officials, consistent with the State of Illinois Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
	8. **Compliance with State and National Electric Codes:** All photovoltaic systems shall comply with the National Electric Code and the Illinois State Electric Code.
	9. **Compliance with State Plumbing Code:** Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.
	10. **Utility Notification:** All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

**4. Special Uses.** The City of Spring Valley encourages the development of commercial or utility scale solar energy systems as special uses in all Commercial Districts, all Industrial Districts, all Agricultural Districts and on Publicly-owned Property in any Residential District, subject to the property owner or operator obtaining a special use permit in accordance with Section 14-11-5 of the Spring Valley City Code and subject to the additional provisions set forth in this paragraph.

 **A. Solar gardens:** City of Spring Valley permits the development of community solar gardens, subject to the following standards and requirements:

 1. **Rooftop Gardens Permitted.** Rooftop community systems are permitted in all Commercial Districts, all Industrial Districts, and Publicly-owned Property in any Residential District where buildings are permitted.

2. **Ground-Mount Gardens Conditional.** Ground- mount community solar energy systems must be less than five acres in total size, and are special uses in all Commercial Districts, all Industrial Districts, and on Publicly-owned Property in Residential Districts. Ground- mount solar developments covering more than five acres shall be considered solar farms.

3. **Interconnection.** An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

4. **Dimensional Standards.** All structures must comply with setback, height, and coverage limitations for the district in which the system is located.

5. **Other Standards.** Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

6. **Nuisance/Aesthetic Standards.** If any solar garden abuts other residential uses, the special use permit must take into consideration reflective glare, weed control and potential aesthetic screening so as to minimize the dverse impact upon surrounding residential uses.

**B. Solar farms:** Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

1. **Special Use Permit.** Solar farms are special uses in Industrial Districts and Agricultural Districts.

2. **Stormwater and NPDES**. Solar farms are subject to City of Spring Valley’s stormwater management and erosion and sediment control provisions and NPDES permit requirements.

3. **Ground Cover and Buffer Areas.** Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Seeds should include a mix of grasses and wildflowers native to the region of the project site. Plant material must not have been treated with systemic insecticides, particularly neonics.

4. **Foundations.** A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.

5. **Other Standards and Codes.** All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

6. **Power and Communication Lines.** Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by City of Spring Valley in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

7. **Site Plan Required.** A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by City of Spring Valley. The site plan should also show all zoning districts, and overlay districts.

8. **Aviation Protection.** For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

9. **Agricultural Protection.** Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.

10. **Nuisance/Aesthetic Standards.** If any solar garden abuts other residential uses, the special use permit must take into consideration reflective glare, weed control and potential aesthetic screening so as to minimize the adverse impact upon surrounding residential uses.

11. **Decommissioning.** A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the City of Spring Valley Solid Waste Ordinance. City of Spring Valley shall require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning unless specifically waived by the Spring Valley City Council in the ordinance authorizing the issuance of the special use permit.

**5. Conditional Accessory Uses.** City of Spring Valley encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the applicant demonstrates that the standards in Section 3. A., B., or C. cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, the applicant may request and the City of Spring Valley may grant a special use permit to the applicant as part of the permitting process. A special use permit may be granted, if the following standards are met.

**A.** Minimum Performance, Defined:The following design thresholds are necessary for efficient operation of a solar energy system:

1. **Fixed-Mount Active Solar Energy Systems.** Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).

2. **Solar Electric (photovoltaic) Systems.** Solar collectors must have a pitch of between 20 and 65 degrees.

3. **Solar Hot Water Systems.** Solar collectors need to be mounted at a pitch between 40 and 60 degrees.

4. **System Location.** The system must be located where the lot or building has a solar resource, as defined in this ordinance.

**B. Standards for a Special Use Permit:** A special use permit shall be granted if the applicant meets the following safety, performance and aesthetic conditions:

1. **Aesthetic Conditions.** The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.

2. **Safety Conditions.** All applicable health and safety standards are met.

3. **Non-Tracking Ground-Mounted Systems.** Pole- mounted or ground-mounted active solar energy systems must be set back from the property line by one foot.

**6. Restrictions on Solar Energy Systems Limited.** Consistent with 765 ILCS 165/, no homeowners’ agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of City of Spring Valley shall prohibit or restrict homeowners from installing solar energy systems. No energy policy statement enacted by a common interest community shall be more restrictive than City of Spring Valley’s solar energy standards.

### 7. Renewable Energy Condition for Certain Permits.

**A. Condition for Rezoning or Special Use Permit:** The City of Spring Valley may, in an area where the local electric distribution system was installed more than twenty years ago, or where the local electric utility has documented a near-term need for additional distribution substation or conductor capacity, require on-site renewable energy systems as a condition for a rezoning or a special use permit subject to the following conditions:

1. The renewable energy condition may only be exercised for new construction or major reconstruction projects.

2. The renewable energy condition may only be exercised for sites that have 90% unimpeded solar or wind energy access, and for which the renewable energy system can reasonably meet all performance standards and building code requirements.

**B. Condition for Planned Unit Development (PUD) Approval:** City of Spring Valley may require on-site renewable energy systems as a condition for approval of a PUD permit, in order to mitigate for:

1. Risk to the performance of the local electric distribution system,

2. Increased emissions of greenhouse gases otherwise resulting from the PUD,

3. Other risks or effects inconsistent with City of Spring Valley’s Comprehensive Plan.

 3. 14-3-2 of the Spring Valley City Code shall be hereby amended to include Subsection 14-3-2(K) Small Wind Energy Systems.

 14-3-2(K) Small Wind Energy Systems

The provisions of this subsection (K) apply to electric generating wind devices hereinafter referred to as small wind energy systems. These small wind energy systems shall be special uses in all Commercial Districts, all Industrial Districts, all Agricultural Districts and in Publicly-owned Property located in Residential Districts. For the purpose of this Ordinance, a small wind energy system is defined as: one (1) wind turbine generator, including the generator, tower and associated controls and/or conversion electronics, which converts wind energy into electricity, has a rated capacity of one hundred (100) kilowatts or less and is intended to primarily reduce on-site consumption of utility power for onsite municipal, educational, commercial, business or industrial use. Wind energy systems with a rated capacity of more than one hundred (100) kilowatts shall be governed by Section 14-3-2(L) of the Spring Valley City Code.

All small wind energy systems shall be in compliance with all applicable county, state and federal regulatory standards (including applicable building codes and electrical codes). No appurtenances shall be connected to any small wind energy system except in accordance with the Spring Valley Land Development Code.

All small wind energy systems shall be mounted on a monopole tower specifically designed for the unit it supports. Guyed towers are not allowed. Applicants shall submit certificates from equipment manufacturers documenting that the proposed equipment has been manufactured in compliance with industry standards.

All applications for a building permit to construct a small wind energy system shall contain, as part of the application, the following information, whether on the application itself or as attachments thereto:

1. Description of Project.

This shall include a legal description for the location of the small wind energy system, the location of property lines of adjoining property owners (in the case of leased property, the location of property lines of property owners adjoining the landlord’s property), the capacity of the proposed small wind energy system, height, type and color of proposed tower, the diameter of rotor and the direction in which it rotates. All small wind energy systems shall be new or manufacturer reconditioned and recertified equipment; no experimental or prototype homemade equipment shall be approved unless a Variation is granted by the Spring Valley City Council.

1. Site Plan:

The site plan shall detail the location of the project area boundaries and must detail compliance with the following:

 (a) Setback Requirements.

All parts of a small wind energy system shall be subject to setback requirements and this section of the Ordinance:

(1.) Setbacks from all property lines of the parcel of land on which the small wind energy system is located and the right-of-way of all public roads shall be a minimum of 1.1 times the total height. Total height is defined as the distance above grade to the tip of the blade in its highest, twelve (12) o’clock position.

(2.) Setbacks from dwellings shall be a minimum of 1.1 times the total height.

 Distance shall be measured from the foundation at the base of the tower.

 Applicant is responsible for ensuring that the project meets any and all setback requirements from utilities in the vicinity of the proposed small wind energy system, including, but not limited to gas lines and other utilities.

(3.) Small wind energy systems may be located as a special use in any Commercial District, any Industrial District, any Agricultural District and on Publicly-owned property in any Residential District, subject to the provisions of this ordinance and the special use procedures pursuant to Section 14-11-5 of the Spring Valley City Code.

(b) Noise Standards.

Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations and applicant shall supply manufacturer certification that the proposed small wind energy system is in compliance with same.

(c) Waste Management.

Solid Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the small wind energy system, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner.

Hazardous Waste. All hazardous waste generated by the operation and maintenance of the small wind energy system, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal rules and regulations.

(d) Signage.

No small wind energy system, building, or other structure associated with a small wind energy system shall be used to advertise or promote any product or service. No wording or graphic representation, other than appropriate warning signs, shall be placed on a small wind energy system so as to be visible from any public road.

(e) Aesthetics.

The following items are recommended standards to mitigate visual impact:

* + 1. Coatings and Coloring: Small wind energy systems shall be of a non-reflective, unobtrusive color that blends into the surrounding landscape to the greatest extent possible. Black is acceptable for mitigation of icing.
		2. Tower Height: For agricultural zoned property between one (1) acre and three (3) acres in size, the tower height shall be limited to fifty (50) feet. For property sizes of three (3) acres or more, the tower height shall be limited to eighty-five (85) feet. The tower height is defined as the distance above grade of the fixed portion of the tower, excluding the turbine itself.
		3. Total Height: Total height is hereby defined as the distance above grade to the tip of the blade in its highest, twelve (12) o’clock position. The maximum total height allowed for a small wind energy system shall be no more than one hundred forty-five (145) feet.
		4. Rotor Size: The rotor diameter allowed for a small wind energy system shall be a maximum of sixty (60) feet in diameter. In all cases, there shall be a minimum of twenty-five (25) foot of ground clearance, which is defined as the distance above grade to the tip of the rotor blade in its lowest, six (6) o’clock position.
		5. Lighting: Projects shall utilize minimal lighting. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Required lighting must comply with FAA minimum requirements and, whenever possible, be the lowest intensity allowed using red lights at night. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA.
		6. Power Lines: All electrical wires and power lines associated with a small wind energy system shall be buried underground unless a Variation is granted by the Spring Valley City Council.

(f) Lot Size.

 No small wind energy system shall be allowed on a lot of less than one acre in size unless a Variation is granted by the Spring Valley City Council.

(g) Utility Notification.

 Applicant is responsible for applying for an interconnect agreement with their utility company notifying them of the customer's intent to install an interconnected customer- owned generator. Off-grid systems shall be exempt from this requirement. Said interconnect agreement is subject to verification at any time by the Zoning Administrator.

(h) Interference.

 When applying for a building permit, the owner of a small wind energy system shall submit information from the manufacturer that certifies that the proposed system will not interfere with microwave transmissions, residential television or radio reception.

(i) Violations.

 It shall be unlawful for any person to construct, install, maintain, modify or operate a small wind energy system that is not is not in compliance with this Ordinance or the building permit issued for a small wind energy system pursuant to this Ordinance.

(j) Building Permits.

All small wind energy systems require a building permit to be issued prior to the initiation of construction. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. Building permit applications shall also be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. This information is frequently supplied by the manufacturer. The property owner is responsible for ensuring that the foundation is installed according to the manufacturer’s specifications and is in ***c***ompliance with the Uniform Building Code***.***

(k) Decommissioning Plan.

Cost of decommissioning a small wind energy system shall be borne by the property owner of the land upon which said small wind energy system was constructed.

(l) Abandonment.

If a small wind energy system is inoperable for six (6) consecutive months, the owner shall be notified that they must, within six (6) months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six (6) month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower would then be subject to the Public Nuisance provisions of the Spring Valley City Code. A tower without an operating turbine shall be considered a nuisance unless it is repurposed for a permitted use.

 4. Section 14-3-2 of the Spring Valley City Code shall be hereby amended to include Subsection 14-3-2(L) Wind Power Facilities:

1. Wind Power Facilities.

The provisions of this subsection (s) apply to wind power facilities. Wind power facilities shall only be allowed as a special use in all Industrial Districts and Agricultural Districts. All wind power facility turbines shall be in compliance with all applicable county, state and federal regulatory standards (including applicable building codes and electrical codes), FAA requirements, EPA regulations (hazardous waste, construction, storm water, etc.). All electrical components of the wind turbine generators (WTG)s shall conform to applicable state and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).

Facility equipment 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 another similar internationally recognized organization that provides certification for wind turbines.

All applications for special use filed under this subsection s shall contain, as part of the application, the following information, whether on the application itself or as attachments thereto:

1. Description of Project.

This shall include a legal description for the location of the tower and/or substation, the location of property lines of adjoining property owners (in the case of leased property, the location of property lines of property owners adjoining the landlord’s property), the number and capacity of turbines, height and diameter of turbine rotors, turbine color, and rotor direction. All turbines shall be new equipment; no used, experimental or prototype equipment shall be approved by the Zoning Administrator or the Zoning Board of Appeals. All turbines to be installed shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in case of load loss on the generator. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

1. Site Plan:

The site plan shall detail the location of the project area boundaries (i.e., the property lines if the site is owned by the developer or the leased property lines if the site is leased), the turbines, roads, transformers, power lines, communication lines, interconnection points with transmission lines, and other ancillary facilities or structures, and must detail compliance with the following:

* 1. Setback Requirements.

Wind Turbine Generators and Meteorological Towers Object Setback

Residence .............................. 1,400 feet or 3.2 times the height of tower & blade with blade at 12:00 o’clock position, whichever is greater.

Property Line.............................1.10 times height of tower & blade with blade at 12:00 o’clock position

Public Roads (from right-of-way) ............... ..........1.10 times height of tower & blade with blade at 12:00 o’clock position
Other Structures .....................................................1.10 times

height of tower & blade with blade at 12:00 o’clock position
Platted Rural Subdivision ..........................................2,640 feet

Unless otherwise noted, distance shall be measured from the foundation at the base of the wind turbine generator or tower to the foundation of the residence.

A Variation of the setback requirements from a wind turbine generator to a home may be granted for a Participating Landowner. However, the home must maintain a minimum setback distance of 1.25 times the height of tower & blade with blade at 12:00 o’clock position.

A Variation of the setback requirement may be granted for little-used public roads.

A Variation of the setback requirement may also be granted for the property line of an adjoining property owner participating in the particular wind power facility being developed and who agrees to the Variation in writing.

A Participating Landowner is defined as a landowner or landowners who have entered into an agreement in writing with a wind farm developer based on financial remuneration in exchange for the landowner’s or landowners’ use, license, lease or easement of real property rights.

Ancillary structures

Setback requirements for Ancillary structures (other than meteorological towers) shall be as follows:

Object Setback

Substation...........................Minimum 50 feet from the right-of-way of any road and a minimum of 30 feet from side and rear property lines.

Transmission line support structure.................... All components of transmission line support structures, including overhead crossarms, must be a minimum of 10 feet from the existing and/or future right-of-way of any road. In all other cases, they must be a minimum of 10 feet from participating landowner property lines or a minimum of 1.1 times the height of the support structure from non-participating landowner property lines.

The location of all transmission line support structures and all proposed access points that will be used during the construction, installation and erection of transmission line support structures, their foundations and overhead transmission lines, shall be identified and approved by the Superintendent of Public Works for the City of Spring Valley and/or the Spring Valley City Engineer prior to the granting of a building permit to accommodate road and/or drainage improvements within the existing and/or future right-of-way.

A Variation of the setback requirement for a transmission line support structure may be granted for the property line of an adjoining property owner participating in the particular wind power facility being developed and who agrees to the Variation in writing.

In no case shall any component of a transmission line support structure overhang a property line and/or a right-of-way line.

The setback requirement for transmission line support structures is not subject to any blowout effect of transmission lines caused by climactic conditions.

The setback requirement for transmission line support structures does not preclude the actual transmission line from crossing over public roadways, if approved by the proper roadway authority.

A transmission line as used in this subsection (a) is defined as a power transmission line from an electrical substation with a capacity of at least 69 kilovolts and excludes intra-project power collection lines as defined under 3.41-4 s.) 7) 5., which are required to be buried underground.

* 1. Conformance With Approved Application and Plans.

The Petitioner, Owner and/or Operator of the wind power facility shall construct said wind power facility in substantial accordance with submitted Special Use Permit applications and all accompanying documents.

The Petitioner, Owner and/or Operator of the wind power facility shall be bound by any and all proposals and representations made under oath at the public hearing(s) before the Plan Commission, which shall be considered as supplementary conditions of the Special Use Permit granted by the Spring Valley City Council, even if not directly specified herein.

Nothing contained herein shall be deemed to preclude the agricultural, commercial or industrial use of the balance of the subject property not occupied by the wind power facility. Said agricultural use will be considered as being the principal use of the subject property notwithstanding adoption of a conditional use ordinance and the construction and operation of one or more WTGs on a given lot or parcel of land, at locations approved by the City Council pursuant to Special Use approval on a Site Plan Map.

1. Noise Standards.

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Administrator, conduct an appropriate analysis of the noise impact to nearby properties. The sound pressure level generated by a WTG shall comply with all Illinois Pollution Control Board (IPCB) noise regulations. A modeling analysis of the proposed site shall be included in the application predicting the sound pressure in accordance with the best available practices. The program generating the modeling must take into account not only topography, but also prevailing winds, temperature, air density, ground cover, and other effects which contribute to the distance that sound can travel. The modeling must be submitted to the City of Spring Valley as part of the Special Use application.

To demonstrate compliance with the IPCB regulatory limits, the modeling must perform its analysis from the noise emitting property to the property line of the neighboring property. A “0” background ambient noise level shall be used for all modeling.

After a WTG is completed and operational, the Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Administrator complete a sound pressure analysis of the existing conditions. The analysis shall be completed and returned to Zoning Administrator within sixty (60) days. The owner of the wind power facility must immediately cease any violation of the IPCB regulations unless said violation is excused and waived in writing by the affected landowners and occupants. All analyses and studies are subject to approval of the Zoning Administrator and are a matter of public record.

Once the wind farm has been constructed, the owner of the wind power facility shall provide evidence to the Zoning Administrator that the wind farm, as constructed, meets all the noise levels, rules and regulations established by the IPCB.

1. Television Interference

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Administrator, conduct an appropriate analysis of the television reception documenting the television stations that are received within one and one-half (1 ½) miles of the footprint of the proposed wind power facility. The results of said study shall be public record and will serve as a baseline reading for television reception conditions prior to the construction of the wind farm facility and shall be submitted as part of the Special Use application.

Once the wind farm construction is complete and a television reception complaint is received by the Zoning Administrator, who will have thirty (30) days to verify the complaint, the Petitioner, Owner and/or Operator of the wind power facility will be given fifteen (15) days to respond, in writing (validation date). Said response shall be addressed and forwarded to both the Zoning Administrator and the complainant. Such response shall include but not be limited to the following: an acknowledgment that the complaint is considered by the Owner/Operator to be valid. If considered valid by the Owner/Operator: an explanation, including a time line, as to what the Owner/Operator intends to do about the complaint. The Petitioner, Owner and/or Operator of the wind power facility will be given an additional fifteen (15) days from the validation date to resolve said TV reception issue. If considered invalid by the Owner/Operator, an explanation, including supporting documentation and expert opinions, as to why the Owner/Operator believes the complaint is not valid. Television reception complaints must be filed within six (6) months from the date each wind turbine generator goes online.

1. Waste Management.

Solid Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site immediately and disposed of in accordance with all federal, state and local laws.

Hazardous Waste. All hazardous waste related to the construction, operation and maintenance of the wind power facility, including but not limited to lubricating materials, shall be handled, stored, transported and disposed of in accordance with all federal, state and local laws.

1. Signage.

Signage regulations are to be consistent with ANSI and AWEA standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad- mounted transformers and substations.

1. Aesthetics.

The following items are recommended standards to mitigate visual impact:

1. Coatings and Coloring: Non-reflective, unobtrusive color. Black blades are acceptable for mitigation of icing.
2. Signage, including anything in the tower or nacelle, shall comply with other county ordinances pertaining to signage.
3. Turbine Consistency: To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in color and direction with nearby facilities.
4. Lighting: Projects shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA.
5. Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines and all communication lines shall be buried underground until same reach the property line or a substation adjacent to the property line.
6. Public Services.
7. Roads.
	1. Construction Phase Road Use Agreements. Prior to the granting of a Special Use Permit, the Wind Power Facility developer/operator (the “Operator”) shall enter into a Construction Phase Road Use Agreement covering the construction phase of the Project with the City of Spring Valley, if construction of the Project will require use of City roads and roadway appurtenances. The Operator may be required to make pre-construction improvements and shall be required to repair and improve the roads and roadway appurtenances following construction of the Project. The Operator shall also be required to provide financial security in a form acceptable to the City of Spring Valley before pre-construction road improvements are made (if required) or before construction of the Project may begin. The term of any Construction Phase Road Use Agreement shall not exceed three years. If the Operator does not start construction of the Project within one year of the date of execution of the Construction Phase Road Use Agreement, then the agreement shall be subject to an annual review on the first and second years of the date of its execution and the City of Spring Valley may require amendments to the agreement based on existing conditions. The Operator’s failure to amend the agreement as requested by the City of Spring Valley shall be grounds for revocation of the Special Use Permits issued for the Project.
	2. Operational Phase Road Use Agreements. Prior to the issuance of a Certificate of Occupancy, the Operator shall enter into an Operational Phase Road Use Agreement with the City of Spring Valley covering the Operator’s use of, maintenance of and improvements to public roads and roadway appurtenances during the ongoing operations of the Project. An Operational Phase Road Use Agreement shall be in place while the Project remains in operation and the term of any Operational Phase Road Use Agreement shall not exceed three years. The Operator shall also be required to provide financial security in a form acceptable to the City of Spring Valley during the operational phase of the Project.
	3. Decommissioning Phase Road Use Agreements. Prior to the issuance of a Certificate of Occupancy, the Operator shall enter into a Decommissioning Phase Road Use Agreement with the City of Spring Valley covering the Operator’s use of public roads and roadway appurtenances to dismantle the wind farm facility and repairs and improvements required after the dismantling of the facility is complete. The Operator, not the City of Spring Valley, shall bear the financial risks associated with damage caused to City of Spring Valley roads and roadway appurtenances when the Project is dismantled or reconstructed or re-configured with new turbines. The City of Spring Valley shall select an expert to assist the City to determine the amount of financial security, whether in the form of a bond or other surety, to be funded to assure sufficient financial resources exist to repair and improve public roads and roadway appurtenances at the time the wind farm facility is decommissioned. The cost of such expert shall be paid for by the Operator. The bond or other surety, when determined, shall be held by an independent third party on behalf of the City of Spring Valley. The bond or other surety must be provided by an AA or AAA rated entity.

The adequacy of the financial security being held shall be re-evaluated on the following schedule:

1. Years 5 and 10 of operation;
2. Years 13, 16, 19, 22, 25 of operation; and
3. After the 25th year of operation, annual re-evaluation.

Start of Project operation shall begin upon the issuance of the first Certificate of Occupancy for the turbines which comprise the Project.

* 1. During the construction, operational and decommissioning phases of the Project, the Operator shall be responsible for all professional advisor and consultant fees and costs incurred by the City of Spring Valley. Upon the filing of the first application seeking a Special Use Permit for the Project, the Operator shall deposit $5,000.00 with the City of Spring Valley City Clerk's Office. The deposited funds shall be used by the City of Spring Valley for the payment of expenses and costs of consultants and professional advisors and shall be deducted automatically from the deposited funds as necessary. Replenishment of the deposited funds shall be mandatory upon request of the City of Spring Valley. If an applicant or Operator fails to comply a request to replenish funds within ten business days, the City of Spring Valley, may refuse to:
1. proceed with any negotiations or request,
2. make inspections as otherwise required, or
3. issue any applicable certificate or permit.
	1. All repairs and improvements to public roads and roadway appurtenances shall be subject to the prior approval of the City of Spring Valley before being made and shall also be subject to inspection and acceptance by the City of Spring Valley after such repairs and improvements are completed.

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The City of Spring Valley's Roads Agreement, and any further agreements contemplated therein, regarding the maintenance and repair of city highways, must be approved and adopted by the Spring Valley City Council prior to the Spring Valley City Council's approval of any Special Use applications related to the construction of the proposed wind power facility.

1. Fire.

The following permit standards shall be followed to reduce risk of fire: 1. Adherence to applicable electrical codes and standards. 2. Removal of fuel sources, like vegetation, from immediate vicinity of electrical gear and connections. 3. Utilization of twistable cables on turbines.

The owner of the wind power facility shall submit to the Zoning Administrator, the jurisdictional fire district and jurisdictional ambulance service, a copy of the wind power facility’s site plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs) for the wind power facility so that the local fire protection district and rescue units that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the owner and/or operator of the wind power facility. In addition, the owner of the wind power facility shall provide training for, and the necessary equipment to, local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the wind project. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment such as winches, pulleys, harnesses, etc.

Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

1. Sewer and Water.

All facilities shall comply with existing septic and well regulations as required by the Bureau County Health Department and the State of Illinois Department of Public Health.

1. Shadow Flicker

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Administrator, conduct an initial shadow flicker modeling and analysis of the shadow flicker impact to nearby properties. The results of said modeling and analysis shall be public record and shall be submitted as part of the Special Use application.

After a WTG is completed and operational, the Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a different third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Administrator, complete a post construction shadow flicker analysis of the existing conditions. The post construction analysis shall be completed and returned to Spring Valley City Clerk's Office within sixty (60) days after a WTG is completed and operational. The owner of the wind power facility shall be considered to be in violation of Title 14, Land Development Code, of the Spring Valley City Code if the post construction shadow flicker analysis is in excess of the initial shadow flicker study, unless said excess shadow flicker is excused and waived in writing by the affected property owner(s). All analyses and studies are subject to approval of the Zoning Administrator and are a matter of public record.

1. Topographic Map.

The topographic map shall include the project site and the surrounding area.

1. Engineer’s Certificate.

The engineer’s certificate shall be completed by a structural engineer registered in the State of Illinois and shall certify that the tower and foundation design is compatible with and appropriate for each turbine design proposed to be installed and that the specific soils at the site can support the apparatus, given local soil and climate conditions. All commercially installed wind turbines must utilize self-supporting, tubular towers. Smaller co-generators of 40 kilowatts or less, however, may use lattice construction towers, but must meet all other standards contained in this subsection s. Said engineer’s certificate shall be public record and shall be submitted as part of the Special Use application.

1. Certificate of Contracts.

Certificate shall detail power purchase contracts and power transmission contracts, or documentation that the project will be a merchant facility. Documentation shall be provided to the Zoning Administrator prior to the issuance of a building permit.

1. Decommissioning Plan.

The decommissioning plan shall ensure that the facility is properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation) within six (6) months of the end of project life or facility abandonment.

The Decommissioning Plan shall include provisions describing the triggering events for decommissioning the WTG, which shall include the following language: “Any wind turbine generator or meteorological tower that is not operated in a continuous period of twelve (12) months shall be considered abandoned, unless due to documented maintenance or electrical grid issues and written notice provided to the City of Spring Valley’s legal contact. The owner of such wind turbine generator or meteorological tower shall remove same within six (6) months of receipt of notice from the City of Spring Valley.”

The decommissioning plan shall state how the facility will be decommissioned, the structural engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The Decommissioning Plan shall contain a replenishment obligation and shall be reviewed every five (5) years for the life of the project for the purpose of adjusting or recalculating decommissioning costs, if necessary.

The decommissioning plan shall also recite an agreement between the applicant and the county that:

1. The financial resources for decommissioning shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Administrator.
2. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
3. The City of Spring Valley shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
4. The City of Spring Valley is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
5. The City of Spring Valley is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the city’s right to seek reimbursement from applicant or applicant’s successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant’s successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

The decommissioning cost shall be determined by the City of Spring Valley, considering the engineer’s estimate, and the time and manner of payment shall be determined on a case by case basis, considering the amount, the developer’s financial resources, the anticipated rate of return on investment, and similar factors. The Engineer used to estimate said decommissioning costs, shall be a structural engineer, licensed in the State of Illinois, and shall be approved by the City of Spring Valley Engineer or their designee.

The Decommissioning and Site Restoration Plan, and any further agreements contemplated therein, must be approved and adopted by the Spring Valley City Council prior to the Spring Valley City Council's approval of any Special Use applications related to the construction of the proposed wind power facility.

1. Site Assessment

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall provide soil boring reports to the Spring Valley City Engineer with respect to each WTG location, as part of its building permit application. The Owner of the wind power facility shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the Bureau County Soil and Water Conservation District. Also the grading plans for the proposed substations must be approved by the Bureau County Soil and Water Conservation District prior to the issuance of any building permit for the construction of said substations.

1. Avian and Wildlife Impact Study

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Administrator, conduct an avian and wildlife impact study and submit said study to the Zoning Administrator as part of the Special Use application.

Prior to the substantial completion of the physical aerial erection of the wind turbines, the owner of the wind power facility shall develop to the reasonable satisfaction of the Illinois Department of Natural Resources (“IDNR”) and the United States Fish and Wildlife Service (“USFWS”) (to the extent the IDNR and the USFWS choose to participate in the process), a professional monitoring program of reasonable duration and scope, consistent with common practice in the wind power industry, to assess migratory bird mortalities resulting from the operation of the wind power facility. The monitoring program shall be undertaken at owner’s expense and shall be performed at the direction of a qualified independent professional to be mutually agreed upon by the aforesaid parties in good faith. Such monitoring program shall commence upon the substantial completion of the physical aerial erection of the wind turbine generators, unless otherwise mutually agreed to by the owner of the wind power facility, IDNR and USFWS (to the extent the IDNR and the USFWS choose to participate in the process). If the results of the monitoring program demonstrate the need, the owner of the wind power facility shall work with IDNR and USFWS (to the extent IDNR and USFWS each, respectively, choose to participate) to develop an appropriate response, including the potential further study and implementation of practicable mitigation measures that may either directly or indirectly minimize migratory bird mortality or increase bird populations.

The owner of the proposed wind power facility shall follow the guidelines suggested by the Illinois Department of Natural Resources (“IDNR”) and United States Fish and Wildlife Services (“USFWS”) Endangered Species Consultation program.

1. Communications Analysis.

The Petitioner, Owner and/or Operator of the wind power facility, at their expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), approved by the Zoning Administrator, conduct a communications analysis that indicates that the E 9-1-1 communications, emergency communications or official City communications reception shall not be negatively impacted or influenced by the proposed wind power facility. Said communication analysis shall be public record and shall be submitted as part of the Special Use application.

1. All Special Use permits issued under this subsection s shall be conditioned on the following:
2. Each applicant, or successor in interest, shall have applicant’s facility inspected annually by qualified wind power professionals, approved by the Zoning Administrator, and shall submit a certificate from said professionals reciting the annual maintenance done on the facility and stating that the facility is in good working condition and is not a hazard to the public. Failure to submit such annual certificate shall be grounds for revocation of the Special Use permit by the Zoning Administrator.
3. Obtaining necessary access easements and necessary utility easements, copies of which shall be submitted to the Zoning Administrator.
4. No appurtenances shall be connected to any wind tower except in accordance with the Spring Valley Land Development Code.
5. Additional Terms and Conditions
6. Technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the application filed for Special Use shall bear the seal of an Illinois Professional Engineer for the relevant discipline.
7. The City of Spring Valley may retain a qualified, independent code inspector both to make appropriate inspections of the facility during and after construction and to consult with the City of Spring Valley to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the wind power facility is performed in compliance with applicable electrical and building codes. The cost and fees so incurred by the City of Spring Valley in retaining said inspector shall be reimbursed by the owner of the wind power facility. No Certificate of Occupancy shall be issued for a wind power facility until the turbine has been inspected by said code inspector and the Zoning Administrator has been provided surveys prepared by a licensed surveyor to show that all setback requirements have been met. No wind turbine generator shall become operational until a Certificate of Occupancy is issued by the Zoning Administrator.

c. The owner of the wind power facility shall ensure that locked metal gates or a locked chain are installed at the access road entrances of all the wind turbine generator locations. An exception may be made when the landowner has filed a written statement with the Zoning Administrator which states that the owner does not want a locked metal gate installed and has provided a signed liability waiver to the City of Spring Valley.
d. The Special Use permit granted to the applicant shall bind and inure to the benefit of the applicant, its successors and assigns. If any provision in this Ordinance is held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.
e. A violation of the terms and conditions herein shall constitute a violation of the Conditional Use granted herein and shall be grounds for revocation of the Conditional Use by the Zoning Administrator.
f. The owner of the wind power facility shall supply written proof of an approved entrance, from the appropriate governing Spring Valley Superintendent of Streets, City Engineer or the Illinois Department of Transportation, to the Zoning Administrator prior to the issuance of any building permits for the proposed wind power facility.
g. The Spring Valley Engineer shall determine which WTG’s would be required to have necessary ice sensors installed.
h. No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. The wind turbine generator shall not be installed in a location along the major axis of existing microwave communications link where its operation is likely to produce electromagnetic interference in the link’s operation.

1. Complaint Resolution

The owner of the wind power facility shall, at owner’s expense and in coordination with the City of Spring Valley, develop a system for logging and investigating complaints related to the wind power facility. The owner of the wind power facility shall resolve such complaints on a case-by-case basis and shall provide written confirmation to the Spring Valley City Clerk's Office. Unresolved complaints shall be addressed as set forth in Section 14-13-2, 14-13-3 and 14-13-4 of Title 14, Spring Valley Land Development Code. All costs and fees incurred by the City of Spring Valley in attempting to or resolving complaints shall be reimbursed by the owner of the wind power facility. The owner of the wind power facility shall also designate and maintain either a local telephone number or a toll-free telephone number as its public information / inquiry / and complaint “hotline.”

1. Liability Insurance

The Owner or Operator of the wind power facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least $2 million per occurrence and $5 million in the aggregate. The Owner or Operator of the wind power facility shall file the original certificate of insurance with the Zoning Administrator prior to the issuance of a Certificate of Occupancy and annually thereafter.

5. Any of the provisions of Title 14, Land Development Code of the Spring Valley City Code not otherwise amended by this ordinance shall remain in full force and affect.

6. This ordinance will be in full force and affect after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND ADOPTED this \_\_**30th**\_\_ day of July A.D., 2018, by roll call vote.

DEBRA BALTIKAUSKI \_**X**\_\_\_ AYE; NAY; \_ ABSENT; \_ \_ PASS

LARRY KOEHLER \_**X**\_\_\_ AYE; NAY; \_ ABSENT; \_\_ PASS

CHRIS AFFELT \_\_\_\_\_ AYE; NAY; X ABSENT; \_\_ PASS

MICHAEL HERRMANN \_**X**\_\_\_ AYE; NAY; \_ ABSENT; \_\_\_ PASS

FREDERICK WEST \_**X**\_\_\_\_ AYE; NAY; \_\_ ABSENT; \_\_\_ PASS

JEFF JANUSICK \_\_\_\_\_ AYE; \_ NAY; X ABSENT; \_\_ PASS

KENNETH BOGACZ \_**X**\_\_\_ AYE; NAY; \_ ABSENT; \_\_\_ PASS

DAVE PELLEGRINI \_**X**\_\_\_ AYE; NAY; \_ ABSENT; \_\_ PASS

APPROVED:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Walt Marini, Mayor

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 Rebecca Hansen, City Clerk