



Not all contracts are the same, and should be reviewed by a trusted attorney who is well-versed in wind energy contracts. Please contact your county Farm Bureau for more information.

This document is meant for general education only.

## Wind Energy in Illinois

### In 2016:

- Wind energy provided 5.9% of all Illinois in-state electricity production, the equivalent of powering 1 million homes.
- Illinois is ranked sixth overall in installed wind capacity in the U.S.
- Illinois had 35 facilities producing products for the wind industry.
- Illinois had 2,440 wind turbines online.
- A total of 82,183 mw of wind capacity were operational in the U.S.

*Source: American Wind Energy Association, U.S. Wind Industry Fourth Quarter 2016 Market Report, Illinois Wind Energy State Fact Sheet.*



## Farmer's guide to wind energy in DeWitt County

*provided by DeWitt County Farm Bureau*



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## Ag Impact Mitigation Agreement

An AIMA identifies minimum restoration standards for agricultural land impacted by construction or deconstruction.

- Developers are required to sign an AIMA with Illinois Department of Ag prior to county's public hearings.
- AIMAs also include minimum standards and financial protections for decommissioning: concrete removal, underground cable depth, tile and rutting repair.
- Landowners should consider incorporating AIMA provisions in their individual agreements with developer. Landowners may negotiate more restrictive standards than the basic AIMA.
- Visit <https://www.agr.state.il.us/aima> to see full text of a draft AIMA.

## DeWitt County Ordinances & Permitting

### Setbacks (as of 6/1/17)

- Turbines must be greater of 3x height or 1,500 feet from residences, churches, hospitals and schools.
- Turbines must be 1.1x height from public roads and adjacent property lines.
- Turbines must be 1x height from power or telephone lines.
- Towers must be engineer-certified. Counties retain their authority to approve and site windfarms.
- Noise limit is 50 dBA from nearest *non-participating* resident.
- Drain tile must be repaired during decommissioning. Additional decommissioning rules also apply.

Stakeholders may provide comments for or against special permitting for windfarms at the Zoning Board of Appeals (ZBA) meeting following developer's application for special use permit. ZBA meeting agendas are required to be published at least 48 hours in advance of the meeting.

ZBA makes a recommendation to County Board, which has final determination on approval of a special use permit.

## Considerations for Landowners

Before you sign an agreement, have it reviewed by a competent attorney familiar with wind energy.

### What can the developer do?

- Agreements include a broad grant of powers, including right to construct and install wind energy facilities: roads, foundations, turbines, guy wires, electric transmission lines and substations.
- Agreements include waiver of setbacks.

### Negotiating & term issues to consider:

- How long does the agreement last, and when does it start and end?
- When will rent or payment be received?

### Negotiating & term issues to consider, continued:

- Does agreement cover entire farm? Limit agreement to land needed for wind farm and negotiate approval of location of wind farm.
- Are you guaranteed a wind turbine?
- What if tile or other infrastructure/crops are damaged? Who will be responsible for fixing?
- Does agreement incorporate wind AIMA protections?
- Who can terminate the agreement, and when?
- Who is responsible for potential increase in property taxes?



### How will this affect farming activities?

- Consider agreement's affects on aerial spraying, irrigation, planting trees, CRP agreements, mineral interests, and ordinary farming activities.
- Consider how an agreement will affect future development, farm expansion or personal uses.
- Negotiate limits to powers you give to developer, so you can continue farming operations.