

RESOLUTION 2022 - 26

ORDINANCE

ADOPTING SPECIAL USE PERMIT FOR THE MORAINES SANDS WIND FARM SUBMITTED BY MORAINES SANDS WIND POWER, LLC

WHEREAS, pursuant to the Illinois Power Agency Act, it is the policy goal of the State of Illinois to increase renewable energy production; and

WHEREAS, the Act further provides that renewable energy includes the generation of electricity from wind; and

WHEREAS, certain unincorporated areas of Mason County appear to be well suited for the development of wind energy conversion systems; and

WHEREAS, the Mason County Zoning Ordinance regulates the siting of wind energy conversion systems within Mason County; and

WHEREAS, Moraine Sands Wind Power, LLC has applied for a Special Use Permit for the construction and operation of a wind energy generation facility, known as the Moraine Sands Wind Farm, located in Mason County, Illinois; and

WHEREAS, the Mason County Zoning Board of Appeals has properly noticed and held a public hearing on March 8, 2022 and March 14, 2022 for the hearing of evidence in favor of and in opposition to the proposed construction and operation of Moraine Sands Wind Farm; and

WHEREAS, at the conclusion of the hearing, the Mason County Zoning Board of Appeals made Findings of Fact and Recommendation with Conditions to the County Board of Mason County for approval of the application for the special use (See attached Exhibit A); and


WHEREAS, the County Board of Mason County has the power to adopt the proposal by passage of the attached Exhibit A as an ordinance pursuant to 55 ILCS 5/5-12009.5; and

WHEREAS, the County Board of Mason County has determined that it is appropriate to pass the ordinance allowing for the application for the Special Use Permit subject to the conditions specified in Exhibit A; and


NOW, THEREFORE BE IT ORDAINED, by the County Board of Mason County, that the attached Findings of Fact and Recommendation with Conditions submitted by the Mason County Zoning Board of Appeals are hereby adopted and made a part hereof of the Mason County Zoning Ordinances:

wholly adopted without change
 adopted subject to amendments

PASSED, APPROVED, AND ADOPTED by the County Board of Mason County this 12th day of April, 2022.


Chairman

ATTEST


SUMMER R. BROWN, County Clerk

MASON COUNTY ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION
REGARDING SPECIAL USE PERMIT APPLICATION OF:
MORAINES SANDS WIND POWER, LLC

I. Applicant:

The applicant, Moraine Sands Wind Power, LLC, ("Applicant") has applied for a special use permit for a wind energy conversion system ("WECS") identified as the Moraine Sands Wind Farm ("Project").

II. Project Summary:

The Moraine Sands Wind Farm is a planned, up to 190-megawatt ("MW") nameplate capacity wind energy electric generation facility (or Wind Energy Conversion System ("WECS") Project) that will include up to 49 individual wind turbines ("Wind Turbine") and associated ancillary facilities including underground electrical collector and communication lines, access roads, substation, operations and maintenance facility, meteorological towers, and Aircraft Detection Lighting System ("ADLS") towers. The findings included hereto are not applicable to the meteorological towers or ADLS towers as no evidence was presented on those matters, and accordingly each will require a separate Special Use Permit, if the Project is approved. The Project's point of interconnection into the regional electric grid is the Ameren owned Havana to Shockey 138 kV transmission line located in the southwest corner of the Project. During the public hearing process, verbal testimony was provided that of the various Wind Turbine models considered for use in the Project, the model chosen for construction is the Vestas 150-4.5 MW turbine. Verbal testimony indicated only 38 turbines are expected to be constructed in total, providing facility nameplate capacity of 170 MW. The Project is immediately adjacent to the existing Glacier Sands Wind Farm currently operating in Mason County. Cordelio Power LP is the parent company of both the Moraine Sands and Glacier Sands Wind Farms.

The Project will be sited on private lands within Mason County within the Townships of Crane Creek, Sherman, Pennsylvania, and Salt Creek approximately 1.5 miles southwest of Mason City (Exhibit 1 – Project Location Map). For purposes of this Application, the Project Area is defined as the parcels of land controlled by the Applicant via lease, option, easement agreement, or permit permission letter (collectively, the "Participating Parcels") and whose landowners have elected to participate in the Project ("Participating Landowners") for which the Special Use Permit is being sought. The Project Boundary is considered to be an outer boundary which encompasses all Participating Properties. The land in the Project Area is primarily used for agricultural purposes, with corn and soybeans being the predominant crops. The Project Area includes approximately 11,470 acres, consisting of 202 individual parcels.

The Project is expected to represent an approximately \$280 million dollar investment in Mason County and to provide significant economic benefits to Mason County, the Illinois Central

Community Unit School District, local Townships, and to Participating Landowners during the Project's expected 30-year lifespan. Construction of the Project, assuming all applicable approvals have been obtained, is scheduled to commence late summer/fall 2022 and conclude late fall 2023.

III. Application:

Applicant filed the application on or about January 21, 2022. On file with the Mason County Zoning Office are copies of the notifications and publications required by the Illinois Counties Code. 55 ILCS 5/5-12009.5.

Exhibits and annexes to the application, and exhibits admitted at the public hearing, are as follows:

Exhibit 1	Project Location Map
Exhibit 2.1	Site Layout
Exhibit 2.2	Legal Descriptions
Exhibit 3.1	Primary Residence Setback
Exhibit 3.2	Setbacks from Public Roads, 3rd Party Infra., & Comm. Towers
Exhibit 3.3	Setbacks from Adjacent Parcels
Exhibit 4	Delivery Flow Plan
Exhibit 5	Participating Landowners
Moraine Sands Exhibit 6	Executed AIMA (hearing exhibit)
Moraine Sands Exhibit 7	Village of Easton Waiver Letter (hearing exhibit)
Moraine Sands Exhibit 8	Project PowerPoint (hearing exhibit)
Moraine Sands Exhibit 9	Wildlife PowerPoint (hearing exhibit)
Moraine Sands Exhibit 10	Acoustical PowerPoint (hearing exhibit)
Moraine Sands Exhibit 11	Wetmore PowerPoint (hearing exhibit)
Waterworth Exhibit 12	Sierra Club Flyer (hearing exhibit)

Annex 1	Project Participants
Annex 2	Land Agreement Memos
Annex 3	Obstruction Evaluation & Airspace Analysis
Annex 4	FAA Applications
Annex 5	Site Characterization Study
Annex 6	Year 1 Avian Use Surveys
Annex 7	Year 2 Avian Use Surveys
Annex 8	2019 Raptor Nest Surveys
Annex 9	2020 Raptor Nest Surveys
Annex 10	2019 Presence/Absence Bat Surveys
Annex 11	2020 Presence/Absence Bat Surveys
Annex 12	IDNR Recommendations
Annex 13	Illinois Chorus Frog Surveys
Annex 14	Cultural Resources
Annex 15	Acoustical Report
Annex 16	AIMA

Annex 17	Drainage Tile Plan
Annex 18	Real Estate Property Value Impact Study
Annex 19	Decommissioning Plan

IV. Hearing Process:

As required by the Illinois Counties Code (55 ILCS 5/5-12009.5), the Mason County Zoning Board of Appeals ("ZBA") held a public hearing on this case on March 8, 2022 and March 14, 2022, at the Havana City Center located at 326 West Market Street, Havana, Mason County, Illinois.

V. Applicable Standards:

The Mason County Zoning Ordinance, *adopted June 10, 1975, amended 2008*, and the Mason County Wind Energy Siting Ordinance governs the ZBA's deliberations and considerations of the application. Section 7 of the Mason County Zoning Ordinance sets forth the Special Use standards. See Mason County Zoning Ordinance, Section 7.2(3). Those factors are:

- A. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property valued within the neighborhood;
- C. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided;
- E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

VI. Evidence:

All evidence submitted in the written application, written evidence and the oral presentations during the hearing process has been considered. The oral evidence is reflected in the stenographic record. The written evidence is kept by the Mason County Zoning Office.

VII. Findings of Fact:

- A. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Overview of project by developer and developer's witnesses. The Applicant proposes to build a WECS consisting of up to 49 wind turbines (per written application). The Applicant provided verbal testimony during the hearing process that the Wind Turbine model chosen for the Project is the Vestas V150-4.5 MW, and only 38 turbines will be constructed in total. The Vestas V150-4.5 MW turbine was also the model used in the sound study conducted for the Application. The Applicant submitted written materials and live testimony from various lay and expert witnesses including project director Mac Lowry, wildlife expert Travis Brown of Western EcoSystems Technology, sound expert Sam Williams of Black & Veatch Engineering, real estate expert Peter Poletti of Poletti & Associates, and decommissioning expert Jeffrey Whitmore of Westwood Professional Services.

Turbine systems and tower heights. The written application provided information regarding the following turbine models proposed for use in the Project (all heights are total height as measured from blade tip in upright position):

- Vestas V150 turbine – 640 ft. and 4.5 MW capacity
- Vestas V155 turbine – 648 ft. and 3.6 MW capacity
- Vestas V110 turbine – 541 ft. and 2.2 MW capacity
- General Electric Sierra 140 turbine – 614 ft. and 3.4 MW capacity
- Nordex N155/4800 turbine – 666 ft. and 4.8 MW capacity
- Siemens Gamesa SG 5.0-145 turbine – 657 ft. and 5.0 MW capacity

The Applicant provided verbal testimony that only Vestas V150 turbines (640 ft. and 4.5 MW capacity) will be utilized for the Project. The Applicant has demonstrated the Wind Turbine model chosen complies with the height restriction requirements of the Mason County WECS Ordinance.

Project financial information. An overview of the Project was provided by project director Mac Lowry, including basic financial impacts. The evidence submitted included an estimated total cost of \$280,000,000; building permit fees of up to \$660,000; average annual property tax generation of \$58,000,000 over 30 years; average total payments to participating landowners of \$40,000,000. Road improvements were also attested to and employment opportunities including prevailing wage construction for 12-16 months and 5-8 permanent onsite, full-time staff during operations.

Distance setbacks. Maps submitted by the Applicant and verbal testimony of witness Mac Lowry indicated that all wind turbines are compliant with Mason County's required minimum setback of 1,500 feet, and no waivers or variances are being sought by the Applicant.

Noise standards. The Applicant called expert witness Sam Williams who performed a sound study using acoustical modeling software (Annex 15 – Acoustical Report). Mr.

Williams also presented a PowerPoint (Moraine Sands Exhibit 10 – Acoustical PowerPoint) which summarized the sound study. The Applicant's witness stated that the Project would have to comply with the Illinois Pollution Control Board standards on noise being transmitted to adjoining parcels of land. The study examined the "worst case scenario." The "worst case scenario" assumed a lack of any obstructions and a hard surface as opposed to normal ground conditions. The Vestas V150-4.5 MW turbine was chosen for the sound study as representative of the model likely to be installed at the Project, and based upon verbal testimony will be the model utilized for the Project. The noise study indicated that the Vestas V150-4.5 MW turbines, with selective utilization of serrated trailing edge blades in place of standard blades for noise mitigation at certain turbine sites, would be fully compliant with the daytime and nighttime sound limits set by the Illinois Pollution Control Board. Those turbines necessitating a serrated trailing edge are specifically noted in Table 4-2 in Annex 15.

There was also verbal testimony indicating that a post-construction sound study would be performed within 60 days from the start of commercial operations, in compliance with the Mason County WECS ordinance.

Verbal testimony provided by opponent John Knoles indicated he is able to hear operating wind turbines from the Glacier Sands Project 0.5 miles away, and that his son can hear turbines located 0.25 miles away. However, there was no evidence submitted indicating those sounds are above the permissible Illinois Pollution Control Board standards.

Property valuation. The Applicant called property valuation expert, Peter Poletti, whose testimony was also supported by his written report (Annex 18 – Real Estate Property Value Impact Study). Mr. Poletti provided his background and methods for performing property valuations. He indicated that his report on the Project is based upon evaluation of historical property sales in Twin Groves Wind Farm in McLean County, Illinois and Mendota Hills Wind Farm in Lee County, Illinois. The testimony and written report indicate there is no statistical difference in home sale prices between properties located in a WECS development and those not. There was no evidence presented to the contrary on this issue.

Wildlife. The Applicant called wildlife biologist Travis Brown of Western EcoSystems Technology and submitted numerous reports with the application (Annexes 5-13) on the topic of environmental and wildlife issues. Also presented during the hearing was a PowerPoint titled "Wildlife Surveys and Risk Assessments for the Moraine Sands Wind Power Project." (Moraine Sands Exhibit 9 – Wildlife PowerPoint). Wildlife surveys began in March 2019 and included coordination with the United States Fish and Wildlife Service and the Illinois Department of Natural Resources. Surveys indicated there were 5 active eagle nests located within 10 miles of the Project boundary, with the closest being 2.2 miles from the Project. There were 7 active red-tailed hawk nests, 2 active great-horned owl nests, and 8 inactive unidentified-raptor nests identified

within 2 miles of the Project. Various bat species were also noted within the Project area, and the Illinois Chorus Frog species was identified at breeding ponds within the area. The Illinois Department of Natural Resources submitted various recommendations for the County to consider, including the following:

- Consider requiring the Applicant to curtail wind turbine operations below 5.0 meters per second from sunset to sunrise between July 15 and October 15 to minimize mortality of all bat species. The Applicant has indicated it is coordinating with USFWS on operational strategies and agrees to curtail wind turbines at or above 5.0 m/s between August 1 and October 15.
- Consider requiring the Applicant to feather turbine blades when not in operation to conserve all bat species.
- Consider requiring the Applicant to pursue an Incidental Take Authorization (ITA) for the Indiana bat and the northern long-eared bat (if the above recommendations are not adopted).
- Consider requiring three years of mortality monitoring to statistically quantify both bird and bat mortality, by species, due to turbine operations. The IDNR recommends a proposal be sent to the IDNR for review and concurrence on methods and a report on results annually. The Applicant has voluntarily committed to implementing 2 years post-construction monitoring studies during the spring and fall and will implement a Wildlife Incident Reporting System requiring staff and contractors to report fatalities of listed species to the USFWS and IDNR.
- Consider requiring a minimum 500-ft. setback from any perennial streams within a non-forested riparian zone for a reduced likelihood of harboring high wildlife biodiversity within the Project Area, including Sleepy Hollow Ditch. The Applicant has indicated it has committed to adhere to a 500-ft. setback from the perennial portions of Sleepy Hollow Ditch.
- Consider requiring a minimum 1,000-ft. setback from any forested area 5 acres or larger or forested riparian zones, which has a greater likelihood of harboring high wildlife biodiversity within the Project footprint, including but not limited to the following areas: Sleepy Hollow Ditch, Hall Ditch Tributary, a 20-acre contiguous forested tract (more particularly described in Annex 12), a 500-acre contiguous forested tract (more particularly described in Annex 12), and a 30-acre contiguous forested tract (more particularly described in Annex 12). The Applicant has avoided natural areas, including forested habitat, to the extent practicable. One reason IDNR has adopted this recommendation is to better align with USFWS guidance for avoiding summer habitat of the Indiana and northern long-eared bat, but Project surveys indicate those species are not present during the summer. The Applicant is committed to resurveying for these species every 5 years, as recommended by USFWS. If presence/absence status changes during the Project's

operation, the Applicant is committed to coordinating with USFWS to adjust operations as needed. There are no other state or federally listed species expected to occur at the Project that are associated with forest.

- Consider requiring the Applicant to execute an Incidental Take Authorization (ITA) for the Illinois Chorus Frog species for the purposes of the Project. The Applicant has stated it is pursuing an ITA for the Project.
- Consider requiring that all major supporting work be reviewed using the EcoCAT tool. This would include, but is not limited to, highwire transmission line installation, laydown/storage yard establishment, operations and maintenance facility, underground transmission wires, bridge upgrades/repairs, access road establishment (if greater than single lane road). The Applicant has committed to submitting layout for supporting work for review under the EcoCAT.

Archeological and architectural issues. The Applicant also presented an archeological study and historic architectural study (Annex 14 – Cultural Resources). There are no concerns overlapping with the proposed Project infrastructure. There was no testimony provided indicating any archeological or architectural sites will be impacted by the proposed Project.

The information from Parts II and III of these Findings is incorporated herein.

Based on the evidence we find that the Applicant has: met this requirement
 not met this requirement

B. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property valued within the neighborhood.

The surrounding property that is currently used for crop production will continue to be suitable and desirable for such use and will continue to be farmed. The proposed Project is compatible with agricultural operations in the Project area, and these agricultural operations will not be negatively impacted.

The Applicant submitted evidence related to property values as noted above.

The Applicant submitted an Agricultural Impact Mitigation Agreement (Annex 16 – AIMA) with the Illinois Department of Agriculture which covers a number of issues designed to protect the local lands and residents. For example, paragraph 13 of the AIMA requires the Applicant (or facility owner) to reasonably compensate landowners for damages. A fully executed copy of the Applicant's Agricultural Impact Mitigation Agreement was admitted into evidence during the hearing process (Moraine Sands Exhibit 6 – Executed AIMA).

The Applicant indicated it will submit an application to the Federal Aviation Administration for approval of each turbine location and a lighting plan that will deploy an Aircraft Detection Lighting System (ADLS) that will only illuminate lights on the turbines when an aircraft is flown in the vicinity of the Project.

The Capitol Airspace Group submitted an airspace study (Annex 3 – Obstruction Evaluation & Airspace Analysis) which is conducted to identify obstacle clearance surfaces established by the Federal Aviation Administration (FAA) that could limit the placement of turbines ranging from 625 feet to 675 feet above ground level. Capital Airspace subsequently requested an Aeronautical Study with the FAA (Application Annex 4 – FAA Applications). These submissions are in the process of being updated for the current WECS Project layout as detailed in the Project Site Plan submitted with the written application. The Applicant anticipates receiving Determinations of No Hazard (DNHs) in July/August of 2022 and will provide to Mason County upon receipt.

The Applicant submitted a decommissioning plan (Annex 19 – Decommissioning Plan) and verbal testimony was provided during the hearing process by Jeffrey Wetmore of Westwood Professional Services, along with a PowerPoint presentation (Moraine Sands Exhibit 11 – Wetmore PowerPoint). The plan outlines the procedures for completely deconstructing of the Project in the event of abandonment. The Applicant has proposed a decommissioning agreement for the Project’s first 5 years at which point the Project will submit an updated plan, as required by the Mason County Code.

The Village of Easton has executed a waiver of its zoning authority in deference to the Mason County Code (Moraine Sands Exhibit 7 – Village of Easton Waiver Letter). No such letter was presented from or by the Village of Mason City and accordingly, turbines should not be located within 1.5 miles of the Village of Mason City unless such waiver is obtained and placed on file with the Mason County Zoning office.

Verbal testimony provided by opponent John Knoles indicated that during construction of the Glacier Sands Project there were disruptions to local travel and roadways that were not well maintained.

Further, the findings from the above factor (A) are applicable here as well.

Based on the evidence we find that the Applicant has: met this requirement
 not met this requirement

C. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The Applicant's written application and testimonial evidence indicates the normal use and permitted uses within the area will not be impeded. Specifically, while the turbines are located on privately held parcels via a lease agreement with a landowner, the turbines only take up a small percentage of the land and allow for the remaining portions of the parcel, and the surrounding property to remain in its current agricultural use or be utilized for other permitted uses within the district. Further, the electric lines connecting the facility are buried allowing for continued use of the property and adjoining properties.

Verbal testimony provided by opponent John Knoles (see Part B, supra) indicated that normal traffic flow was disrupted during the Glacier Sands Project Construction.

Based on the evidence we find that the Applicant has: met this requirement
 not met this requirement

D. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.

Drainage issues are addressed pursuant to Application Annex 17 (Drainage Tile Repair Plan). Access roads appear adequate for the planned activities as the Applicant has proposed gravel access roads. Further, the Project is subject to township and county approved Road Use Agreements which should provide adequate protections to those roadways. Any approval will be subject to Road Use Agreement approval prior to the start of any construction.

Based on the evidence we find that the Applicant has: met this requirement
 not met this requirement

E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The area of construction within the footprint of the Project is largely rural roads surrounded by agricultural uses. The Applicant has verbally testified that construction will likely take 12-18 months. As noted in the Recommended Conditions, the construction activities should be limited during planting and harvest season so as to minimize disruption to the landowners, and to address complaints of travel impediments.

Based on the evidence we find that the Applicant has: met this requirement
 not met this requirement

VIII. Recommendation:

NOW, THEREFORE, BE IT RESOLVED by the Mason County Zoning Board of Appeals that based on the written application, the testimony (as reflected in the stenographic record), and other

evidence submitted during the hearing, the Mason County Zoning Board of Appeals recommends the County Board:

- Approve the Special Use Permit Application of Moraine Sands Wind Power, LLC
- Approve the Special Use Permit Application of Moraine Sands Wind Power, LLC, subject to conditions attached hereto as Exhibit A
- Deny the Special Use Permit Application of Moraine Sands Wind Power, LLC.

PASSED, ADOPTED, AND APPROVED BY THE Mason County Zoning Board of Appeals on this 14 day of March, 2022.

Eldon Bartell

Chairman

ATTEST:

Heri A. Williamson

Secretary

40917801

RECOMMENDED CONDITIONS

In addition to all necessary requirements imposed by law or ordinance, the Applicant, Owner and/or Operator shall abide by the following conditions. For purposes of these conditions, the use of "Applicant," "Owner" or "Operator" shall apply to and have the meaning of all such entities whether referred to collectively or individually. The violation of these conditions shall invalidate the Special Use Permit.

Financial Assurances. Prior to submitting applications for building permits, the Applicant, Owner and/or Operator shall agree to a proper Decommissioning Plan in accordance with Section XII of the Mason County Wind Ordinance, including posting financial assurance(s) for the benefit of the County in accordance with Section XII, E.

Noise Compliance. Applicant, Owner and/or Operator are restricted to utilizing only turbines which demonstrate compliance with the Illinois Pollution Control Board noise standard. If Applicant, Owner and/or Operator utilizes a turbine other than the Vestas V150, they must submit proof of compliance with the Illinois Pollution Control Board noise standard by submission of a new sound study to the County Zoning Office certified by a qualified professional prior to submitting applications for building permits. Applicant, Owner and/or Operator shall utilize serrated trailing edge blades on those turbines needed for compliance with IPCB standards as reflected in Table 4-2 in Annex 15.

Wildlife and Environmental Compliance. Applicant, Owner and/or Operator shall comply as reflected in Table 2 of the Application with the recommendations of the Illinois Department of Natural Resources ("IDNR") as reflected in the letters of September 10, 2021 and December 13, 2021.

Hours and Dates of Construction. Applicant, Owner, Operator and all contractors thereof shall take reasonable measures so as to not interfere with agricultural activities within the County, including providing public information regarding ongoing construction activities, including but not limited to, route information and hours of travel for construction activities within the County. No construction activities shall occur which unreasonably limit agricultural activities within the County. Applicant, Owner, and/or Operator shall provide a free website providing weekly construction updates to the public, with anticipated routes to be impacted during the construction activities of that week.

Waiver for Mason City. If any turbines are to be constructed within 1.5 miles of the Village of Mason City, the Applicant, Owner and/or Operator will obtain an appropriate waiver from the Village or obtain Zoning approval from the Village. Any waivers or approvals from the Village must be provided to the Mason County Zoning office prior to filing an application for a building permit.

Work on Substation Site. Prior to commencement of construction on the substation parcel, the following shall be provided to the County:

- **Fee Ownership** — Evidence of ownership of the substation parcel.
- **Survey** — A survey of the parcel, complying with Section 9 of the Zoning Code and demonstrating compliance with applicable setback requirements.
- **IDOT Approvals** — Any permits or approvals required by the Illinois Department of Transportation in connection with the substation construction.
- **Liability Insurance** — A certificate of insurance complying with Section XI of the Wind Ordinance.

Work on Public Roads. Prior to commencement of construction, the following shall be provided to the County:

- **Road Use Agreements** — An executed Road Use Agreement with Mason County and Crane Creek, Sherman, Pennsylvania, and Salt Creek Township road authorities.
- **Storm Water Pollution Prevention Plan ("SWPPP")** — A SWPPP including a General Permit to Discharge Storm Water Construction Site Activities.
- **Emergency Contact Number** — Establishment and posting of an emergency contact number available 24 hours per day and 7 days per week.
- **Coordination with Local Fire Department and Hazardous Materials** — Evidence that Applicant, Owner and/or Operator submitted an emergency response plan and approval has been provided by applicable local fire departments, and that a list of all hazardous materials associated with the Project has been provided to the County's Emergency Management Agency and all other emergency response agencies with jurisdiction over the Project.
- **Road Use Financial Assurance** — Proof that an agreed upon amount of financial assurance has been posted to satisfy financial assurance requirements of applicable road use agreement(s).
- **Website Established** - Proof that a website has been established to advise the public of construction activities to be updated on a weekly basis with anticipated routes for travel and any expected traffic impacts.

Turbine Foundation Construction. Prior to issuance of building permits for turbine foundation construction, the following shall be provided to the County:

- **Site Plan** — A final site plan showing all planned infrastructure and improvements, including those items outlined in Section V-B(3) of the Wind Ordinance.
- **Setback Compliance** — A surveyor stamped drawing for each wind turbine generator, confirming compliance with the setback requirements of the Wind Ordinance, or signed waivers, where applicable, shall be submitted.
- **Recorded Landowner Agreements** — Copies of recorded landowner agreements for parcels hosting Project infrastructure.
- **Decommissioning Agreement** — A Decommissioning Agreement between Owner and the County addressing the requirements set forth in Section XII of the Wind Ordinance.
- **Warning Signage** — Reasonably visible warning signs concerning voltage and emergency telephone number information shall be placed at the entrance of each access road leading to a WECS.
- **Design Safety Certification for Turbines** — Design certifications from project equipment manufacturers in accordance with Section VI-A.
- **Certification by Professional Engineer** — A Professional Engineer shall certify that the foundation and tower design for each WECS is within accepted professional standards.
- **Controls and Brakes Certification** — Design certification for WECS control and braking systems.
- **Road work** — All road work on public roads that will be used to access parcels on which the applicable turbine foundations will be constructed has been completed in accordance with the Road Use Agreement(s).

Turbine Erection. Prior to issuance of building permits for turbine erection, the following shall be provided to the County:

- **FAA Compliance Certification** — FAA Determinations of No Hazard shall be provided for each wind turbine.
- **FAA Lighting Plan** — FAA approval of a lighting plan that complies with FAA obstruction marking and lighting requirements, and a copy of an application for Aircraft Detection Lighting System (ADLS) or comparable technology, submitted to FAA.
- **ADLS and Meteorological Towers** – Applicant, Owner and/ or Operator shall obtain Special Use Permits for ADLS Towers and Meteorological Towers.

After Commercial Operations. After the Project has commenced commercial operations, the following shall be provided to the County:

- **Illinois Pollution Control Board Noise Limitations** — A post-construction noise study measuring noise at the residence of any specific non-participating landowner to verify compliance with the Illinois Pollution Control Board's noise limits. If such study shows that a particular turbine(s) is not in compliance with such noise limits, Owner shall provide mitigation.
- **Annual Summaries** — Annual summaries of operations and maintenance reports, in accordance with Section VII-A(1) of the Wind Ordinance.
- **Interference** – If Owner receives a written complaint related to interference, as set forth in Section VII-B(2) of the Wind Ordinance, it shall take reasonable steps to respond to the complaint.
- **Decommissioning Plans and Financial Assurances** – At least 120 days prior to the 5th anniversary of Commercial Operation, and every 5 years thereafter, the Applicant, Owner and/or Operator shall initiate discussions with the County to enter into a new Decommissioning Plan and Financial Assurances and agrees to cease operations if an agreed upon Decommissioning Plan and Financial Assurances are not obtained prior to the applicable anniversary date.

40918224