

ORDINANCE

WHEREAS Fulton County, Illinois has been granted authority to regulate and restrict location and use of structures pursuant to 55 ILCS 5/5-12001 et. seq. and make rules and regulations (a) governing the construction and alteration of all buildings pursuant to 55 ILCS 5/5-1063, and

WHEREAS Fulton County, Illinois has been granted authority to regulate Wind Energy Conversion Systems (“WECS”) by the State of Illinois under 55 ILCS 5/5-12020 as “electric generating wind devices;” and,

WHEREAS Fulton County, Illinois has been granted authority to regulate WECS by the State of Illinois under 55 ILCS 5/5-12001 as “structures;” and,

WHEREAS, it is the recommendation of the Community Development Committee of the Fulton County Board that §9.2(XIV)(A) of the Fulton County Zoning Ordinance be amended as set forth hereinafter; and

WHEREAS, the Fulton County Zoning Board of Appeals held a public hearing pursuant to Illinois law for review of review of the proposed amendments to §9.2(XIV)(A) of the Fulton County Zoning Ordinance and no changes were proposed by the Zoning Board of Appeals following said hearing.

NOW THEREFORE BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF FULTON THAT § 9.2(XIV)(A) OF THE FULTON COUNTY ZONING ORDINANCE IS AMENDED TO READ AS FOLLOWS:

SECTION 9.2(XIV)(A)

A. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet below finish grade, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or WECS facility abandonment. The decommissioning plan shall state how the WECS(s) will be decommissioned, a Professional Engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the irrevocable surety bond with an A.M. Best company rating of not less than “A”, or equivalent rating if the A.M. Best

rating is no longer available or escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:

1. The financial resources for decommissioning which shall be in the form of an irrevocable surety bond with an A.M. Best company rating of not less than "A", or an equivalent rating if the A.M. Best rating is no longer available, or shall be deposited in an escrow account with an escrow agent. The irrevocable surety bond or escrow agent described herein must be approved by the Zoning Board of Appeals and the County Board.
2. If the applicant chooses an escrow agreement:
 - a. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and
 - b. The County 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 WECS Facility abandonment.

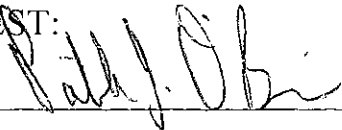
PRESENTED AND ADOPTED this 11 day of MAY, 2021



Roger Clark

CHAIRMAN OF THE FULTON COUNTY BOARD

ATTEST:



Patrick O'Brian

EX-OFFICIO CLERK OF THE FULTON COUNTY BOARD