



HEARING OF THE FULTON COUNTY ZONING BOARD OF APPEALS

Date: March 1, 2023

Court Reporter: Dianna C. Hark, RPR, MO-CCR, IL-CSR

Paszkiewicz Court Reporting

Phone: 618-307-9320

Toll-Free: 855-595-3577

Fax: 618-855-9513

www.spreporting.com

HEARING OF THE FULTON COUNTY ZONING BOARD OF APPEALS

MARCH 1ST, 2023

Dianna C. Hark, RPR, MO-CCR, IL-CSR

CCR No. 1079

CSR No. 084.004728

APPROVED JUNE 28, 2023

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(Exhibits are attached to the transcript.)

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1 HEARING OF THE FULTON COUNTY ZONING BOARD OF
2 APPEALS, on March 1st, 2023, between the hours of 6:00
3 in the evening and 8:46 in the evening of that day, at
4 Fulton County Farm Bureau Building, 15411 N IL-100,
5 Suite 1, Lewistown, IL 61542, before Dianna C. Hark,
6 RPR, MO-CCR, IL-CSR.

A P P E A R A N C E S

9 BOARD MEMBERS:

10 Bill Phillips, Chairman
11 Damon Roberson
12 Jayson Herrick
13 Sally Clark
14 Cathy Eathington
15 Bob Ackerman

16 PRESENTERS:

17 Kyle Barry, Attorney for the Applicants
18 Kelly Inns
19 Jason Cooper
20 Andrew Lines
21 Tom Huddleston
22 Bryan Loomis

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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between counsel for the Presenters and the Fulton
3 County Zoning Board of Appeals, that this hearing may
4 be taken in shorthand by Dianna C. Hark, a Registered
5 Professional Reporter, Certified Shorthand Reporter,
6 and Certified Court Reporter, and afterwards
7 transcribed into typewriting.

* * * * *

9 HEARING COMMENCED AT 6:00 PM

11 MR. PHILLIPS: I'd like to call the
12 March 1st meeting of the Fulton County Zoning Board of
13 Appeals to order. We'll have a roll call.

14 Bob Ackerman?

15 MR. ACKERMAN: Here.

16 MR. PHILLIPS: Sally Clark?

17 MS. CLARK: Here.

18 MR. PHILLIPS: Cathy Eathington?

19 MS. EATHINGTON: Here.

20 MR. PHILLIPS: Matt Fletcher?

21 Jayson Herrick?

22 MR. HERRICK: Here.

23 MR. PHILLIPS: Bill Phillips, here.

24 Damon Roberson?

25 MR. ROBERSON: Here.

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1 MR. PHILLIPS: We have a quorum.

2 We'll now proceed to look at any additions,
3 deletions or corrections to the agenda. Do any
4 members have any suggestions?

5 Hearing none, could I have a motion to
6 approve the agenda as presented?

7 MS. CLARK: I make a motion.

8 MR. HERRICK: Second.

9 MR. PHILLIPS: And seconded by Jayson.
10 Any discussion? All in favor, say aye.

11 BOARD: Aye.

12 MR. PHILLIPS: Opposed?

13 Has everyone had a chance to review the
14 October 4th minutes from our previous meeting? Are
15 there any suggestions or changes or corrections?

16 Hearing none, could I have a motion to
17 approve the October 4th, 2022, minutes?

18 MS. EATHINGTON: I so move.

19 MR. PHILLIPS: Thank you.

20 MS. CLARK: Second.

21 MR. PHILLIPS: And seconded by Sally.

22 Any discussion? No? All in favor, say aye.

23 BOARD: Aye.

24 MR. PHILLIPS: Opposed?

25 And now we'll discuss the November 30th,

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1 2022, minutes. Were there any suggestions, changes or
2 alterations to those minutes?

3 MR. ACKERMAN: I'll make that motion.

4 MR. PHILLIPS: Make a motion to approve? So
5 made.

6 MS. CLARK: Second.

7 MR. PHILLIPS: Any discussion? All in favor
8 say aye.

9 BOARD: Aye.

10 MR. PHILLIPS: Opposed?

11 At this time in our meeting, we have an
12 opportunity for public remarks not related to the
13 hearing that we are about to hold.

14 Are there any persons present who would like
15 to make any comments, just general comments, about the
16 zoning laws or whatever it might be?

17 Hearing none, we'll move on to new business.
18 Tonight, we're here for a public hearing for a
19 conditional use permit and a variance to the ordinance
20 to construct a utility-grade solar project in multiple
21 parcels as listed on the agenda for the meeting.

22 Usually, I read them off, but we don't have
23 that much time this evening. So at this time, I would
24 like just to explain the procedures we will be using
25 tonight.

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1 There's a presentation to be made by South
2 Fulton Solar and their parent company. And what we
3 would like to do is ask them to proceed and make the
4 presentation with several witnesses.

5 When those witnesses are completed, we will
6 ask for testimony or input, questions from persons
7 attending the meeting. During that period of time, we
8 like just to take it one at a time.

9 We have a stenographer/court reporter with
10 us this evening. So we'll all want to be pretty clear
11 in just how we have a loud enough voice. We have a
12 microphone around here somewhere that will take care
13 of the -- if we can't be heard, well, I'd like you to
14 speak up and let us know.

15 So at this time, including you folks, if you
16 don't mind, if you have an intention of speaking,
17 meaning asking a question or clarifying an idea, I'd
18 ask you to raise your hand, and then solemnly swear
19 after me. If you're not going to -- I don't want to
20 swear all of you in at once if you're -- you don't
21 have to take the oath.

22 Do you solemnly swear or affirm the
23 testimony you're about to give on this matter now in
24 hearing is the whole truth and nothing but the truth?

25 PRESENTERS: I do.

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1 MR. PHILLIPS: Thank you.

2 Okay. We'd like to start with you, Kyle.
3 And your name, please?

4 MR. BARRY: Thank you, Mr. Chairman. My
5 name is Kyle Barry. Good evening to you and to
6 members of the board. I'm an attorney based in
7 Springfield with the law firm of McGuire Woods.

8 And as you've indicated, Mr. Chairman, I'm
9 here tonight representing the applicant, South Fulton
10 Solar, LLC, which will be -- which has applied to
11 construct and -- or for a conditional use permit that
12 would authorize the construction and operation of a
13 350 megawatt solar project in Fulton County.

14 This evening, I intend to present five
15 witnesses. The first witness, Kelly Inns, will
16 provide an overview of the project. The second
17 witness is an engineer who will talk about a number of
18 issues related to the project, including the site
19 plan. Third witness prepared a property value impact
20 study. Fourth witness is a drain tile expert, and
21 then the fifth witness prepared an economic
22 development impact study.

23 So we intend to demonstrate that the
24 project's application complies with all of the
25 applicable rules and regulations and requirements of

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1 the Fulton County zoning code including the solar
2 citing ordinance as well as state and federal laws.
3 And at the end of the evening, we'll respectfully
4 request approval of a conditional use permit for the
5 project.

6 So with that, at this time, I would like to
7 present Kelly Inns, who's the director of development
8 for Leeward Renewable Energy, which is the company
9 that is developing the project.

10 And so could you state your name for the
11 record?

12 MS. INNS: Good evening. I'm Kelly Inns.

13 MR. BARRY: And could you tell us what your
14 position is of employment?

15 MS. INNS: Director of development with
16 Leeward Renewable Energy.

17 MR. BARRY: And can you briefly tell us
18 about your background, please?

19 MS. INNS: Sure. I have a mechanical
20 engineering degree, and I have over -- nearly 14 years
21 experience in the power generation industry, and over
22 half of that is specific to utility scale --

23 [The court reporter clarified.]

24 MS. INNS: Utility scale solar development.

25 MR. BARRY: So with that, I understand you

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1 have a PowerPoint presentation you're going to take us
2 through this evening; is that correct?

3 MS. INNS: That is.

4 MR. BARRY: All right. So I'm going to sit
5 down and let you take us through that, please.

6 MS. INNS: Excellent.

7 Thanks again, everyone, the Board, for your
8 time this evening. We're very excited about this
9 project and to be here in Fulton County. So I just
10 want to go ahead and get started on our presentation.

11 On the next slide here, just a little bit
12 more background on Leeward Renewable Energy, our
13 company. We are a leading U.S. developer, owner, and
14 operator of renewable projects.

15 Really that means we're here for the long
16 haul. We're here in the beginning, you know, during
17 the development phase of the project, which is where
18 we're at right now. But it's also our intention to be
19 that long-term owner/operator for the duration of the
20 project. So you will have, you know, that LRE
21 presence from the beginning through construction and
22 long-term operation.

23 Our headquarters are in Dallas, Texas, with
24 operations across the U.S. We also have offices in
25 Chicago, where I'm based, San Francisco, and Houston.

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1 We are a portfolio company of OMERS, one of
2 Canada's largest pension fund companies. But that --
3 what that does for us is gives us that financial
4 backing to, you know, work through our goals to become
5 a leading U.S. based developer owner and operator.

6 We have currently to date 24 renewable
7 projects across the United States totaling more than
8 2,500 megawatts, and over 20,000 megawatts of
9 projects, both wind, solar, and energy storage under
10 development across the U.S.

11 On the next slide, we'll see a map here just
12 showing the vast array of projects that we have in
13 operation as well as those offices that I mentioned.

14 As you can see in the states, grayed out,
15 that's where we have additional projects under
16 development, showing some of the statistics of what's
17 in our pipeline. But notably what I wanted to mention
18 here is that we have permitted 800 megawatts of solar,
19 plus 50 megawatts of battery energy storage in DeKalb
20 County, Illinois, and we do have four operating wind
21 projects in Illinois as well in Lee, LaSalle, and
22 Bureau County. So we have some experience to date in
23 the state and looking forward to moving forward with
24 construction on those solar projects.

25 Just wanted to start a little bit with a

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1 background, you know, high level of how solar energy
2 works. We take the solar panels, collect the energy.
3 That sends it to number two here, central inverters
4 that are located strategically on the interior of a
5 site. Those central inverters take that electricity
6 that the solar panels produce, which is in direct
7 current, and changes it to AC, which is what we all
8 use, for our electricity. So it matches that current
9 to -- to the grid.

10 Then from there, we take it and have
11 underground collector cable to take that electricity
12 from all the -- the solar arrays, send it to a project
13 substation, which we'll see on the site plan,
14 strategically located toward the northeast part of our
15 project area closer to the existing Ipava substation.
16 So we take our electricity and we're going to have a
17 generator transmission line that takes that
18 electricity, sends it to that Ipava substation.
19 What's kind of missing in this graphic is that we
20 really stop and send it to that substation. From
21 there, it's distributed to the grid, and that's where
22 you see that land in residences and businesses.

23 Next slide talks a little bit more
24 specifically about the project and why we're here
25 today. Our South Fulton Solar project is a proposed

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1 350 megawatt solar with capability for 175 megawatt
2 battery energy storage.

3 We are planning to use single access
4 tracking for the design of the project, which means
5 that the panels will actually tilt throughout the day
6 to follow the sun to produce a little bit more
7 electricity than a fixed system would.

8 We have 3,800 acres under long-term lease
9 with local, private landowners. What we're really
10 excited about with this site in particular is that the
11 bulk of that, over 3,500 of those acres, are on a
12 reclaimed strip mine. So we're taking land that was
13 previously used for coal and -- and using it --
14 continuing that energy use in a -- in a sustainable
15 way and turning it into solar.

16 What that also does that we'll see when we
17 move on to the next slide is that there's some natural
18 vegetation, berms, lakes from that operation that
19 provide good buffer for many of the surrounding area.

20 We are in southwestern Fulton County, really
21 about a mile from Vermont, Table Grove, and Ipava, in
22 that pocket. Primarily in Vermont Township with a
23 small portion of the transmission line being in
24 Pleasant Township.

25 As I mentioned, we are connecting to that

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1 Ameren Ipava substation. So if you're looking at the
2 map, up further east where you go past the yellow
3 line, that's our transmission line to that Ipava
4 substation. Our plan here is to start construction in
5 late 2025, potentially 2026, as we follow development
6 on the rest of the development activities, and it
7 should be about a 24-month duration for construction
8 of this project with an estimated life of 34 years.

9 Next slide here, if you notice on the last,
10 there was a -- there was a box in the middle of the
11 project area. Just wanted to point out here on that
12 map. You can see it a little bit more with the --
13 with the white structures. That is a cattle-confined
14 feeding operation that will remain in operation
15 through the duration of the project. But otherwise,
16 here are the project areas outlined in blue with that
17 Gen Tie transmission line in yellow.

18 I just wanted to point out, again, what you
19 can see from that reclaimed strip mine site that we're
20 using primarily. You can see to the north there's
21 some good berms, lakes that will remain in place and
22 buffer -- buffer the project as well as some -- some
23 good vegetation on both the east and west sides of the
24 project. That will all remain as visual mitigation
25 from neighboring municipalities.

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1 This slide here, not going to go into a ton
2 of detail because that's why I have this fine crew
3 with me here to do, but just wanted to touch on what
4 we have done to date already as it stands for
5 development of our South Fulton project.

6 First off, Interconnection, we have
7 submitted an interconnection application with the
8 regional independent system operator, which is MISO in
9 this area. That is our cue position, J2390. That is
10 a process by which we get approval through MISO to
11 send that electricity to the grid and move forward
12 with operations.

13 We've also done a number of studies already.
14 Jason Cooper here will discuss a number of these, but
15 we did a glint and glare analysis and showing no
16 impact to adjacent residences or roads. We also did a
17 noise analysis to show that there won't be any
18 measurable additional noise outside the project fence,
19 and we will comply with the Illinois Pollution Control
20 Board limits for noise.

21 Then this next paragraph, Drain Tile and
22 Wetland Delineation, this shows some -- some future
23 activities. We will be completing a field wetland
24 delineation prior to final designs of the project. We
25 will also be completing a drain tile survey that Tom

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1 Huddleston will be discussing later this evening.
2 Those will be completed, you know, after, if we are to
3 receive conditional use approval. For those items,
4 really we'll be incorporating that into our final
5 design. The intended path is avoidance. If, for some
6 reason, you know, there's more than we would expect,
7 we -- there are permit paths forward to work around
8 that, and we will, of course, abide by all federal,
9 state, and county regulations.

10 Property Value Study, we have Andrew Lines
11 here to discussion further, but there's no negative
12 impact due to proximity of the solar project.

13 Land Use and Ordinance, we do meet or exceed
14 all of the county ordinance standards in place here in
15 Fulton County, but for one variance request that I
16 want to discuss a little bit further.

17 In the solar ordinance, there is a
18 requirement to development the project within two
19 years of a conditional use permit. We have every
20 intention, should we receive a successful approval of
21 a conditional use permit this evening, to proceed with
22 construction as soon as we can. You know, it's in our
23 best interest and everyone else's to -- to move this
24 project forward, and we're very excited to do so. But
25 there are some aspects of the development process that

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1 are just out of our control.

2 On a couple of those being the
3 interconnection process with MISO, and there's been
4 recent, you know, delays with supply chain and
5 equipment deliveries. So to mitigate that, we have
6 requested an additional four years to further continue
7 that due diligence of the project so that the
8 conditional use permit would be valid for a total of
9 six years from a favorable vote. And really, that
10 helps us maintain and understand the guidelines by
11 which the project needs to be built while we're
12 waiting for some of these processes that are just
13 outside of our control.

14 Just want to highlight a little bit on that
15 interconnection process with MISO. We are seeing
16 today, the current timeline is taking over four years,
17 and so we just want to make sure that we're covered,
18 again, as well since we will do everything we can to
19 move that forward, but a lot of it is out of our
20 control.

21 But also, they imposed some significant
22 deposits that are nonrefundable for that process. So,
23 again, to be able to maintain certainty that we have a
24 project that works to meet those healthy deposit
25 requirements, you know, we are requesting this

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1 variance for additional time to develop the project.

2 MR. BARRY: If I could just ask you a quick
3 question, Ms. Inns, can you explain what MISO is
4 again?

5 MS. INNS: Yeah, absolutely. So MISO is,
6 like I said, the regional independent service
7 operator. Basically, they are one step above Ameren,
8 who is the local transmission owner here in Fulton
9 County here near -- near the project. And MISO kind
10 of is -- is the boss, if you will, of the grid on top
11 of Ameren as well as several states in this region,
12 and they make sure to study project -- study
13 electricity that is entered into -- injected into the
14 grid, and that it won't change any of the reliability
15 or -- or operations of the grid.

16 MR. BARRY: And MISO -- so then MISO
17 controls and manages the electric grid in this area;
18 is that correct?

19 MS. INNS: That's correct.

20 MR. BARRY: And are they subject to
21 oversight by a governmental entity?

22 MS. INNS: They are. They are controlled by
23 FERC, the Federal Electric Reliability Council. [sic]

24 MR. BARRY: Which is a federal agency;
25 correct?

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1 MS. INNS: That is correct.

2 MR. BARRY: And so bottom line is, can you
3 plug into the electric grid here locally without the
4 permission of MISO?

5 MS. INNS: No, we cannot.

6 MR. BARRY: Thank you.

7 MS. INNS: Back on more of the land use
8 topic, we have designed our application so that solar
9 panels are a minimum 50-foot setback from property
10 lines and right-of-ways. We also went ahead and
11 provided some additional voluntary landscape buffering
12 near proposed residences, just to provide that
13 additional visual mitigation for the few residences
14 that are nearby the site.

15 Project Decommissioning, we are committed to
16 removing the project at its operational life -- at the
17 end of -- excuse me, at the end of its operational
18 life and complying with all state and county
19 requirements for that. And to back that up, we will
20 be providing a financial security as required by the
21 county and the state under the Agricultural Impact
22 Mitigation Agreement, which is here under my State
23 Reviews, or the AIMA, that requires decommissioning at
24 the end of a project's life.

25 That leads me to our state reviews. Again,

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1 Jason Cooper will discuss a little bit further the
2 EcoCat and SHPO review that we've completed by looking
3 at habitat and cultural aspects of the project. And
4 as I just mentioned, the state of Illinois, through
5 the Department of Agriculture, requires developers to
6 enter into an Agricultural Impact Mitigation
7 Agreement, or AIMA, prior to start of construction.
8 And that's really to -- to provide a benefit to the
9 landowners to provide guidelines, in addition to the
10 county, and our own lease agreements for the
11 construction and decommissioning of a project.

12 While that's required prior to start of
13 construction, we went ahead and signed and sent it to
14 the Department of Agriculture mid last month, and just
15 waiting for that counter signature. But we have
16 already entered into that agreement ourselves.

17 On the next slide, I just want to talk --
18 you know, we -- one thing we pride ourselves in here
19 is proactive community engagement. We think it's
20 important to make folks aware of what's happening. We
21 have an active project website that has updates and
22 information, including contact information should
23 anyone want to reach out and learn more from us about
24 the project.

25 We did personally door-knock at all of the

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1 neighboring homes of the project to give them a chance
2 to understand what was happening here this evening, as
3 well as providing direct mailers to all neighboring
4 parcels and nearby municipalities through the public
5 hearing requirements, and post it in the Canton Daily
6 Ledger. We always welcome further communications and
7 bringing people up to speed on what -- what we're
8 doing in these communities.

9 As I mentioned at the beginning, being --
10 having that long-term owner/operator, since we really
11 do want to, you know, get engaged with the community,
12 we're in it for the long haul, and -- and want to make
13 sure we're hearing the voices.

14 We also, to that end, have reached out to a
15 number of the Fulton County stakeholders to make them
16 aware of the project, working closely with Janice to
17 make sure we, you know, submit an application,
18 understood all of the rules and regulations of the
19 zoning ordinance, presented at the county board
20 community development committee meeting, just to make
21 the county board aware of the project, as well as
22 introduction meetings with the Solar Emergency
23 Planning Team and -- and county engineer, really to
24 start those communications.

25 You know, safety is very important to us.

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1 And so we want to open those lines of communication to
2 continue to educate, as we get closer to start of
3 construction, as well as with that county engineer to
4 start discussions on a road-use agreement. We're
5 committed to entering into a road-use agreement with
6 both the county as well as Vermont Township to make
7 sure the roads are repaired throughout construction as
8 well as any improvements prior to construction needed
9 to support that. We are starting those discussions
10 now, and we'll be progressing those forward.

11 On the next slide here, just want to touch
12 briefly on the benefits of the project. And I say
13 briefly because we got Bryan Loomis here to -- to
14 discuss this further. But, you know, we see this as a
15 substantial economic benefit to the local community.
16 This represents \$700 million capital investment, and a
17 long-term stable source of tax revenue. We're
18 projecting around \$70 million of estimated property
19 tax revenue over the initial 30-year operations of the
20 project, and that represents 3.2 million estimated in
21 year one, which is nearly a 5,000 percent increase
22 over the current property tax.

23 Here's just a brief table. Again, Bryan
24 Loomis is going to go over this further, but the
25 lion's share of those property taxes will be to the

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1 local VIT school district, which will receive
2 \$2.1 million in year one, and 45 million over the
3 30-year life, with portions also going to the county,
4 Spoon River College, Vermont Township, Vermont
5 Township Road, the fire district, and county
6 emergency.

7 In addition to the economic benefit, we will
8 also be creating jobs for the -- throughout this
9 project. During that 24-month construction, we are
10 projecting approximately 1,085 direct Illinois
11 construction jobs, and, of course, endeavoring to hire
12 locally when possible, knowing that there's a good
13 pool here of union labor in Fulton County.

14 We'll also have 830 indirect and induced
15 jobs that Bryan will discuss further. And during
16 operations, there will be the approximate two
17 full-time permanent jobs, and that will primarily be
18 to manage the vegetation that we'll talk about here in
19 a second as well as any routine maintenance on the
20 project itself.

21 In terms of renewable energy, we estimate
22 generating 70 -- 729,000 megawatts in the first year
23 of operation, and that's equivalent to nearly 71,000
24 homes.

25 On the next slide, just want to highlight,

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1 you know, that this is a low-impact land use we're
2 proposing here with this project in Fulton County.
3 There's minimal operational impact to local county and
4 township services, minimal water use. You know, no
5 additional burden to the school system or library,
6 et cetera.

7 We are creating electricity without
8 combustion. No emissions will be created here. And
9 what Jason will show in his presentation is that we
10 are planning to have natural, native vegetation
11 throughout the site. We're going to be planting grass
12 amongst the solar area as well as some pollinator
13 species along the perimeters. And really what that's
14 doing is going to be creating, you know, effectively
15 conservation area features for the project. This is a
16 temporary use and we'll be adding that to -- to the
17 project area.

18 There are no excessive noise, traffic or
19 other disturbances. Once we get into operation, and
20 as I mentioned already, will have some landscape
21 buffering planted next to nearby residences. Again,
22 this is a temporary use and already discussed the
23 decommissioning that we will commit to at the end of
24 the project life.

25 Next, just want to touch briefly on

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1 construction. Not going to walk through all these in
2 detail, but we just kind of outline some high level of
3 the process starting with site prep, moving on to
4 underground installation of those collector cables,
5 and then installing the racking and solar panels
6 themselves.

7 Just want to point out, as you can see it in
8 this picture here, there is minimal concrete used for
9 the project. The solar itself is just driven posts,
10 about seven to 10 feet deep, just driven right into
11 the ground there for -- for the solar primarily. Any
12 concrete will be used for foundations for those
13 inverters and medium voltage transformers that will be
14 throughout the site, and those will just be, you know,
15 your typical equipment pad foundations. No deep
16 concrete needed for the project.

17 Moving on then to the, completing the
18 project substation and the electrical site and that
19 hookup to the Ameren Ipava substation. As I said
20 before, construction over all timeline is expected to
21 take around two years, but I did want to point out
22 with a site this big, you know, each 40 megawatts is
23 expected to be constructed in approximately one to two
24 months. So we'll be moving throughout the site along
25 the process, and we're not going to be stationed in

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1 one spot for more than a couple of weeks with these --
2 with these efforts. And then, again, we will plan to
3 abide by all county and state construction timing and
4 noise requirements throughout that duration.

5 On the last slide here that I have, I just
6 want to touch on operations, maintenance, and
7 decommissioning. You know, those couple employees I
8 mentioned before will be on site during normal working
9 hours, again, handling routine maintenance and
10 primarily that vegetative management.

11 We will have remote monitoring 24/7
12 including, you know, night and during off hours. That
13 will be handled out of our Dallas headquarters, and
14 that is -- you know, we will be ensuring that that
15 landscaping and vegetative screening is maintained
16 properly for mitigation and growth.

17 We will be disposing of or recycling
18 components at the end of its useful life in accordance
19 with the state and local requirements at that time.
20 We'll be restoring the project back -- the site back
21 to its previous condition or better after the land has
22 had a chance to rest over the years of the project.

23 And touched on already, but we will have
24 that decommissioning bond posted at the start of
25 construction on, you know, just as a kind of a

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1 backstop to follow along with our commitment for
2 decommissioning. And I believe that is my last slide.

3 MR. BARRY: Thank you, Kelly.

4 MS. INNS: Thank you.

5 MR. BARRY: Next up, we have Jason Cooper.
6 If you could pass the microphone to Jason.

7 Jason, could you please state your name for
8 the record?

9 MR. COOPER: Yes, Jason Cooper.

10 MR. BARRY: And can you tell us who you work
11 for?

12 MR. COOPER: I'm a civil engineer with
13 Kimley-Horn and Associates, licensed in the state of
14 Illinois.

15 MR. BARRY: And what can you tell us about
16 your background, please?

17 MR. COOPER: Yeah. So I've got about 15
18 years experience in the civil engineering industry,
19 focused mainly on site development, stormwater,
20 erosion control, entitlements, and permitting. The
21 better part of the last six years have been focused on
22 ground --

23 [The court reporter clarified.]

24 MR. COOPER: Focused on ground-mounted
25 utility solar, scale development. I've worked on over

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1 100 solar projects to date, over 50 of those in the
2 state of Illinois, ranging in size from 2 megawatts to
3 500 megawatts.

4 I was actually born and raised in rural
5 Illinois, so I've gotten quite a bit of a
6 personal/professional satisfaction working on these
7 solar projects over the last five years and really
8 seeing them take shape here in Illinois. So excited
9 to be here and talk with you about that.

10 MR. BARRY: And are you familiar with the
11 South Fulton Solar Project?

12 MR. COOPER: I am.

13 MR. BARRY: And can you tell us what your
14 role is in connection with the project?

15 MR. COOPER: Yes. Kimley-Horn and myself
16 prepared and commissioned the conditional use permit
17 plan. So the site layout that we have here, the
18 transportation plan and an access memo, the
19 decommissioning plan, the glare study, and the noise
20 analysis.

21 MR. BARRY: All right. And can you -- I
22 think you have some slides you want to take us
23 through; is that correct?

24 MR. COOPER: I do.

25 MR. BARRY: Please proceed.

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1 MR. COOPER: I'll try to keep it slower
2 here. I'm a very, very fast talker. So I apologize.

3 I'm going to start just going into a little
4 bit more detail on some of the solar facility
5 components that Kelly highlighted.

6 The infrastructure on solar farms is -- is
7 fairly limited. You got the modules, the rackings,
8 support posts, and trackers that are -- they're
9 mounted to the collection system, if there's a battery
10 energy storage component, which, in this case, we do
11 have one. There's one of those, and then the access
12 and perimeter fencing. So I'll go through each one of
13 these in a little more detail on subsequent slides.

14 So the -- the most important part of the --
15 the solar farm is the actual photovoltaic modules, or
16 PV modules. These are the actual infrastructure that
17 captures the sunlight and converts that into
18 electricity.

19 They're made with thin, solar cells that are
20 encased in a tempered glass. They're usually
21 three-and-a-half feet by seven feet in dimension.
22 They're -- they go through rigorous designs for hail,
23 wind, you name it, treacherous conditions to -- to
24 make sure that they withstand those.

25 They're also designed to absorb sunlight, so

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1 there's an anti-reflector coating on those which
2 both --

3 [The court reporter clarified.]

4 MR. COOPER: With antiglare coating which
5 helps absorb the sunlight.

6 MR. PHILLIPS: If you could slow down just a
7 little bit --

8 MR. COOPER: Yeah. Okay. I'll try.

9 MR. PHILLIPS: I understand.

10 MR. COOPER: I think the most important part
11 that we want to highlight here is that a lot of
12 leading industries have done studies on these modules
13 and these panels and determined there's little to no
14 risk to the health and safety to the general public.

15 One of those studies was prepared by North
16 Carolina State University on the health and safety of
17 photovoltaic modules that we constantly reference that
18 does a really good job explaining that there is no
19 risk to the health and safety.

20 The next component is the racking. So you
21 can see here on the screen, the modules are mounted to
22 the racking, and they're on a single-access tracker
23 system. So there's a torque tooth that runs down the
24 middle, and these will, as Kelly mentioned, they'll be
25 lined north to south and they'll follow the sun. So

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1 in the morning, they'll be facing the east; and in the
2 middle of the day, they'll be tabletop; and then in
3 the evening, they'll be facing the west; and then
4 they'll rotate back and be ready for the sun in the
5 morning.

6 At this time, we -- we anticipate the
7 maximum height, when they're at full tilt, meaning
8 when they are rotated all the way in one direction,
9 will be a maximum of 15 feet.

10 The next component and what makes up the
11 remainder of this system is the collection system. So
12 Kelly went through this too in the overall portion of
13 how solar works. But the central inverter, combiner
14 boxes, electrical cable, and then the remaining
15 associated equipment make up the remainder of the
16 solar farm.

17 You can see a picture here of a inverter and
18 transformer on the screen. This is typical for what
19 you would see. These are located throughout the site,
20 centrally located. They're usually 30 feet, 10 feet
21 by 10 feet. And these are where the electricity is
22 converted from the DC to the AC current, and then
23 upgraded to a medium voltage to allow for more
24 efficient transmission across the project.

25 The next component that we wanted to discuss

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1 is just explain a little bit more about battery energy
2 storage. The why behind it, what it looks like.

3 So battery energy storage is a critical
4 component to renewable energy. If you think about it,
5 electricity is needed 24/7. The sun only shines a
6 portion of the day. The wind's not blowing all the
7 time. So the ability to capture that electricity and
8 store it for a time when electricity is not being
9 generated, or there's a stronger need in the grid for
10 it, it's critical. So that's the -- the component and
11 the purpose for energy storage.

12 The technology that's used the most today is
13 lithium-ion batteries. So no different than the
14 battery that's in your cell phone or in your computer
15 or that are used for EV cars. And those are generally
16 put in racks, and so those are put in racks and
17 stacked inside of an uninhabitable storage container.

18 There's a picture here for one of Leeward's
19 projects in California that is a representation of
20 what this could look like. It will depend on the
21 manufacturer and -- and what the technology is at the
22 time that we actually develop and design these, but
23 this is a good representation of what it would -- what
24 it would typically look like.

25 And from a safety standpoint, there's been a

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1 lot of improvements in -- in lithium-ion batteries,
2 just in the past few years alone from technology and
3 safety. They are put through the -- the most rigorous
4 industry standards. UL 9540A is a thermal runaway test
5 that's required. All the batteries that are going to
6 be used on this project will be to all the highest
7 certifications that are out there, including the
8 latest National Fire Protection Agency or NFPA
9 requirements.

10 And then the last component to the solar
11 farms are just the perimeter security fence and the
12 access roads. So this site will be surrounded by an
13 eight-foot chain-link fence with steel posts. We'll
14 have gates located at each access point which will be
15 locked. There will be the interior maintenance and
16 access roads.

17 And then as Kelly alluded to in the
18 beginning, we -- we have put in some -- some landscape
19 buffering optionally on -- on our -- our determination
20 to increase the visual aesthetics in a few locations.

21 All right. We got the site plan up here. I
22 know it's -- it's a little difficult to see. I do
23 have some blowups of the site plans on subsequent
24 slides. I've got those there, more so if there's
25 questions after. We can kind of talk through the site

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1 specific, so I'm not going to go through kind of the
2 details.

3 But what I do want to explain here is our
4 process for determining where the solar modules go and
5 how we lay these sites out.

6 MR. BARRY: Mr. Cooper, before you do that,
7 is the site plan -- can that be found in Exhibit B in
8 the application materials?

9 MR. COOPER: Yes.

10 So the first step when we're starting to lay
11 out these solar arrays is, we develop what we call a
12 constraints map, or a buildable area map. So we'll
13 use a combination of survey information, desktop
14 information, and we'll pull down anything that could
15 be a constraint to the buildable area. Wetlands, FEMA
16 floodplains, different soil types, transmission lines
17 that are in places, existing buildings, et cetera, and
18 then we'll build a map that identifies that and the
19 topography -- keeping you on your toes -- and the
20 topography too because relatively flat sites are --
21 are, you know, the best for solar. So we'll identify
22 the best areas on the site, and then we'll take the
23 equipment specifications and we'll start laying the
24 site out, utilizing the best areas for solar and then
25 building it out to maximize all the buildable area we

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1 have, ensuring that we can meet the target ratio for
2 the project based on how much electricity we want to
3 generate.

4 So in this instance in this stage, we're
5 really trying to build as much solar array area as we
6 can, knowing that when we go and do field studies and
7 additional fieldwork, we're going to further hone in
8 on some of those constraints, and we may remove some
9 of the panels during the final engineering stage. But
10 there will be no instance where we would increase or
11 add panels.

12 So you can just flip through this one to the
13 next slide. These are --

14 [The court reporter clarified.]

15 MR. COOPER: These are just blowup slides
16 that we can reference back later if there's any
17 questions. But I do want to pause here and highlight
18 this one.

19 We mention a battery energy storage, the
20 project substation, and the operations and maintenance
21 buildings. You can see the star on the top right of
22 the image there. There's three boxes in that area.
23 That's the location of the battery energy storage
24 system, the project substation, and the O and M
25 facility, or the non-PV array areas for the project.

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1 We did end up expanding the battery energy
2 storage area a little bit to the west. After we
3 submitted, we did a little bit more design and got
4 some new information, needed to expand that. We
5 removed some of PV array area, so we are actually
6 going to formally submit a change for that area. But
7 I'll -- but I'll reiterate that we moved that over to
8 the west. The perimeter of the site remain the same.
9 We just needed to allocate some of the non-PV array
10 area and take out some of the PV array area for our
11 facilities.

12 MR. BARRY: And, Mr. Cooper, did -- is
13 that -- is the new site plan that shows this -- I'm
14 going to call it the bigger box, is that -- was that
15 submitted to the -- the -- was that delivered to the
16 members of the board this evening?

17 MR. COOPER: Yes. And we have a full-size
18 copy as well.

19 MR. BARRY: So, Mr. Chairman, this is --
20 we'd like to add this amended site plan as an exhibit for
21 the hearing tonight.

22 MR. PHILLIPS: Very good. Exhibit 1?

23 MR. BARRY: That sounds great. Thank you.

24 (Exhibit 1 was introduced.)

25 MR. COOPER: Okay. I think we can flip

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1 through the other site plans and see if there's any
2 site-specific questions.

3 The next portion that we want to talk
4 through here is the transportation and access plan.
5 So we've identified and submitted, as part of our
6 application, our preliminary routes for where
7 construction and operations and maintenance vehicles
8 will come from.

9 So I know it's difficult to see on this
10 slide here, but we're essentially going to use the
11 minimum amount of roadways that we can to get to our
12 project locations.

13 Deliveries will be needed for all the
14 project equipment, piles, racking, modules, inverters,
15 and electrical equipment. These typically occur most
16 at the beginning of the project. So between months
17 three and nine is where the most of our deliveries are
18 going to occur. Once all the equipment is out on
19 site, obviously the construction and deliveries will
20 slow down as the team out there is installing the
21 project.

22 MR. BARRY: Mr. Cooper, is the
23 transportation and access plan you referred to a
24 moment ago, is that Exhibit F in the application
25 materials?

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1 MR. COOPER: Yes.

2 And then peak construction, I guess peak for
3 the construction workers on site will typically be
4 around month seven and then drastically taper off as
5 we get closer to the end of construction. Once a site
6 is fully operational, we don't anticipate more than
7 four -- four vehicles or so, quarterly, just doing
8 operations and maintenance since the facility is -- is
9 managed remotely. So little to no impacts to the
10 existing traffic out there once operational.

11 All right. The next component that we
12 wanted to dive a little bit more into is the
13 vegetation and site restoration plan. So similarly to
14 the -- the site plans, these are -- are really here
15 for -- for reference. I know it's difficult to see,
16 so we do have some blowups on the future slides here.

17 But really wanted to -- to highlight this so
18 that we could explain the -- the approach to the
19 native vegetation and pollinators that -- that Kelly
20 had mentioned earlier. We -- we do believe that
21 letting this land lay fallow for 30 to 40 years
22 through the life of the solar farm and planting a
23 year-round turf grass of native seed cakes or
24 pollinators is really going to add to the conservation
25 reserve program which is going to allow this land to

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1 come back, rejuvenate at the end of the project once
2 it's decommissioned and be turned back over into
3 farming. So we do acknowledge it's a temporary use,
4 and we do think it's very complimentary to the -- to
5 the ag industry.

6 Flip to the next one. You can pause.

7 So here's an example of where we got one of
8 the bumpers. And so I know it's difficult to see, but
9 it's a combination of evergreen shrubs and ornamental
10 trees. And I -- we actually have a visual rendering
11 of this mockup of what one of these areas could look
12 like on a future slide. But we have put these in a
13 few remote locations along in the site plan where
14 we're adjacent to some residences.

15 Yeah, and the blowup is where you can see a
16 little bit more of the pictures. You can see another
17 detail here in the bold inset on the top left is where
18 we got another screen buffer.

19 MR. BARRY: Right here.

20 MR. COOPER: And you can click through
21 the --

22 Okay. Next, we -- we did want to show some
23 photo simulations. So we had a consultant come out
24 and take existing photos from a few locations here.

25 We've got Viewpoint 1, which is the -- I'll

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1 say north left, the top left photo. That's along
2 County Road 12 looking south. Viewpoint 06 is the top
3 right. That's on U.S. Highway 135 looking southwest.
4 Viewpoint 07 is the very bottom. That's on Depot Road
5 looking southeast. And then Viewpoint 09 is on County
6 Road 13 looking northeast.

7 So we had them take existing photos, and
8 you're going to see three slides. So you can click to
9 the next of the first one. The first one is the
10 existing photo with no photo -- with no solar array
11 shown, no components. The next one that we flip to is
12 going to show yellow highlight. You'll notice,
13 it's -- it's going to be very difficult to see the
14 modules just with how far they are actually back off
15 the roadway and in the site. So we wanted to
16 highlight that here.

17 MR. BARRY: And just to be clear, the yellow
18 depicts the location of where the panels will go;
19 correct?

20 MR. COOPER: Correct. The yellow is the
21 array and a mock-up of what it will look like. You
22 just -- it's very difficult to see in the background.
23 So we wanted to highlight on this slide so that your
24 eye could focus on it. And when we click to the next
25 slide, this is the actual proposed what you would see.

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1 So the solar arrays are there, if you get
2 really closely, but you can't see them because they're
3 just so far away from the roadway.

4 So if you want to go to the next viewpoint,
5 this is off U.S. Highway 135 looking southwest. So if
6 you click to the next, it's going to show the yellow
7 highlight. You can see it pop up barely way back in
8 the horizon there. And then if you look to the next
9 one, the proposed, it's still there. We just took the
10 highlight off really to show just -- just how far away
11 from the roadway these facilities are going to be.

12 MR. BARRY: And, Mr. Cooper, I think it's
13 actual U.S. Highway 136; correct?

14 MR. COOPER: Correct.

15 Next slide. This one along Depot Road
16 looking southeast, existing. Click to the next. This
17 is one where you actually have the vegetation adjacent
18 to the roadway where we had put a screen in. So this
19 is a depiction of what that would look like once those
20 are installed and what the view would look like from
21 the roadway with the current vegetation screen we
22 would have there.

23 And then in the last viewpoint, again,
24 County Road 13 looking northeast. The next one will
25 show the yellow highlight. This is the modules and

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1 the facility in the background. And then if you click
2 the proposed, they are still there. I promise, it's
3 just very difficult to see blended in with the -- the
4 ag land there.

5 All right. The next component that I want
6 to talk a little bit more about is our approach to
7 stormwater, stormwater pollution prevent plan -- it's
8 also referred to as a SWPPP -- and the ground cover.

9 So the American Society of Civil Engineers
10 did some modeling and some research and some analysis
11 and posted an abstract titled the hydraulic --
12 Hydrologic Response of Solar Farms a few years ago.
13 This is what we utilize for the basis of our civil
14 engineering when it comes to stormwater analysis. The
15 report analyzed the effects of solar panels mounted
16 above different ground tiles, whether that be gravel,
17 whether that be grass, and it acknowledged that, as
18 long as the panels are elevated above the ground and
19 had a consistent ground cover, that there's little to
20 no impact on stormwater runoff, won't increase in
21 volume of runoff.

22 The benefit that we're providing with these
23 solar farms is we're taking an agricultural land use
24 and we're converting into a year-round managed turf.
25 So when you install this managed turf and -- and take

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1 care of native seed and -- and pollinator grass, we're
2 actually going to increase the infiltration year round
3 and actually decrease the runoff. So it's going to
4 provide enough gain in -- in decreasing some of that
5 stormwater runoff as part of our design.

6 And I do have a -- a picture here that --
7 that depicts this just graphically. You can see on
8 the left is a -- an image of what a traditional row
9 crop cornfield would look like. And then once we get
10 the managed turf under there, just a more continuous
11 root structure that's going to allow for more
12 infiltration of that water, going to provide a little
13 bit more structure to the topsoil as well so that you
14 have less sediment loss during the operation --

15 [The court reporter clarified.]

16 MR. COOPER: It protects from sediment
17 runoff.

18 And this is just an image of -- of what
19 it -- it could potentially look. I think one common
20 misnomer is that vegetation can't grow under the
21 arrays because it's shaded. They do rotate to follow
22 the sun. Light still gets by them and kind of
23 reflects off. The vegetative seed mixes that we have
24 are --

25 [The court reporter clarified.]

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1 MR. COOPER: They rotate and follow the sun
2 which allows for the light to get through and allow
3 for the grass to grow.

4 MR. BARRY: So, just to be clear,
5 Mr. Cooper, because the light can get past the solar
6 panels, it reaches the plants underneath, and those
7 plants grow to a -- I don't know if it's a normal
8 height, but they grow -- there's not dirt underneath
9 the panels; correct?

10 MR. COOPER: Correct.

11 Okay. All right. We also ran a glint and
12 glare analysis using a software called --

13 MR. BARRY: Glint and glare.

14 MR. COOPER: Using a solar hazard glare
15 analysis tool. And basically what this tool does is
16 it models the array, assuming 365 days of sun,
17 24 hours a day, and identifies if there's going to be
18 any glare off of the solar arrays.

19 We looked at 10 observation points that you
20 can see on the screen here as well as adjacent
21 roadways, and the model predicted that there was no
22 instances of glare based on our current layout and
23 equipment.

24 MR. BARRY: First, Mr. Cooper, is the glare
25 study that you just discussed, is that Exhibit G as in

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1 glare in the application materials?

2 MR. COOPER: It is.

3 MR. BARRY: And I see a bunch of zeros on
4 the screen. What does that mean?

5 MR. COOPER: That's the amount of glare in
6 minutes, total duration for the year.

7 MR. BARRY: So zero projected minutes of
8 glare; correct?

9 MR. COOPER: Correct.

10 MR. BARRY: Thank you.

11 MR. COOPER: We also completed a noise
12 analysis. So as part of our study, we had a crew go
13 out in the field and actually monitor the existing
14 noise for six locations, to use that as a basis for
15 our design. And then we modeled the proposed
16 equipment on site using a program called Sound Plan.
17 So we took the manufacturer's
18 recommendations and specifications for anticipated
19 noise, plugged that into the program into our layout
20 where the inverters are and ran that model. The model
21 predicted that all noise levels will be below the
22 Illinois Pollution Control Board's octave band
23 frequency levels.

24 I do also want to highlight, I mentioned
25 earlier when we submitted the revised plan, that we

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1 did need to expand the battery energy storage area.
2 We did re-analyze that area as well with the battery
3 energy storage equipment and also confirmed that
4 there's no anticipated noise above the Illinois
5 Pollution Control Board requirements.

6 MR. BARRY: And is the noise study you just
7 discussed, Mr. Cooper, Exhibit H in the application
8 materials?

9 MR. COOPER: It is.

10 MR. BARRY: Thank you.

11 MR. COOPER: We also prepared a
12 decommissioning plan, as Kelly alluded to at the -- at
13 the beginning. It's a requirement for -- for the
14 Illinois Department of Agriculture's AIMA, as well as
15 Fulton County.

16 Typical components in a decommissioning plan
17 are highlighting what the project components are,
18 which we talked through at the beginning of the
19 presentation here, and then how those will be
20 decommissioned or taken apart, basically turning the
21 land back over to agricultural use. So we did submit
22 that into the application.

23 As part of Fulton County's ordinance, we --
24 the developer/owner will be required to submit a bond
25 as well based on the amount of megawatts, which will

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1 be provided prior to construction.

2 MR. BARRY: Mr. Cooper, is the
3 decommissioning plan Exhibit D, as in decommissioning,
4 in the application materials?

5 MR. COOPER: It is. I see what you're doing
6 there.

7 All right. We're on the home stretch here
8 with me, so you can rest in a minute.

9 We also did quite a bit on the environmental
10 work when we start these. Very critical components to
11 our design and de-risking and due diligence. As part
12 of our environmental constraints study, we looked at
13 FEMA 100-year floodplain, National Wetlands Inventory,
14 USGS topography, Cultural Resources, US Fish and
15 Wildlife, Illinois state-listed endangered species,
16 migratory birds, as well as submitting to the Federal
17 Aviation Administration for notice to file criteria.

18 Two big components to development in the
19 state of Illinois are, you have to have clearance from
20 the Illinois Department of Natural Resources. You
21 have to have SHPO compliance. So we submitted through
22 the Illinois Department of Natural Resources EcoCat
23 system and received a Letter of Termination on
24 Consultation from them, essentially meaning nothing
25 else is needed from the IDNR for the project.

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1 We also formally submitted for consultation
2 to the --

3 [The court reporter clarified.]

4 MR. COOPER: To the State Historic
5 Preservation Office.

6 MR. BARRY: Which is -- is that what you
7 refer to as the SHPO, S-H-P-O?

8 MR. COOPER: Yes.

9 And received a letter back stating that we
10 do need to complete a phase one for archeological
11 survey. In my experience, this is a formal letter
12 that comes back on almost every solar project that we
13 have done in Illinois. It's a field survey that's
14 done to -- to walk the site, make sure there's no
15 archaeological artifacts out there. We will complete
16 that before construction. We don't anticipate any
17 issues based on our desktop resources, but it will be
18 required prior to us getting our state stormwater
19 permit.

20 MR. BARRY: Mr. Cooper, you referred to the
21 EcoCat process. Could you spell that, please?

22 MR. COOPER: E-C-O-C-A-T.

23 MR. BARRY: And that process is governed by
24 the Illinois Department of Natural Resources, or IDNR;
25 correct?

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1 MR. COOPER: Correct.

2 Next slide. And the last few slides just
3 further detail what I -- what I talked about us going
4 through. So we did Level 1 desktop research. We did
5 identify the potential for wetlands on site. As Kelly
6 alluded to in her presentation, we're going to do a
7 field study and get that work completed to actually
8 formally identify those.

9 Our plan, at this point, is to avoid any
10 jurisdictional wetlands with the project. If we do
11 need to impact a wetland, we'll work with the Army
12 Corps of Engineers and obtain a permit for it.

13 We also submitted to the U.S. Fish and
14 Wildlife IPaC, which identifies federally-enlisted
15 endangered species. There was a handful of species
16 that are listed there identified. However, due to
17 the already -- due to the agricultural and impacts
18 already on the site, we don't expect there to be any
19 impacts and no further requirements needed with the
20 U.S. Fish and Wildlife.

21 This is the Illinois Department of Natural
22 Resource slide. So just highlighting that, again, we
23 did submit the IDNR EcoCat and did get our Letter of
24 Termination. So no further correspondence required
25 from the state.

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1 And last but not least, just reiterating
2 that we did submit the SHPO for the natural resource
3 analysis. We received that letter requesting a phase
4 one archaeological reconnaissance survey, which we
5 will complete before construction.

6 Thank you for bearing with me.

7 MR. BARRY: Thank you, Mr. Cooper. If you
8 could pass the microphone over.

9 All right. Next witness, Mr. Chairman, is
10 Andrew Lines.

11 Mr. Lines?

12 [A discussion was held off the record.]

13 MR. BARRY: Good evening, Mr. Lines. Can
14 you please state your name for the record?

15 MR. LINES: Andrew Lines, L-I-N-E-S.

16 MR. BARRY: And who are you employed by,
17 Mr. Lines?

18 MR. LINES: I'm a partner with CohnReznick.
19 Principal is my formal title.

20 MR. BARRY: And can you tell us a little bit
21 about your background?

22 MR. LINES: Sure. If you want to go to the
23 next slide.

24 I help run a real estate valuation
25 department at a national accounting firm. We

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1 specialize in real estate, and I've been a commercial
2 real estate appraiser for almost 20 years. And much
3 of that has been in doing impact studies of various
4 uses, including big box retail and quarries and
5 landfills. And for the last five or six years, I've
6 been focused primarily on solar developments and also
7 wind projects, here in Illinois and elsewhere in the
8 U.S.

9 I'm a member of the Appraisal Institute.
10 That's the MAI designation, which confers me as kind
11 of a master appraiser, if you will, kind of loosely.
12 And I'm a member of a few different real estate
13 organizations.

14 One of my partners is Patricia McGarr. And
15 I just bring her up because I work with her. She
16 helps and signs the reports that we do. And in 2018,
17 2017, towards the end, she was appointed by Former
18 Governor Rauner to serve on the state of Illinois
19 Department of Financial Regulations Real Estate
20 Appraisal Board where she started as a member and then
21 became vice-chairman, and is now the chair of that
22 group of appraisers.

23 So she's the number one appraiser in the
24 land. She sets the rules for what we do and governs
25 how we all work within the rules and making sure that

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1 we're all doing good work for public bodies and for
2 everybody. She is also an MAI, and has a lot of other
3 EIEIOs after her name, and is state certified here in
4 Illinois where she served for over 30 years as well as
5 a number other states.

6 MR. BARRY: Mr. Lines, what's your
7 connection with the South Fulton Solar Project? What
8 did you do for the South Fulton Solar Project?

9 MR. LINES: Sure. So the first thing that
10 we did is we tried to see what other people said.
11 It's always a good place to start. So we reviewed a
12 number of published studies on the topic. There
13 aren't as many as some other property types, but we
14 did review a number of them.

15 And largely, they're very neutral in terms
16 of impact, especially in rural communities. Hundreds
17 of thousands of sales that were reviewed and looked at
18 in hedonic regression models indicating that there's
19 no statistical difference within communities that have
20 less than 850 people per square mile. That's from the
21 University of Rhode Island study.

22 There's another one done at the Georgia
23 Institute of Technology which looked at 400 solar
24 farms in North Carolina, and that also indicated that
25 there was no negative impact to surrounding property

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1 values. So that's what's out there. In addition to
2 reviewing those public studies, we asked some
3 questions.

4 So we called and talked to county assessors,
5 municipal assessors who have solar facilities in their
6 backyards. Typically, assessors see transactions
7 before a lot of the rest of us, and they're able to
8 spot trends that occur. And so we've discussed this
9 with over 50 different county assessors in 15
10 different states who, again, have solar facilities in
11 their backyard, are able to see transactions. Not
12 only do they not indicate a negative trend, but they
13 haven't indicated that anybody has come to them to
14 lower their assessment by living next to a new solar
15 farm. So that is pretty telling from our perspective;
16 however, we did want to study the data ourselves.

17 So there's a famous appraisal textbook
18 written by Dr. Randy Bell. He's an MAI like me and
19 Pat, but also a PhD, and so he's written kind of a
20 treatise that talks about different ways that you can
21 analyze damages. And one of the best ways is using a
22 paired-sales technique.

23 So what we do is we look at every solar
24 facility that exists, and we use the GIS system and we
25 identify all the parcels that are immediately right

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1 next door. Now, some of them have trees in the
2 backyards, some might have a clear view of solar
3 facilities, and we see if they sold since the solar
4 facility was erected. And if they did, then we
5 consider that a test sale.

6 We then go and, based on that home's
7 physical characteristics -- is it two stories? Is it
8 2,500 square feet? Does it have a two-car garage? Is
9 it on four acres? And we find sales in the general
10 area but located away from the solar farm, and we'll
11 study a group of them and compare the median price per
12 square foot of the test sale and the group.

13 And our -- what the textbook tells us about
14 doing paired sales and groupings in this way is that
15 there might be a negative trend if you see a
16 consistent negative difference between those test
17 sales, which are right next to the solar facilities,
18 and the control groups. Again, we're not doing any
19 adjustments to the sales; we're just looking at their
20 median prices per square foot.

21 And, again, Dr. Randy Bell says if there's a
22 legitimate detrimental condition, there will be a
23 measurable and consistent difference. So you can't
24 just find it one time. You'd have to find it multiple
25 times in order to conclude that is a definite trend.

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1 So that's what we did.

2 So here's a list of 10 of them that we
3 included in the report that I believe was submitted by
4 the applicant. This is 10 of about 40 that we've
5 identified covering a couple thousand different sales.
6 And the closet being in LaSalle County on street -- or
7 Grand Ridge Solar Farm, which is about 20 megawatts.

8 I know that's much smaller than what's being
9 proposed here, but it is one that was very close. One
10 that had a sale right in the corner, the home was,
11 only about 500 feet away from the solar panels itself.
12 And when we compared that specific property to a group
13 of homes, we found that there wasn't a negative
14 indication by virtue of what it sold for compared to a
15 comparable set.

16 We've studied other ones, including large
17 ones. One that we studied was in Michigan called the
18 Assembly Solar Farm. This was 239 megawatts. Same
19 process, we're able to identify test sales, and their
20 comparison to control groups did not indicate a
21 negative decline.

22 We've looked in other states. Most of these
23 are in mostly rural locations. We also have examples
24 like the North Star Solar Farm in Minnesota where
25 there are homes that have solar in all four directions

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1 from their property lines. And what's really
2 interesting about that particular solar farm is that
3 one of the homes that had solar in all four directions
4 actually set the record for its property type in its
5 county on a per-square-foot value. It had increased
6 over 27 percent over the last couple of years, which
7 was generally in fashion with the market that we all
8 saw here and in rural areas. Just incredible price
9 appreciation up until -- well, up until about six
10 months ago.

11 MR. BARRY: Mr. Lines, sorry to interrupt,
12 but you mentioned a report. Is that a report you
13 prepared for this project?

14 MR. LINES: I did.

15 MR. BARRY: And is that report Exhibit I to
16 the application?

17 MR. LINES: I'm not sure what the I
18 signifies, but it is.

19 MR. BARRY: Thank you.

20 MR. LINES: You're welcome.

21 So all of our conclusions from all the data
22 that we've uncovered across the U.S. and here in
23 Illinois indicates that test area properties have no
24 detrimental impact based on their proximity to solar
25 facilities, and that's looking at range of sale

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1 prices, differences in unit sale prices.

2 The time on the market, we look at the time
3 it takes to sell one of these homes, and they're
4 always consistent with the marketplace in the
5 comparable data. We also study rate of appreciations.
6 So we look at before and after of a home before the
7 solar farm exists and after to see if its price
8 appreciation over that time period is consistent with
9 the market place.

10 And finally, we also look at new
11 development. So we have examples where somebody has
12 spent a lot of money building a brand-new house, even
13 within 150 feet of a solar panel. Maybe I'll show
14 that example.

15 This is -- it's going to be hard for you
16 guys to see. It's contained within my report. But
17 this goes line by line the differences between the
18 test sales and the control sales. Overall, the median
19 was about 3.3 percent difference, and that was in
20 favor of the test sales off of this particular. They
21 might go as low as, you know, minus three or
22 four percent, but generally, they tend to be
23 insignificant and relatively positive.

24 Again, considering all the information
25 reviewed, looking at the paired sales data, looking at

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1 research papers done by other individuals and
2 academics, as well as our conversations with county
3 assessors, as well as marketing brokers who -- who
4 sell these homes all the time, we don't believe that
5 any of them have been adversely affected by the solar
6 farm.

7 I went to the site. I studied it. It's a
8 great site, again, because it was a former strip mine
9 and because of the natural barriers that protect some
10 of the views. I think the placement of -- of some of
11 the additional screening will also help surrounding
12 properties. And so I don't believe that those homes
13 or any of the homes in the area will be negatively
14 impacted by the applicant's project.

15 MR. BARRY: Mr. Lines, in the interest of
16 time, you got some great slides here, I'd like to see
17 if we can focus on a couple of them.

18 So if we could go to the next slide. Okay.
19 Here's the -- the Illinois solar project that you
20 looked at, the Grand Ridge project; right?

21 MR. LINES: That's correct. So in this
22 case, the test sale, which is in the corner, sold for
23 just under \$80 a square foot. It was a 2,500 square
24 foot house with a two-car garage on, I think it was
25 about four or five acres. We looked at control sales

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1 generally, you know, within the same community but not
2 being any of those that you see there. Again, the
3 control data flanked the subject property in terms of
4 acreage, in terms of size, and the adjusted median
5 price per square foot that we indicated was favorable
6 to the test sale in that particular case.

7 This is the North Star farm. And you can
8 see there the homes that have solar in all four
9 directions.

10 MR. BARRY: Yeah, and if I could just jump
11 up here. I like to call this the hole in the doughnut
12 because you can see, if you look on this -- in this
13 picture here and then in the picture, the overhead
14 here, there is a space in the middle, and it's -- it's
15 surrounded, as you pointed out, on all four sides by
16 solar panels; correct?

17 MR. LINES: That's correct. Next slide.
18 Again, this is just a little bit of a
19 detail, but I'm going to keep going here for brevity.
20 Next. Again, these are just different examples of the
21 homes that we found had sold in comparison to control
22 sales.

23 Here's the one that I mentioned sold
24 December 2020 for almost \$200 per square foot. It's
25 the highest price split-level home in the North Branch

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1 Township over the past five years. The selling broker
2 indicated the sale sold at market for the area and
3 appreciated 25 percent over its prior sale. Next
4 slide.

5 Here we go. So here's an example of
6 development. This is about 20 minutes southwest of
7 Indianapolis. It's an eight megawatt project called
8 Dominion Indy Solar III. And there, you could see it
9 was a -- it was a long site that had been used for row
10 crops, and it was developed with a very large \$450,000
11 house and a massive in-ground swimming pool in the
12 back. That house lives 150 feet measured from the
13 eave to the solar panels. So this is just telling us
14 that the market isn't deterred by the fact that you
15 have a solar facility nearby. Next slide.

16 This is a view that we take a look at all
17 the sales transactions that we review.

18 MR. BARRY: So there -- there's an arrow
19 here and it's pointing to a fence. And on the other
20 side of the fence is a row of solar panels; correct?

21 MR. LINES: Correct. They've had some
22 natural trees and screening there so they didn't have
23 to put anymore in between the house and the solar
24 facility. But those are clearly deciduous trees and
25 likely can look at the solar facility right from the

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1 second floor.

2 Again, we've done a before-and-after
3 analysis for some of the sales that target control
4 sales in Indianapolis, but we can keep moving forward
5 for brevity.

6 Here's another example here of a home that
7 was built. This one was slightly further away, but it
8 was developed after the solar farm nearby which was
9 already in operation. Next.

10 This is another example, 250 feet. This one
11 was in North Carolina in a very rural community. And
12 one that was 225 feet. So, my understanding that most
13 of the residences surrounding the subject, the
14 application will be much further than 225 feet. Next.

15 And that wraps it up. Happy to answer any
16 question. Thank you so much.

17 MR. BARRY: Thank you, Mr. Lines.

18 You have the microphone, Tom?

19 MR. HUDDLESTON: Yes, sir --

20 MR. BARRY: Okay. Could you please state
21 your name for the record?

22 MR. HUDDLESTON: My name is Tom Huddleston.
23 I'm with Huddleston McBride Drainage Company.

24 MR. BARRY: And can you tell us a little bit
25 about your background, Mr. Huddleston?

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1 MR. HUDDLESTON: Yes, sir. I'm an
2 agricultural drain tile contractor. We've -- I'm
3 third generation. My family started back in 1921.
4 The group of companies that we operate now, the three
5 companies, I've owned and operated for 47 years, and
6 we continue to lay agricultural drain tile.

7 Huddleston McBride Drainage Company is a
8 licensed Illinois professional design firm. We
9 specialize in agricultural and drainage
10 investigations, mitigation and -- and construction.

11 MR. BARRY: And you're based in Illinois;
12 correct?

13 MR. HUDDLESTON: Yes, sir. That's correct.

14 MR. BARRY: Mr. Huddleston, is the South
15 Fulton solar project required to conduct a drain tile
16 survey?

17 MR. HUDDLESTON: Yes, sir, it is. It's
18 required by the agricultural mitigation agreement,
19 which is a special agreement that the Department of
20 Agriculture put together for -- for the -- for
21 Illinois. It's also required by Illinois drainage law
22 to maintain drains which especially benefit the lands
23 of others.

24 MR. BARRY: And have you previously
25 conducted drain tiles surveys?

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1 MR. HUDDLESTON: Yes, sir. Huddleston
2 McBride does about 30,000 acres a year, and we
3 mitigate most of those projects.

4 MR. BARRY: And does the -- you referred to
5 the Agricultural Impact Mitigation Agreement. Is that
6 also referred to as an AIMA?

7 MR. HUDDLESTON: Yes, sir. It is.

8 MR. BARRY: Does the AIMA also include
9 requirements for repair of drain tile if tile is
10 damaged during construction of a solar project?

11 MR. HUDDLESTON: Yes, sir, it is. Whenever
12 a solar project is built on agricultural land, the AIM
13 agreement basically states that we have to maintain
14 the -- the resource significance of the farm itself.
15 And so, obviously, drainage is an important component.

16 So it requires us to maintain the
17 agricultural drainage so that when the farm is
18 decommissioned or the solar farm is decommissioned,
19 that the farming activity can resume.

20 MR. BARRY: Okay. Can you generally
21 describe how the repair of drain tile systems works
22 for a solar project?

23 MR. HUDDLESTON: Yes, sir. After we do a
24 drain tile investigation, we locate the local drainage
25 tiles within the parcel. We also put emphasis on

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1 trenching around the perimeter of the property to
2 locate drain tiles which continue to the upland
3 nonparticipating lands of others and benefit those
4 properties.

5 We then redesign the drain tile systems so
6 that we route the -- the upland drain tiles through
7 the solar farms so that they're out of conflict with
8 any of the solar construction. And then we usually
9 just install new systems within the local farm itself.

10 MR. BARRY: So bottom line is, you try to
11 design the tiling system, when a solar project is
12 built, so that the main tile lines continue to flow in
13 a way that existed before the project was built; is
14 that correct?

15 MR. HUDDLESTON: Yes, sir. That's correct.
16 And it's -- again, it's important that when we install
17 the drain tiles that run through the solar farm that
18 benefit the upping lands, the nonparticipating upping
19 lands, that we lay drainage pipe so that it's out of
20 conflict, and most importantly, that we can warranty
21 it for a 50-year period.

22 MR. BARRY: And I think this is -- kind of
23 covered this, Mr. Huddleston, but can a solar project
24 be constructed in a way that protects the integrity of
25 the existing drainage system?

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1 MR. HUDDLESTON: Absolutely.

2 MR. BARRY: And again, how is that done?

3 MR. HUDDLESTON: It's done by locating the
4 drain tiles and reinstalling them with materials that
5 we can warranty for 50 years, and that actually reap
6 the same benefit as the existing systems today.

7 MR. BARRY: And speaking of those existing
8 systems, is the goal -- when you design a drain tile
9 system around a solar project, is the goal to make it
10 as good as or better than it was before the solar
11 project was constructed?

12 MR. HUDDLESTON: Yes, sir. A lot of these
13 drain tiles were installed 80 to 100 years ago. And
14 they're about ready to fail on our watch. So we
15 replace these drain tiles with new materials that we
16 can give another life to.

17 MR. BARRY: So, Mr. Huddleston, for the
18 solar projects you've worked on so far, were you
19 successful in improving the overall drainage system
20 after the projects were built and repairs were made?

21 MR. HUDDLESTON: Yes, sir. Absolutely.

22 MR. BARRY: In your experience,
23 Mr. Huddleston, what is the long-term impact on soils
24 on land that hosts a solar project?

25 MR. HUDDLESTON: Well, when we first started

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1 looking at it, we've come up with the opinion that --
2 that actual -- that solar on agricultural land
3 actually allows the land to rest for a period, much
4 like the set-aside programs that the Department of
5 Agriculture put in place.

6 So by growing deep-rooted grasses which
7 really actually regenerate natural native nutrients
8 into the soils for 30 or 40 years, by rebuilding the
9 drainage systems and by eliminating all soil erosion,
10 the farm is in better condition when it comes out of
11 solar than before.

12 MR. BARRY: Mr. Huddleston, do you plan to
13 conduct a drain tile survey for the South Fulton Solar
14 project?

15 MR. HUDDLESTON: Yes, sir, I do.

16 MR. BARRY: And when you do that study, what
17 level of accuracy does the GPS system that you use
18 have?

19 MR. HUDDLESTON: The actual process -- we
20 use our -- the same design process to put new drain --
21 drain tile systems in to actually make assumption to
22 where we think there are drain tile.

23 We then give those areas coordinates, and we
24 have a crew go in and slit trench across the areas.
25 When they find the drain tile, we insert electronics

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1 of the drain tile lines. We stake them on the
2 surface, and then we survey those within inches of
3 accuracy with a Trimble survey system.

4 MR. BARRY: And I think you already covered
5 this, but what's the projected life of a drain tile
6 pipe after you install them?

7 MR. HUDDLESTON: Well, that depends on the
8 life of the material itself. We have clay systems
9 that have been in for more than 100 years that are
10 still operating, but some of those materials are
11 starting to fail. We think, with the new polyethylene
12 plastics that we're giving right now, that we should
13 have 80 to 100 years' life.

14 MR. BARRY: And what's the manufacturer's
15 warranty on those?

16 MR. HUDDLESTON: The manufacturers have
17 agreed to give us a letter of warranty for 50 years on
18 drain tile systems that we install in solar
19 properties.

20 MR. BARRY: But you think they can probably
21 last longer than the manufacturer -- the warranty
22 period; correct?

23 MR. HUDDLESTON: Yes, sir.

24 MR. BARRY: Thank you.

25 That's all the questions I have for

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1 Mr. Huddleston.

2 MR. HUDDLESTON: Thank you.

3 MR. BARRY: Thank you.

4 Okay. Last witness is Mr. Bryan Loomis.

5 And we're going back to the slide show.

6 Mr. Loomis, could you please state your name
7 for the record?

8 MR. LOOMIS: I'm Bryan Loomis.

9 MR. BARRY: And who do you work for?

10 MR. LOOMIS: I work for Strategic Economic
11 Research. I'm the vice president there.

12 MR. BARRY: And can you tell us a little bit
13 about your background, please?

14 MR. LOOMIS: Yeah. You can go to the next
15 slide here.

16 I've been working with Strategic Economic
17 for four years. During that time, we've performed
18 over 100 economic impact studies at the county,
19 region, state, and national level for utility-scale
20 wind and solar generation.

21 MR. BARRY: And what's your connection to
22 the South Fulton Solar project?

23 MR. LOOMIS: We performed an economic impact
24 study for the project as well as a property tax
25 analysis.

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1 MR. BARRY: And is the study you performed
2 Exhibit E in the permit application materials?

3 MR. LOOMIS: That's correct.

4 MR. BARRY: Okay. Do you want to take us
5 through your slides here?

6 MR. LOOMIS: Yeah. Sure. All right. Next
7 slide.

8 So we use industry standard software for our
9 analysis. The software is called IMPLAN. It does
10 economic impact input/output analysis. So you put
11 your capital expenditures and other assumptions,
12 property taxes, into the model, and it gives you
13 results in terms of jobs and income that will be
14 produced at the local level.

15 We do our modeling by analysis by parts,
16 which means that we're taking the individual
17 components of the solar installation and entering
18 those separately into the model.

19 And so really, you get three results out of
20 that. That's jobs that will be created as a result of
21 the project, the income that those jobs will produce
22 that actually goes into people's pockets, and then
23 output is the last one which tends to be greater than
24 income. It includes income, but also additional
25 things like property taxes, land lease payments. It's

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1 really an equivalent measure to GDP. Next slide.

2 So when we talk about economic impacts of a
3 project, they're really -- you know, there are the
4 construction workers, the technicians, those direct
5 jobs that are on the site. Then there are also ripple
6 effects throughout the community of -- you know, when
7 you're bringing new business and new income to a
8 community, they then go and spend that often within
9 the community. And so those would be considered
10 induced impacts when, you know, those construction
11 workers are going to go and eat at local restaurants,
12 shop at local stores, get their gas from local gas
13 stations.

14 Then you also have indirect impacts, which
15 are really those supply chain impacts. So any
16 materials, for instance, that are purchased locally.

17 Okay. Next slide. And next slide. I
18 already covered this. Got ahead of myself.

19 All right. So looking at South Fulton
20 specifically, we performed this input/output analysis.
21 And these numbers are going to be separated into a
22 construction period and then an operations period.
23 And so construction, 24 months. Operations, ongoing
24 throughout the life of the project.

25 And so we -- we found over a thousand jobs

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1 for construction in terms of the -- the impacts.
2 Those module and supply chain impacts, the indirect
3 impacts, we found over 300. Then those induced
4 impacts, the local spending, over 500 for a total of
5 almost 2,000 jobs during construction.

6 For operations, we found about seven for
7 on-site labor, about 43 for those supply chain
8 impacts, and 50 -- 59 for the induced impacts for a
9 total of 108.3 local long-term jobs. All right. Next
10 slide.

11 In terms of the earnings that those jobs
12 will produce, in total for construction, we found
13 136.5 million in new local earnings adding up all
14 three of those categories. And then for operations,
15 found an annual earnings of 7.1 million across those
16 three categories.

17 And then the output. We found 352 million
18 of local output during construction and 21.7 million
19 of local long-term output during operations.

20 Next, we conducted a property tax study for
21 this -- this project. This is based on a number of
22 assumptions. Property taxes in Illinois are
23 relatively stable in the way that they're calculated.
24 It's a dollar-per-megawatt figure that then is
25 adjusted for inflation. So unlike some other states

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1 where you could see some significant fluctuation based
2 on capital expenditures, cost of materials, and things
3 like that, you have a lot less of that since it's
4 based on dollars per megawatt in Illinois.

5 MR. BARRY: And that's -- and that's because
6 in Illinois, the assessed value of a solar project,
7 for property tax purposes, is set by Illinois state
8 statute; correct?

9 MR. LOOMIS: That's correct.

10 We made a number of assumptions here. We --
11 we make conservative assumptions when we are creating.
12 Thus, for instance, we assume that all tax rates
13 remain the same, when historically property taxes
14 typically go up, and -- and a number of other
15 assumptions. But we can go to the next slide, the
16 actual calculations here.

17 For total property taxes, we found a total
18 of 70.5 million across the 30-year period for an
19 average annual total of property taxes of 2.3 million.

20 MR. BARRY: But in year -- in year one,
21 it's -- across all taxing jurisdictions, the projected
22 amount of taxes would be about 3.3 million? Am I
23 reading that correctly?

24 MR. LOOMIS: That's correct.

25 In terms of the individual taxing

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1 jurisdictions, Fulton County would receive over
2 500,000 in -- in year one of the project, Vermont
3 Township would receive about 161,000, and the road
4 district, about 129,000. Total for the county,
5 10.9 million; for the township, 3.5 million; and for
6 the road district, 2.8 million.

7 There's also this -- this project is in the
8 jurisdiction for Spoon River College. They would
9 receive 235,000 annually. Fulton County Ambulance and
10 Emergency, 72,000 year one. And that's for Spoon
11 River College as well, is year one is the 235,000.
12 And then the fire district, about 86,000 in year one.
13 Total, 5 million for Spoon River College, 1.5 for
14 Fulton County Ambulance, and 1.8 for Table Grove Fire
15 District.

16 All right. This is the one that we all care
17 about. The school district gets a significant
18 property tax revenue of 2.1 million in year one, a
19 total of 45 million over the 30 years for an average
20 annual of about 1.5 million.

21 So when we're talking about school district
22 property tax revenue, it's important to take into
23 account state aid. In some states, the state aid is
24 reduced when additional property tax revenues are
25 raised.

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1 In Illinois, there's fairly recent
2 legislation on this. We -- and there's essentially a
3 minimum base amount and then additional beyond that.
4 The minimum base amount is guaranteed, and then the
5 additional beyond that is based on how much property
6 tax the -- the county or the school district, rather,
7 receives.

8 We found -- could you go to the next slide?
9 I want to make sure I get the number right here.

10 So six point seven-thousand dollars [sic] in
11 that tier funding, that's beyond the minimum base. So
12 obviously, compared to 1.5 million per year, if you do
13 lose out on that six point seven-thousand of tier
14 funding, it's essentially a rounding error in the
15 additional property tax revenue that's going to be
16 received. So we do project a significant net positive
17 impact on tax revenue to the school district.

18 MR. BARRY: So just to be -- make sure I
19 understand, Mr. Loomis. Because the school district
20 is in -- in a -- is a Tier 3 category school, it --
21 you projected it would be entitled potentially to
22 \$6,678 in new funding in the first year of the solar
23 project, and -- but because the solar project would be
24 adding an additional \$1.5 million, or actually in the
25 first year, it would be over 2 million --

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1 MR. LOOMIS: Yes.

2 MR. BARRY: -- it would -- it could
3 potentially reduce that number to the \$6,678 to zero
4 in state funding; correct?

5 MR. LOOMIS: Yes, that's correct.

6 MR. BARRY: But again, you know, I'm no math
7 genius, but \$2 million is a lot more than 6,678;
8 correct?

9 MR. LOOMIS: That's correct.

10 All right. That's all I have.

11 MR. BARRY: All right. Thank you.

12 Mr. Chairman, at this time, I'd like to
13 enter collectively, I guess, as Exhibit -- Hearing
14 Exhibit 2, the PowerPoint presentations that were
15 delivered to the board this evening.

16 (Exhibit 2 was introduced.)

17 MR. PHILLIPS: Yes, we accept.

18 MR. BARRY: Thank you.

19 And this -- so this concludes the -- our
20 presentation, the applicant's presentation of evidence
21 this evening. I would like an opportunity to provide
22 a closing statement. I don't have any preference
23 about when I get a chance to do that. I could do it
24 now, or we could wait until after questions are asked
25 because I recognize that we've just spoken for quite a

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1 while, and folks might have some questions.

2 So just -- just let me know if you -- when
3 you'd like me to proceed with the closing statement,
4 but I'd like to give a brief one, if I could.

5 MR. PHILLIPS: Yes.

6 I think right now we'd like to turn it over
7 to audience members and hear questions, and we'll ask
8 the panel of experts to answer the questions. They
9 will all be recorded and be part of the record.

10 When we're finished with that, we will then
11 proceed to ask the board members of the Zoning Board
12 of Appeals if they have questions, and once again, get
13 answers. And then we'd like to ask you to make a
14 closing statement.

15 MR. BARRY: Thank you, Mr. Chairman. I am
16 going to take this microphone out and put it on the
17 table over here for folks that want to ask questions.

18 MR. PHILLIPS: The procedure we will use is
19 that we welcome all the comments and questions you
20 might have. We just ask that when you present, come
21 up to the microphone. We'll ask you your name, and
22 then you're off and running with questions or
23 comments.

24 And we're doing fine for time. So think
25 about your questions and we hope you have some for us.

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1 Yes, sir. And your name, please?

2 MR. MARSHALL: I'm Robert Marshal.

3 MR. PHILLIPS: Thank you.

4 MR. MARSHALL: Some of our land is going to
5 be adjacent to your project, tile man.

6 MR. HUDDLESTON: Yes.

7 MR. MARSHALL: Are you talking about tiling
8 areas then?

9 MR. HUDDLESTON: Are you in the project?
10 You're out of the project?

11 So what I'm talking about is that I'm going
12 to run right along the fence line on the solar side,
13 like, 10 feet between the solar and your farm.

14 MR. MARSHALL: Well, we're -- Burlington
15 Northern runs -- we're south of Burlington Northern.

16 MR. HUDDLESTON: Yes, sir. Along that
17 property line, and I'm going to intercept any drain
18 tiles that drain your land through the solar field.
19 And I'm going to run electronic stuff, and I'm going
20 to make sure they go into your farm. And then I'm
21 going to trace them through the solar farm. And then
22 I'm going to reinstall that drain tile with -- with
23 polyethylene dual-wall pipe --

24 [The court reporter clarified.]

25 MR. HUDDLESTON: Perforated polyethylene

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1 dual-wall pipe. And I'm going to install it so it's
2 up the alleyways of the solar piles, the posts, so
3 that it's a dedicated route for your drainage to
4 continue to operate.

5 MR. MARSHALL: Will it be dumped on top of
6 the ground then? I mean, there's no access underneath
7 Burlington Northern other than just culverts.

8 MR. HUDDLESTON: Okay. Well, the surface
9 water will continue to run the way it does today.

10 MR. MARSHALL: Okay.

11 MR. HUDDLESTON: Are there drain tiles that
12 go under the railroad into yours --

13 MR. MARSHALL: If they are, it's -- they're
14 not known.

15 MR. HUDDLESTON: Okay. Well, I'm going to
16 know them.

17 MR. MARSHALL: My question is, is that I
18 just spent quite bit of money on our side.

19 MR. HUDDLESTON: Yes, sir.

20 MR. MARSHALL: But it stopped right at the
21 railroad.

22 MR. HUDDLESTON: So you discharge at the
23 railroad?

24 MR. MARSHALL: No, we go -- discharge at the
25 other end.

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1 MR. HUDDLESTON: No, sir. So we're going to
2 only -- we're going to only reinstall existing drain
3 tile systems. So if there's an existing drain tile
4 system in place, we're going to reinstall it. So we
5 wouldn't add any more flow to your -- to your
6 watershed than what is there now.

7 You must have an inlet at the railroad
8 culvert or something?

9 MR. MARSHALL: Yeah.

10 MR. HUDDLESTON: Yes, sir.

11 MR. MARSHALL: But you won't be dumping
12 anything through that --

13 MR. HUDDLESTON: No, sir. We'll just be
14 maintaining whatever's existing there. If we find
15 existing drain tile there, then we'll be rebuilding it
16 and discharging there. But we're not going to put in
17 a whole big pattern system and point it right towards
18 your farm.

19 MR. BARRY: And, Tom, correct me if I'm
20 wrong, but I believe the Illinois drainage code would
21 prevent the project from dumping some significant
22 additional water on to his property; correct?

23 MR. HUDDLESTON: Yes, sir. The actual code
24 says that the upping landowner has the right to
25 reasonable discharge. And what that reasonable means

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1 is that we can discharge on to your land, but not if
2 it becomes detrimental to your --

3 MR. MARSHALL: Who decides that?

4 MR. HUDDLESTON: Pardon me?

5 MR. MARSHALL: Who decides that?

6 MR. HUDDLESTON: Well, it's Illinois law --

7 MR. MARSHALL: But, I mean, who decides
8 what's detrimental and what's not?

9 MR. COOPER: I'll also add that, as part of
10 our civil engineering design --

11 [The court reporter clarified.]

12 MR. COOPER: So as part of our civil
13 engineering design, we analyze inside the limits of
14 our project and anywhere surface water leaves the
15 site. We're not allowed to increase that flow at all
16 in the 10 or 100 year.

17 In all the projects that we've designed, the
18 ability to change that ground cover from row crop to a
19 managed turf has decreased that runoff, so -- but if
20 it increases, we'll need to put in some sort of
21 permanent measure that will make sure that it doesn't
22 increase to your property. And that's part of our
23 design that we have to sign.

24 MR. HUDDLESTON: With the new land use,
25 you'll recognize a lot slower, more consistent flow to

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1 your property. So most of it will --

2 MR. MARSHALL: -- sure --

3 MR. HUDDLESTON: Yes, sir. And no erosion.
4 I don't know if you've got any erosion going through
5 those culverts now or not.

6 MR. MARSHALL: Not really. There is a
7 little water that goes through there.

8 MR. HUDDLESTON: Yes, sir. I understand
9 your concern.

10 MR. MARSHALL: Also, crop dusting. Is that
11 a problem?

12 MR. HUDDLESTON: That's not in my lane.

13 MR. MARSHALL: Planes go over our fields,
14 you know, fungicidal applications and things like
15 that.

16 MS. INNS: You are allowed to continue the
17 use on your land as you see fit. And, you know, we
18 will manage our project as well. But we don't see an
19 issue with this. We see it compatible.

20 MR. MARSHALL: Okay. Thank you.

21 MR. AZBEL: My name is Kim Azbel.[phonetic]
22 I'm from Vermont Township. I don't know who wants to
23 address this, but concerning the inverters, do they
24 emit any RF radiation? And if so, how do you mitigate
25 that?

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1 MS. INNS: There's minimal EMF that could
2 come off the inverters. But what I would say is it's
3 comparable to, you know, our cell phones, appliances
4 in households. It's not any measurable amount, and
5 particularly not outside of the project fence.

6 We particularly put those inverters
7 centrally located in those nearly 4,000 acres to make
8 sure there would be no impact outside of the project
9 fence.

10 MR. AZBEL: So, to your experience, you've
11 had no disruptions of GPS signals or anything like
12 that?

13 MS. INNS: No, we have not.

14 MR. AZBEL: Okay. Next question.

15 The lithium-ion batteries. What fire
16 hazards do they -- they represent, and what mitigating
17 factors do you have for that?

18 MS. INNS: Sure. The -- really, the
19 technology, as Jason pointed to, has grown
20 substantially. There are significant standards in
21 place. It was UL 9540A that -- that dictates the
22 regulations around this.

23 They have internal fire suppression systems.
24 There's gas detection. And these are well-ventilated,
25 uninhabitable containers that are used. So we do not

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1 see a fire risk based on state-of-the-art technology
2 used today. And yes, they do have air conditioning as
3 well.

4 MR. AZBEL: Okay. In the sealed containers?

5 MS. INNS: Correct.

6 MR. AZBEL: Okay. Last question.

7 This variance -- zoning variance is for a
8 solar only. Is it possible that down the road, you
9 would want to amend that to add wind or not?

10 MS. INNS: This application is for our solar
11 and energy storage. If we wanted to add wind, we
12 would need land use agreements to support that, and we
13 would need to file a new application for a conditional
14 use permit for a wind project.

15 MR. AZBEL: And that would have to go
16 through the zoning board as well; correct?

17 MR. PHILLIPS: Yes, sir.

18 MR. AZBEL: Okay. Thank you very much.

19 MS. INNS: Absolutely. Thank you.

20 MR. SCHISLER: Chris Schisler, fire chief of
21 Ipava. And kind of got a general question for the
22 fire, you know, district.

23 What's your plan on any type of training,
24 you know, beforehand or during construction? What
25 type of emergencies, you know, could arise during

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1 that, and, you know, throughout the life of the
2 equipment?

3 MS. INNS: Yeah, absolutely. We take safety
4 very important for us. You know, it's our livelihood
5 and everyone else's.

6 We -- you know, we've already started that
7 conversation with the -- you know, the County Solar
8 Emergency Response Team just to -- to start that
9 discussion early. We think early and often is the key
10 for these safety measures.

11 So we will have an emergency --
12 project-specific emergency response plan prepared
13 prior to start of construction. We welcome review and
14 consultation with the local fire districts to make
15 sure we're all on the same page in that regard. And
16 also just making sure you understand the system, you
17 know, prior to construction knowing that, you know, it
18 is -- it is newer in the county. So that, we will
19 absolutely do and continue those discussions
20 throughout operation, for sure.

21 MR. SCHISLER: Okay. Sounds good. Thank
22 you.

23 MS. INNS: Thank you.

24 MS.DENNIS: My name is Denika
25 Dennis.[phonetic] I'm from Table Grove. My question

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1 is, how high are property taxes going to be now with
2 this new system coming in?

3 MS. INNS: Property taxes aren't going to be
4 impacted for, you know, any -- any neighboring
5 residences or neighboring folks. This is -- you know,
6 the solar project will be re-assessed, as Bryan
7 shared, but there won't be any impact to others based
8 on the project.

9 Andrew, you want to add on that?

10 MR. LINES: Yeah. As an appraiser, there
11 should be zero impact in your own property taxes.
12 There's an argument that maybe everyone's taxes might
13 be lowered, but I don't necessarily see that happen.

14 You know, what's really important about this
15 project, which really hasn't been said yet, is that
16 the amount of money that goes through school districts
17 and to the counties is with no net increase of people.
18 And so all of your civil services would be the same.
19 There's no stress on them. It's just, here's the
20 plant and here's the extra money.

21 MS.DENNIS: Okay. That's all I need. Thank
22 you.

23 MS. INNS: Thank you.

24 MR. KLASKA: Matt Klaska, the VIT School
25 District superintendent. I'm just speaking on behalf

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1 of the district that will receive these funds.

2 What was stated earlier on the EDF, which is
3 the evidence-based funding model, which is what the
4 state does to give us our tax money, that is correct.
5 Our money will not increase.

6 We only receive an additional -- prior
7 years, we received about 20,000 in additional
8 increase. It will go down to about 6,000, like was
9 stated. And then obviously, we've all said,
10 mathematicians in the room, 1.5 million is obviously
11 much greater than 6,000.

12 Basically, I'm just saying to my support of
13 the -- as the school district that, what it will do is
14 bring new opportunities to a district that would never
15 experience this any other way. It's going to open up
16 many doors, offer us to get top of the lines of many
17 things. Again, that have -- would never be feasible
18 any other way.

19 County board, you know, that not many --
20 wasn't that long ago I was there talking about funding
21 for other things because of lack of funding and where
22 we've been. Obviously, if this project was going on,
23 you'd tell me to go elsewhere.

24 So it's money that definitely is needed for
25 our district and can be put to amazing use. And I'm

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1 not just talking about facilities, but I'm referring
2 to the educational value as well. So I hope it is
3 definitely thought of in a sense that you will help a
4 small district that would never get these
5 opportunities if it wasn't for a program and a project
6 like this.

7 So I just want to thank Leeward as well as
8 all of my community members who are allowing this to
9 even be considered.

10 MR. PHILLIPS: Well, anyone else who would
11 like to come forward? Say a few words?

12 Okay. We will close the question-and-answer
13 discussion from public for the rest of the hearing,
14 and we will turn it over to members of the Board of
15 Appeals to see what questions -- what they might have.

16 MR. ACKERMAN: Bill, I'm going to jump right
17 in here, if that's all right with you?

18 MR. PHILLIPS: Please proceed, Bob. Thank
19 you.

20 MR. ACKERMAN: We talked about maintenance
21 during the -- the longevity of the project. Roughly
22 30 years, I guess, is it what we're talking.

23 In that time frame, roughly, estimated from
24 previous history, how many -- how many solar panels
25 will actually be replaced because of possible damage

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1 or they just start not producing enough electricity so
2 they're more of a detriment than a value?

3 But anyway, how many panels, and then what
4 happens to those panels? Are they local landfill? Do
5 we take them somewhere to be recycled? How does that
6 work?

7 MS. INNS: Yeah. So we really expect
8 minimal loss of panels through the life of the
9 project. This is a pretty passive system, and it's
10 been tested and designed to extreme conditions. There
11 have been third-party studies done that, even in
12 extreme weather conditions, there is minimal breakage
13 on -- on the equipment.

14 That said, if -- you know, if there was an
15 outstanding circumstance, you know, there was
16 equipment that needed to be replaced, you know, we
17 will look to, you know, recycle as -- as we are able
18 to, and -- and landfill as necessary.

19 You know, a lot of the components are glass
20 and steel, so readily recyclable. And just also
21 depends on the requirements in place, the state and
22 local laws, at the time, as far as what we can
23 recycle.

24 We do know that, you know, this market and
25 the recycling capabilities will continue to grow. You

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1 know, it is not new, per se, but it's newer. And so,
2 as we see more of a need for recycling, we fully
3 expect the market for recycling opportunities to
4 continue to grow for solar as we've seen already occur
5 in the wind industry.

6 MR. ACKERMAN: Are there reasonably local
7 recycling areas for this area? I ask this for two
8 questions. One, it's your project. But with the
9 State of Illinois pushing their solar plan, they're
10 showing up on every roof in every county.

11 How are we going to deal with these?

12 MS. INNS: It's a great question. I
13 personally am not familiar with what the recycling
14 options are locally. As I said, just as this is
15 starting to grow now, we fully expect to see more of
16 those built as -- you know, as the need arises as more
17 of these are implemented.

18 You know, again, we've seen that catching
19 up, like I said, in the wind industry and others,
20 energy and -- and really other industries. So we --
21 we expect there will be, but what there is today, I
22 just -- I'm not familiar what there is locally.

23 MR. ACKERMAN: So we won't find them on the
24 side of the road somewhere.

25 MS. INNS: No, absolutely not.

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1 MR. PHILLIPS: Other questions?

2 MR. ROBERSON: On your glint and glare
3 analysis, very rarely do you see something that's
4 100 percent zeros. Other projects that you have, is
5 that standard, to have zero? And is that -- that's,
6 obviously, probably computer-generated satellite. Are
7 you 100 percent certain that will stay 100 -- at zero?

8 MR. COOPER: Very good question. It's not
9 uniform that we -- we see it like that. The way that
10 we model it is utilizing the equipment and the
11 tracking methodology that we have. So what we model
12 and what we expect it to be is called true tracking
13 method, so it literally follows the sun.

14 And so -- I'll get a little engineering
15 here, but the angle of incident, if you're looking at
16 it, comes straight in. If the sun is hitting it
17 directly, it's going to keep going up. So there will
18 be glare, but to, like, a bird's eye. It will never
19 get to, like, a seeing-eye level on the road or the
20 points where we analyzed it.

21 However, if we do change that tracking
22 technology, we're going to need to rerun that model
23 during final engineering. And if glare does come up,
24 we'll need to use mitigation measures such as
25 screening, fencing, and other items.

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1 It's also conservative in nature. It
2 doesn't take into account topography, so it -- it acts
3 like everything is flat and we know it's rolling too.
4 It doesn't take into account the other panels. So it
5 is conservative, but we do rerun that analysis when we
6 do the final design --

7 [The court reporter clarified.]

8 MR. COOPER: When we do the final design, we
9 have to ensure the glare is mitigated.

10 MR. BARRY: And, Jason, speaking of the
11 final design, that would then be presented to the
12 zoning officer before as part of an application for a
13 building permit; correct?

14 MR. COOPER: Correct.

15 MR. BARRY: So you'd have to do that
16 before -- you'd have to have a building permit before
17 the project can begin construction; right?

18 MR. COOPER: Correct.

19 MR. BARRY: So I think that's an important
20 thing to make sure everybody understands. That --
21 that this is one step in the process for permitting.
22 And at the end of the day, the -- the project site
23 plans, other studies that, some of which were
24 discussed this evening, are going to have to be
25 conducted, and eventually they'll all have to be

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1 submitted to the zoning officer who will review them,
2 and then -- and determine whether they meet all the
3 standards. And then only at that point will a
4 building permit be issued that will allow the project
5 to begin construction and build the project.

6 MR. COOPER: Correct.

7 MR. ROBERSON: Thank you. I have another
8 question about tiling.

9 Obviously, when we come to the study, we're
10 getting all best-case scenarios. The projects that
11 you performed or seen, have you had negative impacts
12 on the tiling end that you had to go back and mitigate
13 those conditions?

14 MR. HUDDLESTON: No, sir. We really
15 haven't. I'll tell you why.

16 Because when we replace these existing drain
17 tiles, we tear the -- the existing drain tiles out.
18 So that allows us to find what other -- what other
19 laterals that may be in the field itself that the
20 initial survey may have missed.

21 I'm going to tell you that probably 20 to
22 30 percent of the clay drain tile systems we find are
23 100 percent silted in, and they get replaced. So we
24 actually are improving the existing drain tile
25 condition.

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1 MR. ROBERSON: Thank you.

2 MR. HUDDLESTON: Yes, sir.

3 MR. ACKERMAN: One last one. Bob Ackerman
4 again.

5 We were talking about the decommissioning
6 and the -- and the bond that would be posted. How
7 would that actually -- how does that physically work?
8 Is it a bond with the Fulton County address card, or
9 does Fulton County actually hold that bond?

10 MS. INNS: That's my understanding, per the
11 requirement, that that bond will be named for Fulton
12 County. And so that will be set aside, like we said,
13 at the start of construction, you know, should it need
14 to be drawn upon.

15 I mean, it is not our plan that you would
16 ever need to, but that is, of course, why the measures
17 are in place so you have that backstop. That
18 security, should something happen.

19 MR. ACKERMAN: Right. Like businesses go
20 out of business, things like that --

21 MS. INNS: Correct.

22 MR. ACKERMAN: -- that's why bonds --

23 MS. INNS: -- why it's there, and we're
24 fully committed to providing that so you have -- so
25 you have that financial security.

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1 MR. ROBERSON: From the tax end of things,
2 we obviously know they're never going to get lowered,
3 but you guys have done a lot of studies and analysis.

4 Have you seen in communities where they
5 go -- where these systems go in, do you see them
6 plateau or not go up at -- as high increases each year
7 that you generally would see taxes raised?

8 MR. LINES: I mean, the project has its own
9 very specific depreciation that's mandated by the
10 State of Illinois. Bryan, you can talk about this,
11 too.

12 But -- But it's platted to the dollar, to
13 the cents about how much Leeward is going to have to
14 pay in property taxes based on the infrastructure that
15 they're putting in. There's no other impact to any
16 other properties.

17 What your district decides to do, you know,
18 because of that, I don't know. But I can't see, and
19 I've not seen, any districts where solar has been put
20 in where it's impacted surrounding property values in
21 that mechanism.

22 Loosely, super loosely, you know, because I
23 talk about home values. Home values we see generally
24 are higher in areas with really good school districts.
25 And good school districts are typically well funded.

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1 So there could be, you know, eventually, you know,
2 down the road, it could impact everybody's property
3 values going up, but you don't usually hear that as a
4 complaint.

5 MR. ROBERSON: Thank you.

6 MR. BARRY: And just to add to that, I mean,
7 I'm not a county assessor, but I believe they have to
8 look at the levelized rate when they tally up their
9 assessed value of property. I think there are some
10 cases where the actual tax -- it gets complicated;
11 right? Because you see your assessed value goes up,
12 you end up paying the same amount of taxes, but the
13 rate might come down; right? So I think -- I think
14 that's happened in some counties when they -- not just
15 associated with wind or solar projects, but other big
16 projects as well.

17 What I -- I can just tell you a couple
18 things. What I have seen in -- in other counties,
19 particularly with both wind and solar, is that they
20 hire more -- the county government hires more
21 sheriff's deputies. They are able to invest more in
22 infrastructure.

23 Logan County has used both fees and -- and
24 increase in real estate taxes over the last 10 years
25 from new wind and solar projects that have been built

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1 there to do things like -- they've got -- you know,
2 like many counties in the state, Abraham Lincoln did a
3 trial in their courthouse, and the courthouse roof is
4 leaking and it's falling down. So they've used some
5 of those dollars to help repair the roof.

6 So I think what it's -- I think what you see
7 more often, because it's up to the control of the --
8 the authorities who control those tax and
9 jurisdictions, is they end up spending the money as
10 opposed to rebating it to taxpayers. But it often is
11 spent on infrastructure improvement projects, I would
12 say. Or hiring, again, new sheriff deputies.

13 I can speak as a school board member in the
14 Springfield area, and I can tell you that -- and I can
15 echo what the superintendent said. He said that
16 it's -- it's always -- in my opinion, always better to
17 have revenue come from local sources than relying on
18 the state.

19 Because if you remember, it wasn't that long
20 ago when the state didn't have a budget, and the
21 school districts were -- were not -- they weren't
22 getting the money, certainly not in a timely fashion,
23 from the state. So if you were a district that had to
24 rely -- had to rely on state funding, you were -- you
25 were in real financial trouble.

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1 MR. PHILLIPS: I think we have a unique
2 situation here. You mentioned the assessor's office.
3 We have our assessor here, and I don't know if she
4 would like to --

5 Would you like to make any comments? If
6 not, that's fine, too.

7 MS. RUSSELL: I have a lot of comments, but
8 not super comfortable make any grand assumptions about
9 what's going to happen with this kind of base value
10 being added to the particular taxing districts'
11 values. I can tell you, with this amount --

12 [The court reporter clarified.]

13 MS. RUSSELL: It's multimillion dollars'
14 worth of value being added to the tax base. With
15 that, can property taxes be affected by the people
16 living in this county? Absolutely. It depends on
17 what the taxing district's looking for.

18 If the taxing districts continue to levy for
19 what they have been asking with -- and then they get
20 this big of an increase in value, in theory, your tax
21 rates should go down; however, if they -- if they ask
22 for the amount of money that they can ask for with
23 this kind of value added to the base, your taxes may
24 stay the same, but the taxing districts are going to
25 stand to get millions of dollars. That's the numbers

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1 that you're seeing quoted on these screens is
2 best-case scenario.

3 There is always the opportunity to lower
4 tax -- property taxes for the people who actually live
5 here and own homes here, but it's up to the taxing
6 districts and what they actually levy for.

7 MR. PHILLIPS: Thank you. Didn't mean to
8 put you on the spot, but I appreciate the comments.

9 MS. RUSSELL: Any time.

10 MR. BARRY: And just to state the obvious,
11 Mr. Chairman, of course, that's not -- this
12 discussion, just to put it in context, is not
13 particular to a solar project.

14 MR. PHILLIPS: That is correct.

15 MR. BARRY: It applies to any project or any
16 investment in the county that would involve a
17 significant increase in tax revenue. So I just --
18 again, I know that's stating the obvious, but I wanted
19 to point that out.

20 MR. PHILLIPS: That's fine.

21 More questions from the zoning board?

22 MR. ACKERMAN: Jason, I think I got one
23 more.

24 Did I read this is, like, 3,800 acres?
25 30,000 acres? How many acres was this?

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1 MS. INNS: We have 3,800 acres --

2 MR. ACKERMAN: 3,800. Okay.

3 Will all or portions of this be fenced?

4 MS. INNS: We will -- we will fence the --
5 the portions where there is equipment. So I think, as
6 Jason spoke to, you know, this is our -- we've done a
7 preliminary design that we put forward as a max build
8 scenario. As we hone in, as we do some of the field
9 studies and complete that final design, you know, you
10 could see a decrease in area that is covered with
11 panels, and we will fence that area.

12 So I think right now, of the 3,800 acres
13 that we have on our lease, we're showing roughly
14 2,400 acres in the panel footprint.

15 MR. ACKERMAN: Okay. So --

16 MR. BARRY: And if I could just add --

17 MR. ACKERMAN: Sure.

18 MR. BARRY: -- that I believe the National
19 Electric Code requires electric generation equipment
20 to be fenced.

21 MR. COOPER: Correct.

22 MR. BARRY: Or protected from access.

23 MR. ACKERMAN: Now, we talked about the
24 panels or -- you tell me what we talked about. I
25 heard a 50-foot setback off the property line.

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1 Would that be the -- the arrays themselves,
2 the solar arrays, or is that the equipment, or could
3 it be either?

4 MS. INNS: That's any equipment. Correct?
5 We're showing the fence no closer than
6 50 feet. So the panels themselves will be even
7 further.

8 MR. ACKERMAN: Good enough. That's where I
9 was going with that. So minimum fence would be
10 50 feet off the property.

11 MS. INNS: Correct.

12 MR. CARLSON: Actually, that -- that's not
13 true. The fence -- per the code, the fence can be
14 within that 50 feet, but the panels will -- will not.

15 MR. ACKERMAN: The panels will not be, but
16 the fence could be. What is best practice? Putting
17 the fence closer to the panels or closer to the
18 property line?

19 I ask this because somebody's going to be
20 deer hunting out there one day, and they're going to
21 be wondering whether that's on -- on the property
22 line? Is it off the property line? Am I trespassing?

23 MR. COOPER: Typically, you get a minimum
24 15 feet from the panels to the fence, and you don't
25 want to add additional area to that because that's

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1 just more maintenance area inside. So I wouldn't
2 anticipate the fence being -- if we put the panels on
3 that 50-foot setback, being closer than 35 feet to the
4 property line. So it should be very -- very apparent
5 where the property ends.

6 MR. ACKERMAN: Okay. That's what I was
7 getting at.

8 MR. BARRY: And, Cal, since you spoke, will
9 you please, for the court reporter, identify yourself?

10 MR. CARLSON: My name is Cal Carlson. I'm a
11 civil engineer with Kimley-Horn & Associates.

12 MS. INNS: Thank you for that correction,
13 Cal. I appreciate it.

14 MR. CARLSON: And I think 50-foot is the
15 smallest setback. I think there's other areas --

16 MR. PHILLIPS: You'll have one exception
17 because we close -- but go ahead.

18 MR. FARR: Randy Farr. There's a farm
19 between the solar project and the substation there in
20 Ipava.

21 Who is in charge of the transmission line
22 and who's going to site that? And will the landowner
23 have input into the siting of the poles or towers from
24 the project to the substation?

25 MS. INNS: Yeah, we -- correct. We have an

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1 easement in place all the way from where we'll have
2 solar arrays all the way up through the property up
3 until the Ipava sub-property. So we have the easement
4 in place.

5 MR. FARR: You already have it in place?

6 MS. INNS: That is correct.

7 MR. FARR: And that's been done through the
8 landowner's permission?

9 MS. INNS: Yes.

10 MR. ROBERSON: On your labor numbers,
11 typically with the projects you see, how many people
12 are you bringing in versus how much local labor are
13 you going to use?

14 MS. INNS: Yeah, it -- it's just a tough
15 question just because knowing what's available in the
16 local pool. And so, I mean, it's -- it makes a lot of
17 sense for us and for the locals to -- you know, to use
18 that local labor when it's available. But it just
19 needs to be -- you know, it needs to be, you know,
20 labor that is familiar with this type of installation.

21 But we will be hiring, you know, a general
22 full EPC contractor and engineering procurement
23 construction company that will -- that will be in
24 charge of all the labor for the project. And they
25 will be subbing out portions of that, and again,

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1 endeavoring to hire local whenever it is possible. It
2 just makes a lot of sense for us to do so when we can.

3 MR. ROBERSON: Okay. Thank you.

4 MR. PHILLIPS: Just like a few
5 clarifications. The Evidence Number 1 was the map, I
6 believe, which you submitted earlier. Is that
7 correct?

8 MR. BARRY: Exhibit Number 1? Yes.

9 MR. PHILLIPS: Okay. And then we have -- as
10 part of the application, we have a complete list of
11 properties and the property IDs for Fulton County.

12 Are those all of the properties that are
13 going to be in this project? Or are there additional
14 ones to still obtain or lease?

15 MS. INNS: This is the full list of
16 properties to be utilized for the 350-megawatt
17 project.

18 MR. PHILLIPS: Okay.

19 MR. BARRY: And it's my understanding that
20 if the project wanted to add additional properties, it
21 would have to submit an amendment to the application,
22 and we would have to come back and have another
23 hearing.

24 MR. PHILLIPS: That's the reason for my
25 question.

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1 And then, lastly, are all these properties
2 then under a signed lease agreement at this point?

3 MS. INNS: Signed lease, yes, or the one
4 easement I just referred to as well for the
5 transmission line. That's correct.

6 MR. PHILLIPS: Very good. Then, if we
7 could, just so I'm clear on this, Exhibit A is now
8 part of this hearing and is submitted as evidence?
9 That's the application itself.

10 MR. BARRY: Yes.

11 MR. PHILLIPS: Exhibit B, the Conditional
12 Use Permit plans, are submitted as evidence.

13 MR. BARRY: Yes.

14 MR. PHILLIPS: Exhibit C, the Photorealistic
15 Simulations exhibit, are part of the evidence for this
16 hearing.

17 MR. BARRY: Correct.

18 MR. PHILLIPS: Exhibit D, the
19 Decommissioning Plan, is now part of the evidence for
20 this hearing.

21 MR. BARRY: Yes.

22 MR. PHILLIPS: Exhibit E, the Economic
23 Impact Statement, is now incorporated, and I believe
24 that's previously mentioned.

25 MR. BARRY: Yes.

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1 MR. PHILLIPS: Exhibit F, the Transportation
2 Plan and Access Plan, is now part of the evidence for
3 this hearing.

4 MR. BARRY: Yes.

5 MR. PHILLIPS: Exhibit G, the Glare Study,
6 incorporated as evidence in this hearing.

7 MR. BARRY: Yes.

8 MR. PHILLIPS: Exhibit H, the Noise
9 Analysis, is hereby incorporated as evidence.

10 MR. BARRY: Correct.

11 MR. PHILLIPS: Exhibit I, the Property
12 Impact Analysis, I believe, has already been requested
13 to be included.

14 MR. BARRY: Yes.

15 MR. PHILLIPS: Exhibit J, the Endangered
16 Species and Consultation Program, is now hereby
17 incorporated.

18 MR. BARRY: Yes.

19 MR. PHILLIPS: Exhibit K, the State Historic
20 Preservation office, which has not been done, but the
21 intent to do it and commitment to do it is now
22 incorporated as evidence.

23 MR. BARRY: Yes. But I believe that request
24 was submitted --

25 MR. COOPER: It was.

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1 MR. BARRY: -- to the SHPO, yes.

2 MR. PHILLIPS: Okay. And they -- and I
3 thought you still had to go for the historic --

4 MR. COOPER: We do.

5 MR. PHILLIPS: You've submitted it, but they
6 have not completed it or done it.

7 MR. BARRY: Correct. It's ongoing. It's
8 been -- it's started, but it's ongoing. Correct.

9 MR. PHILLIPS: Okay. Thank you.

10 Exhibit L, the participating landowner list.
11 We just reviewed that.

12 MR. BARRY: Yes.

13 MR. PHILLIPS: And Exhibit M, the recorded
14 lease memos. Do we have those? Have you submitted
15 those to the county?

16 MS. INNS: Those were provided with the full
17 application.

18 MR. PHILLIPS: Okay. I have not seen that.
19 That's just fine. Thank you. Okay.

20 MR. BARRY: And if I could just add, I
21 would -- we would request that all the -- any other
22 exhibits or materials that were submitted to the
23 zoning officer in connection with the application, we
24 would like those to be entered into evidence as well,
25 in addition to the -- the PowerPoint presentation,

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1 which we discussed this evening, as well as the
2 testimony of the -- the witnesses here tonight.

3 MR. PHILLIPS: Well, and I assume the
4 testimony would be incorporated. The PowerPoint is a
5 good point. Thank you.

6 MR. BARRY: Very good. Thanks.

7 MR. PHILLIPS: Now, that is -- those are my
8 comments for this moment. Would you like to make a
9 closing statement?

10 MR. BARRY: I would. Thank you,
11 Mr. Chairman. And I'll try to be brief.

12 So let me start out by thanking you,
13 Mr. Chairman, and members of the board for hosting
14 this hearing this evening, as well as those of you in
15 the audience who came and participated or observed.
16 The applicant certainly appreciates the opportunity to
17 be heard.

18 And having made the -- having made the
19 presentations tonight and having submitted the -- the
20 materials in connection with the permit application,
21 as I said at the beginning, on behalf of the
22 applicant, we submit that we believe that those
23 materials and the evidence and the testimony, when
24 combined, demonstrates that the project has met the
25 standards for a conditional use permit under the solar

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1 siting ordinance provisions of the Fulton County
2 zoning code, as well as the standards for issuance of
3 a conditional use permit found in Section 15(b)4 of
4 the zoning code.

5 And if I could just walk you through those,
6 I will. The first -- there are eight of them. The
7 first one relates to -- that the conditional use won't
8 be detrimental to public health, safety or general
9 welfare. As you heard this evening and is found in
10 the -- in the application materials, the parcels for
11 this project are located in rural, unincorporated
12 Fulton County in an area with low population density.

13 And as we discussed quite a bit this
14 evening, and frankly, it's -- I believe is one of
15 the -- the reasons that this is a great site for a
16 solar project, the project used to be a strip mine.
17 And as a result, a good majority of the acres that
18 were previously used for mining are already screened,
19 as we heard, by berms or trees.

20 Unlike coal mines, though, numerous studies
21 have shown that solar farms do not create negative
22 environmental or health effects, as Mr. Jason Cooper
23 testified this evening. In addition, as Mr. Cooper
24 testified, IDNR's review of environmental issues,
25 including the EcoCat process that we discussed, raised

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1 few concerns about impacts on wildlife or other
2 environmental issues.

3 And if I could just add, it's not only will
4 the project not be detrimental to the general welfare
5 of the Fulton County community, but we submit that the
6 project will also promote the general welfare by
7 supplying new jobs, new revenue, and will be a source
8 of generation of sustainable, clean, pollution-free,
9 renewable electricity going forward. And that was --
10 the financials, of course, were covered by Mr. Loomis.

11 So accordingly, we believe that the project
12 won't be detrimental to or endanger the public health,
13 safety, morals, comfort, or general welfare to the
14 community. So we believe the project has satisfied
15 standard number one.

16 Standard number two is that the conditional
17 use won't be substantially injurious to the use and
18 enjoyment of public property in the immediate area.
19 As Mr. Cooper testified, again, projects -- parcels
20 are located in low-population density area, and the --
21 these solar projects operate in primarily a passive
22 manner with few moving parts. And as a result, solar
23 projects have few impacts on neighboring uses.

24 Perhaps more importantly, as Mr. Lines
25 testified -- and I know this is sometimes hard for

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1 people to believe, but if you look at the actual data,
2 solar projects like this one will not have an impact
3 on neighboring property values. And therefore, this
4 project will not substantially diminish or impair
5 property values within the general vicinity of the
6 project.

7 Standard number three, the establishment of
8 the project won't -- will not substantially impede the
9 normal and orderly development and improvement of
10 surrounding properties. Again, as Mr. Cooper
11 testified this evening, there's little to no impact on
12 neighboring properties or the future development of
13 neighboring properties.

14 Again, the project will not generate any
15 odors or emit any air pollution. Instead, it will
16 provide a net environmental benefit. The project will
17 comply with all appropriate setbacks, and it won't --
18 it won't generate glare, as we discussed. Won't
19 generate noise that goes on to neighboring properties.
20 And it's, again, a passive use. So we believe that
21 the project satisfies standard number three for those
22 reasons.

23 Standard number four says the project will
24 have adequate utilities, access roads, and drainage.
25 Mr. Cooper testified about how the project will have

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1 adequate utilities and access roads, and that it will
2 adequately interconnect to the electric grid. And
3 that, in the end, the project will actually provide a
4 net positive benefit for storm water.

5 Tom Huddleston testified extensively about
6 doing a drain tile survey and how the project will
7 work around or reroute any identified drain tiles.
8 And remember, he also said that, in the end, the
9 project will -- or the goal is to -- that the project
10 will have a better drainage system than -- than
11 existed before the project was built. So we, again,
12 submit that the project satisfies standard number
13 four.

14 Standard number five says that the project
15 will have adequate measures to provide ingress and
16 egress. That's in the Transportation Impact Plan that
17 Jason Cooper testified that the project will be
18 designed to include all roads and road entrances that
19 are necessary. So we believe that standard number
20 five is satisfied.

21 Standard number six talks about that the
22 application has -- will have a year from the date of
23 issuance to implement the use. Because the -- this is
24 a solar project, the solar ordinance kind of overrides
25 that and says two years. But that's -- we talked

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1 about how the applicant is seeking a variance of that
2 two-year period to extend it.

3 And the reasons for that, as Kelly Inns
4 testified, are that basically because the project is
5 subject to the control of MISO, the grid operator.
6 And although the project has exercised due diligence
7 in moving the project forward and moving the project
8 development forward, it's just -- there's nothing you
9 can do about it. And that's about the lack of control
10 over MISO's processes.

11 As Ms. Inns testified, MISO is essentially a
12 government agency. And again, I don't have to tell
13 you all what it's like to deal with the government --
14 government regulations sometimes. But it -- we think
15 that the two-year limit will impose an unnecessary and
16 substantial hardship on the project, and again, for
17 something the project has no control over. And again,
18 we believe that the project has met the standard
19 for -- for issuing a variance of that two-year limit
20 so that it can be extended to four more years beyond
21 it.

22 The standard seven and eight are --
23 basically are -- are not -- are just advisement
24 issues. So number seven says that the project
25 becomes -- the permit becomes null and void if it --

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1 if it discontinues its use. Well, if that happens, we
2 talked about the decommissioning plan and how that
3 plan will include sufficient financial security to
4 decommission project equipment, again, if the project
5 stops operating.

6 And then the last standard is that the
7 conditional use shall, in all other respects, conform
8 to the applicable regulations of the district in which
9 it is located and the Zoning Board of Appeals finds
10 there's a public necessity for the conditional use.

11 And again, on behalf of the applicant, we
12 submit that the project has met all the -- the
13 requirements in the zoning code and in -- under state
14 law and under federal law, or it will eventually meet
15 those requirements before a building permit can be
16 issued.

17 And we believe that the -- we ask,
18 respectfully, that the board find that there's a
19 public necessity for this project as a conditional
20 use, and that the board issue a conditional use permit
21 for the project to allow for the construction,
22 maintenance, and operation of the South Fulton Solar
23 project.

24 Again, on behalf of the applicant, we thank
25 you for your time this evening and appreciate the

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1 opportunity. And thanks, Mr. Chairman.

2 MR. PHILLIPS: Very good. Well, that's a
3 very interesting intro into what we call the finding
4 of fact. Because the finding of fact is an important
5 part of a zoning hearing in which we, as a group, must
6 vote on the facts as we've heard them this evening,
7 and it's extremely -- it's amazing -- parallels all
8 the points you just discussed.

9 So I would propose to the Zoning Board of
10 Appeals that we have a finding of fact that, one,
11 South Fulton Solar, LLC has demonstrated control of
12 the properties contained in the application for a
13 conditional use permit.

14 Number two, the establishment maintenance or
15 operation of the proposed conditional use will not be
16 substantially detrimental to or substantially endanger
17 to the public health, safety, morals, comfort, general
18 welfare or the environment.

19 Number three, the conditional use will not
20 substantially injurious [sic] to the use and enjoyment
21 of other property in the immediate vicinity for the
22 purposes already permitted nor substantially diminish
23 or impair property values within the neighborhood.

24 Number four, the establishment of the
25 conditional use will not substantially impede the

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1 normally -- normal and orderly development and
2 improvement of surrounding property for uses permitted
3 in the district.

4 Number five, adequate utilities, access
5 roads, drainage or other facilities will be provided.

6 Number six, adequate measures will be taken
7 to provide ingress and egress so designed to minimize
8 traffic congestion in the public streets.

9 Number seven, the applicant shall have two
10 years from the date of issuance to implement the
11 conditional use or the permit shall become null and
12 void, except that our next topic, after we go with a
13 vote on the conditional use, will be a vote on a
14 variance.

15 Number eight, if at any time after a
16 conditional use has been established the use is
17 discontinued for a period of one year or more, the
18 conditional use permit shall become null and void.

19 And number nine, the conditional use shall
20 in all other respects conform to the application
21 regulations of the district in which it is located,
22 and the Zoning Board of Appeals finds that there is a
23 public necessity for the conditional use.

24 Are there any other findings of fact that
25 anyone would like to put forward? Is there any

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1 discussion on the proposed finding of fact? Could I
2 have a motion to approve the findings of fact as
3 presented?

4 MR. ROBERSON: I'll make that motion.

5 MR. PHILLIPS: We have a motion. Bob,
6 second --

7 MR. ACKERMAN: I'll second it.

8 MR. PHILLIPS: Very good. Any discussion?
9 We'll have a roll call vote.

10 Bob Ackerman?

11 MR. ACKERMAN: Yes.

12 MR. PHILLIPS: Sally Clark?

13 MS. CLARK: Yes.

14 MR. PHILLIPS: Cathy Eathington?

15 MS. EATHINGTON: Yes.

16 MR. PHILLIPS: Jason Herrick?

17 MR. HERRICK: Yes.

18 MR. PHILLIPS: Bill Phillips? Yes.

19 Motion carried unanimously.

20 Okay. The next part of our hearing on a
21 conditional use permit is that we would like to
22 clarify, by discussing with you and perhaps adopting
23 some additional conditions. And I'll just go through
24 what I have in mind, and we'll see if the committee --
25 I have not discussed it with them -- but just based on

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1 the conversations and the information I've read.

2 Okay. Here we go. Applicant will identify
3 areas that will be designated as conservation area or
4 forest preserve to provide compliance with the ongoing
5 permissive use in AC agriculture district. In other
6 words, we have right now the vegetation and planning
7 as a requirement, and we just want to confirm that
8 that is still going to be continued as part of the
9 project.

10 In one of the dissertations in the Fulton
11 County ordinance is a requirement that if portions of
12 the system fail, it could be concluded that the system
13 is not operational.

14 Well, this is a very large project. I don't
15 know what a reasonable number is to put in to that
16 requirement. In other words, if we had a small unit
17 that maybe had 100 solar panels and five failed and
18 the system was obviously not operating like it should,
19 that could be cause for canceling the permit.

20 We don't want to do that. What we would
21 like is some number, 500, a thousand solar panels that
22 it would have fail and not be repaired before the
23 system would, in fact, be considered nonoperational.

24 Is there such a number?

25 MR. BARRY: So just so I'm clear, I think

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1 what you're asking -- you're referring to a provision
2 in the solar ordinance that says if there's a -- if
3 the project ceases operations for a certain period of
4 time --

5 MR. PHILLIPS: Yes.

6 MR. BARRY: -- then it's required to be
7 decommissioned within a certain period of time.

8 MR. PHILLIPS: Yes.

9 MR. BARRY: And I take your point. One
10 panel out of a lot of panels probably shouldn't
11 trigger that --

12 MR. PHILLIPS: Correct.

13 MR. BARRY: -- that requirement. And we
14 would obviously agree.

15 So the question is what -- it really comes
16 down, in my mind, what is a material portion or number
17 of the pieces of equipment that might trigger that?

18 And so, Kelly, I'm going to pass this over
19 to you to see if you have thoughts.

20 MS. INNS: Well -- and -- and -- Kyle, the
21 standard is for it not to be operating for a set
22 amount of time. Because I'm thinking, you know, if
23 something were to occur and it not be working, you
24 know, we would be endeavoring to fix it; correct?

25 MR. PHILLIPS: Yes.

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1 MS. INNS: So, I mean, this -- just to give
2 an order of magnitude, you know, we haven't finalized
3 our panel type yet. It will depend on, you know, the
4 technology available when we are ready to go to this
5 junction. But, you know, we are talking on the order
6 of anywhere from 650,000 panels to, you know, over
7 900,000 panels for the -- the entire project.

8 MR. PHILLIPS: That's a lot of panels.

9 MS. INNS: It is a lot -- It is a lot of
10 panels.

11 MR. PHILLIPS: So we didn't want one. Just
12 sort of --

13 MS. INNS: Yeah. So I think, you know, our
14 proposal would be, you know, a material percentage
15 of -- of the project were it to be not operational for
16 that -- and, Kyle, can you remind me the duration
17 we're talking here?

18 MR. BARRY: Well, I think, as interpreted by
19 the state's attorney, when that trigger happens, I
20 think it has to be -- something has to be done within
21 90 days, as I recall.

22 MR. PHILLIPS: Likewise, that's my worry.

23 MS. INNS: Okay.

24 MR. ACKERMAN: Bill, are you looking for a
25 number or a percentage or -- what did you think?

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1 MR. PHILLIPS: We want to set a standard
2 that is more than fair. So I don't need a number, but
3 I think if we had a percentage, and then at some point
4 report the total number of panels, that would be a
5 very straightforward way, in my mind, to proceed.

6 MS. INNS: And I guess what I would propose
7 then would be a 25 percent, you know, a quarter of the
8 project, if it were not to be operating for more than
9 90 days. That would be my suggestion. Be a material
10 portion of the project.

11 MR. PHILLIPS: Very good. I think that's --
12 I will check -- obviously, we'll vote on these, but
13 that's very acceptable to me. Thank you.

14 We didn't talk much about taxes, but we'd
15 like to incorporate the idea that the applicant shall
16 pay real estate taxes for the land and real property
17 improvements of a ground installed commercial solar
18 energy system pursuant to 35 ILCS 200/10-745.

19 MR. BARRY: That's the property tax
20 assessment statute; correct?

21 MR. PHILLIPS: That's my understanding, yes.

22 MR. BARRY: I mean, I think -- again, I
23 think that's state law, so I think the project has to
24 do that.

25 MR. PHILLIPS: Okay.

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1 MR. BARRY: -- but so I don't --

2 MS. INNS: I don't have an issue --

3 MR. BARRY: I don't think we have an issue
4 complying with state law. So no problem putting that
5 in there.

6 MR. PHILLIPS: Okay. Thank you very much.
7 I don't mean overkill.

8 MR. BARRY: Oh, yeah.

9 MR. PHILLIPS: Okay. This should be an easy
10 one. The applicant agrees that the plat required by
11 the Commercial Solar Plat Act shall include the
12 location of the BESS battery storage areas. And that
13 will be the final location after --

14 MS. INNS: Right.

15 MR. PHILLIPS: Okay. Very good.

16 We heard -- excuse me. I'm sorry.

17 MS. INNS: Go ahead.

18 MR. PHILLIPS: Okay. We heard from one of
19 the fire chiefs this evening from Ipava. We would
20 like to add the requirement that the applicant agrees
21 to coordinate with fire departments in Ipava, Table
22 Grove, Vermont, and the Fulton County emergency
23 personnel to ensure adequate plans and systems -- and
24 I'm not sure what systems would be -- but systems are
25 in place in the event of a safety issue. Applicant

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1 will work with Fulton County to identify 911 addresses
2 within the project. The above will be required prior
3 to issuing a construction permit.

4 MS. INNS: Okay.

5 MR. PHILLIPS: Just seems like a reasonable
6 safety issue.

7 The next one. An applicant -- excuse me.
8 The applicant agrees that an emergency response plan
9 will be provided to construction and to emergency
10 personnel in Vermont, Ipava, Table Grove, and Fulton
11 County emergency personnel. The plan will include
12 providing methods for emergency security site access.
13 In other words, you're going to have all these fences
14 and gates. In an emergency, just like we do for
15 schools, there's a lock box that you can use to get
16 into the site.

17 Okay. Are we okay?

18 Okay. And I -- I'm not sure this one was
19 needed, but I'll ask your opinion. The applicant
20 shall demonstrate avoidance of protected lands as
21 identified by IDNR and the Illinois Nature Preserve
22 Commission and consider the recommendations of IDNR
23 resources for setbacks from protected lands, including
24 areas identified by INPC.

25 Is that significant on this site since it's

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1 even -- I mean, it's all strip mine ground. I didn't
2 know --

3 MR. COOPER: -- we've already received our
4 letter of termination from them from their study. So
5 there won't really need to be any other additional
6 coordination with IDNR.

7 MR. PHILLIPS: Very good. Thank you.

8 Here's one that you didn't mention, but
9 there is a law on it, so I thought I'd ask.

10 The applicant shall plan, establish, and
11 maintain, for the life of the facility, vegetative
12 ground cover consistent with the goals of the
13 Pollinator-Friendly Solar Site Act and requires
14 submittal of a vegetation management plan in the
15 application to construct and operate the facility.

16 So this would be the pollinator-friendly
17 aspect. I don't know if that's reasonable or not.
18 This is 3,000 acres, and I get it.

19 MS. INNS: Sure. I mean, we -- I guess, we
20 acknowledge that that's a voluntary act. I mean, we
21 are committed. You know, we've included in the
22 application that we plan to have native grasses
23 planted throughout this site and pollinator-specific
24 species along the perimeter on the, you know, outer
25 edges of the project.

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1 And so, you know, in our opinion, we -- we
2 cover the -- that pollinator-friendly aspect for the
3 project with what we've proposed.

4 MR. PHILLIPS: And your testimony tonight?

5 MS. INNS: Correct.

6 MR. PHILLIPS: Yes?

7 MR. COOPER: Yeah, I would say that how
8 it's -- how you had it written with the Illinois Solar
9 Pollinator Score Card, that is a specific program that
10 has criteria. I would -- I don't know the implication
11 without taking time to look at how -- into that what
12 that would mean for the project. As Kelly said, I
13 think we are good saying we're going to use native
14 species and pollinator-friendly seed mixes.

15 But to have the Illinois Solar Pollinator
16 Score Card in the condition, I don't know the impact
17 that that would have. But we -- we are putting, you
18 know, native seed and pollinator-friendly seed mixes
19 out.

20 MR. PHILLIPS: Okay. And I don't know the
21 impact of that law. I didn't have a chance to read
22 it, but I came across that. Cross that one off.

23 MR. BARRY: And we'd appreciate that because
24 I think it would be better to have some flexibility as
25 opposed to having some state-mandated score card that

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1 they have to comply with. Might run into a situation
2 where they run out of seeds for a particular plant
3 that isn't available.

4 MR. COOPER: And I also, I know that that is
5 still a work in progress with the IDNR, that the
6 latest signing and legislation that came out put a
7 clause in there that the counties can adopt it, but it
8 also gave the IDNR 90 days to come up with an actual
9 approach to it. So it's still a little bit in flux as
10 well.

11 MR. PHILLIPS: And I saw the 90 days, but I
12 didn't know what stage they were in.

13 Okay. So in summary, we will go with
14 conditional use item, number one, which would be the
15 designation -- designated areas for conservation and
16 forest preserve on your plan that you submit with your
17 full application.

18 Number two, we will -- the term "solar
19 collector," as used in the ordinance, refers to the
20 system of solar collectors that are nonfunctional. A
21 reasonable number of solar collectors not operating
22 properly would be 25 percent of the total number of
23 solar collectors in the whole project, not just one of
24 your fields.

25 MS. INNS: Correct.

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1 MR. PHILLIPS: That was --

2 MR. ROBERSON: For a period of 90 days;
3 right?

4 MR. PHILLIPS: Yes. In other words, they
5 have --

6 MS. INNS: -- have some time --

7 MR. PHILLIPS: -- 25 percent -- that would
8 be a huge replacement if something happened.

9 Okay. Number three, an applicant shall pay
10 real estate taxes, land and real property
11 improvements --

12 [The court reporter clarified.]

13 MR. PHILLIPS: She caught me.

14 The term "solar collector" as used in the
15 ordinance refers to the -- covered that one. I'm
16 sorry.

17 Applicant shall pay real estate taxes for
18 the land and real property improvements of a
19 ground-installed commercial solar energy system
20 pursuant to 35 ILCS 200/10-745, which, as you
21 mentioned, is state law.

22 And then the next one is number four. The
23 applicant agrees that the plat required by the
24 Commercial Solar Plat Act shall include the location
25 of the BESS battery storage areas.

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1 Number five, the applicant agrees to
2 coordinate with fire departments in Ipava, Table
3 Grove, Vermont, and with Fulton County emergency
4 personnel to ensure adequate plans and systems are in
5 place in the event of a safety issue. Applicant will
6 work with Fulton County to identify 911 addresses
7 within the project area. The above will be required
8 prior to issuing a building permit.

9 Number six, applicant agrees that an
10 emergency response plan will be provided prior to
11 construction to emergency personnel in Vermont, Ipava,
12 Table Grove, and Fulton County emergency personnel.
13 The plan will include providing methods for emergency
14 security access to the site.

15 And I believe those are the conditions. Do
16 members of the Zoning Board of Appeals have additional
17 conditions they would like to have inserted?

18 MS. EATHINGTON: I think you pretty well
19 covered it.

20 MR. PHILLIPS: Mr. Barry, is the applicant
21 in agreement with these six conditions?

22 MR. BARRY: Yes, sir.

23 MR. PHILLIPS: Okay. I'd like a motion to
24 approve the conditional use permit as applied for with
25 these six conditions to the issuance.

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1 MR. ROBERSON: So moved.

2 MR. PHILLIPS: So moved.

3 Do we have a second?

4 MS. CLARK: Second.

5 MR. PHILLIPS: Second.

6 Is there further discussion? No further
7 discussion.

8 Roll call vote. Bob Ackerman?

9 MR. ACKERMAN: Yes.

10 MR. PHILLIPS: Sally Clark?

11 MS. CLARK: Yes.

12 MR. PHILLIPS: Cathy Eathington?

13 MS. EATHINGTON: Yes.

14 MR. PHILLIPS: Jason Herrick?

15 MR. HERRICK: Yes.

16 MR. PHILLIPS: Bill Phillips? Yes.

17 Okay. So the conditional use permit is
18 granted with those conditions. We thank you for a
19 very good presentation.

20 MR. BARRY: Thank you, sir.

21 MR. PHILLIPS: That was very good.

22 Now, let's move on to the idea that they
23 have requested a four-year increase in the time to
24 start the project. Correct?

25 So normally, we ask for two years. And

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1 they've stated and testified that because of MISO
2 backups and government paperwork, four years is about
3 how long it's taking, and it could take six. So
4 they've asked for a total of six is my understanding.

5 I've read some information that totally
6 agrees with what you are saying. I found a couple
7 articles, and it's amazing how long the government
8 process is due to a whole bunch of things. There are
9 a number of applications in place right now, and to
10 the -- just the complexity of tying into these grids
11 which are stated to be -- how would I know --
12 antiquated and unable to accept these new systems.

13 So in my opinion, it seems reasonable to
14 help the benefit to Fulton County -- we would like to
15 have it next year by the way.

16 MS. INNS: We would too, for the record.

17 MR. PHILLIPS: But we wonder if it wouldn't
18 be a very good idea to grant the four-year variance.

19 So questions, comments from members of the
20 board?

21 MR. ROBERSON: I think it's well within
22 reason, especially given the complexity of the job and
23 the size, and dealing with the government.

24 MR. ACKERMAN: What would be the negative
25 of -- of not -- or of granting it? What could be the

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1 negative, other than it just sits idle for quite some
2 time?

3 MR. PHILLIPS: Well, I don't see a
4 negative --

5 MS. CLARK: It wouldn't exist.

6 MR. PHILLIPS: -- in my viewpoint anyway.
7 It would sit like it is now. And I drove through it.
8 It's a real nice area. It's very remote. Cattle all
9 over the place. And it's just a real nice area.

10 MR. ACKERMAN: Is it not actively farmed
11 right now?

12 MR. PHILLIPS: Well, there's some active
13 farming, but it's -- it's a lot of strip mine ground
14 that's just got -- it's grass and grazing. It's just
15 nice farm area.

16 MR. ACKERMAN: Okay.

17 MR. PHILLIPS: So, do we have a motion to
18 approve the four-year extension?

19 MR. ACKERMAN: I'll make that motion.

20 MS. EATHINGTON: I'll second it.

21 MR. PHILLIPS: So moved by Bob, seconded by
22 Cathy. Any further discussion?

23 Okay. Roll call vote. Bob Ackerman?

24 MR. ACKERMAN: Yes.

25 MR. PHILLIPS: Sally Clark?

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1 MS. CLARK: Yes.

2 MR. PHILLIPS: Cathy Eathington?

3 MS. EATHINGTON: Yes.

4 MR. PHILLIPS: Jason Herrick?

5 MR. HERRICK: Yes.

6 MR. PHILLIPS: Bill Phillips? Yes.

7 The variance is granted.

8 MR. BARRY: Thank you.

9 MR. PHILLIPS: And we'll have the zoning
10 office finalize all this. We want to make sure we've
11 got all of the documents that we did and the evidence
12 we submitted all in one place here in Fulton County
13 prior to going ahead and issuing it. But the Zoning
14 Board of Appeals has approved both of your requests.

15 MR. BARRY: Thank you very much,
16 Mr. Chairman.

17 MS. INNS: Thank you.

18 MR. ACKERMAN: Good luck.

19 MR. PHILLIPS: And good luck.

20 I think off the record. We'll say any other
21 business?

22 Could I have a motion to adjourn?

23 MR. ROBERSON: So moved.

24 MR. ACKERMAN: Second that motion.

25 MR. PHILLIPS: All in favor of adjourning?

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1 Aye?

2 THE BOARD: Aye.

3 MR. PHILLIPS: On behalf of the Fulton
4 County Zoning Board of Appeals, we're really excited
5 about this.

6 HEARING CONCLUDED AT 8:46 P.M.

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8 (The exhibits were retained by the court reporter.)

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REPORTER CERTIFICATE

I, Dianna C. Hark, RPR, MO-CCR, IL-CSR, do hereby certify that the preceding pages were the proceedings that came before me at Fulton County Farm Bureau Building, 15411 N IL-100, Suite 1, Lewistown, IL 61542.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this examination is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated this 13th day of March, 2023.

Dianna C. Hark

DIANNA C. HARK, RPR, MO-CCR, IL-CSR

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