

The Fulton County Zoning Board of Appeals Minutes
Fulton County Board Office, 257 W Lincoln Street, Lewistown, IL.
Phone: (309) 547-0902

Committee: Zoning Board of Appeals

Meeting Place: Fulton County Farm Bureau, 15411 N IL -100, Lewistown, IL 61542

Time: 5:00 PM

Date: May 15, 2024

1. Call to Order

Time: 5:00 PM

2. Roll Call/Quorum

Roll Call was taken, quorum present

Members

Bob Ackerman (Present)

Sally Jo Clark (Present)

Cathy Eathington (Present)

Mat Fletcher (Absent)

Jayson Herrick (Absent)

Bill Phillips (Present)

Damon Roberson (Present)

FULTON COUNTY BOARD MEMBERS: None

ELECTED & APPOINTED OFFICIALS: Julie Russell-Supervisor of Assessments

STAFF: None

GUEST(S):

3. Additions, Deletions, and Corrections to the Agenda

Member Roberson moved to approve the agenda with a second from Member Ackerman.
Motion carried by voice vote with all ayes.

4. Approval of Minutes – March 27, 2024

Member Ackerman moved to approve minutes with a second from Member Roberson

5. Public Remarks - None

6. New Business

a. **Discussion/Action:** Public Hearing For Conditional Use Permit For Pleasantville Solar Park, LLC.

***For the discussion held in relation to this Conditional Use Permit hearing, please see the attached transcript of the hearing provided by Dianna C. Hark, Court Reporter, attached as “Exhibit A”.**

****For the Conditions set forth for this Conditional Use Permit, please see the attached Conditional Use Permit & Conditions, attached as “Exhibit B”.**

Member Ackerman moved to approve the finding of facts with a second from Member Roberson. Motion carried by roll call vote (5,0)

Member Eathington moved to approve the conditional use permit, with a second from member Clark. Motion carried by roll call vote (5,0)

b. **Discussion/Action:** Text amendments to Section(s) 9.3 and 9.4 of the Fulton County Zoning Ordinance updating Conditional Use Permit and Building Permit pricing for Solar Energy Systems.

Chairman Phillips conducted a public hearing for text amendments to sections 9.3 and 9.4 of the Fulton County zoning ordinance updating conditional use permit and building permit pricing for solar energy systems. Phillips asked Julie Russell to explain the changes.

Ms. Russell said the changes are minor and technical in nature with no significant or material change to the wording in the previously approved sections in 9.3 and 9.4.

Phillips asked if any person's present would like to speak on this matter. No one responded.

Phillips asked board members if they had questions concerning the technical changes. There were no questions from board members.

Motion was made by Damon Roberson and seconded by Kathy Eathington to recommend to the Fulton County Board that the changes in the ordinance be approved. Motion carried on voice vote unanimously.

7. Old Business- None

8. Other – None

9. Executive Session – None

10. Adjournment

Member Ackerman moved to adjourn at 5:13 PM with a second from Member Clark. Motion carried by voice vote with all ayes.

***Minutes approved September 11th, 2024**



**Hearing of the Fulton County Zoning
Board of Appeals**

Date: May 15, 2024

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

Paszkiewicz Court Reporting

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HEARING OF THE FULTON COUNTY ZONING BOARD OF APPEALS

MAY 15TH, 2024

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

CSR No. 084.004728

CCR No. 1079

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(Exhibits were retained by counsel.)

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1 HEARING OF THE FULTON COUNTY ZONING BOARD OF
2 APPEALS, on May 15th, 2024, between the hours of 5:00
3 in the evening and 7:12 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.

7
8 A P P E A R A N C E S

9 BOARD MEMBERS:

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

15 PRESENTERS:

16 Kyle Barry, Attorney for the Applicants
17 Sabrina Fleischman
18 Calvin Carlson
19 Tom Huddleston
20 Erin Bowen
21 Rob Anders
22
23
24

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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.

8 * * * * *

9 HEARING COMMENCED AT 5:00 P.M.

10 MR. PHILLIPS: I have 5 o'clock. We're
11 going to have presentation on the screen here, and
12 I'll explain more in just a few minutes.

13 So, at this time, I'd like to call to order
14 the May 15th, 2024, meeting of the Fulton County
15 Zoning Board of Appeals.

16 I'd like to have roll call for members
17 present.

18 Bob Ackerman.

19 MR. ACKERMAN: Here.

20 MR. PHILLIPS: Sally Clark.

21 MS. CLARK: Here.

22 MR. PHILLIPS: Cathy Eathington.

23 MS. EATHINGTON: Here.

24 MR. PHILLIPS: Matt Fletcher, absent.

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1 Jayson Herrick, absent.

2 Bill Phillips, here.

3 Damon Roberson.

4 MR. ROBERSON: Here.

5 MR. PHILLIPS: We have a quorum of five.

6 Members of the board, are there any additions,
7 deletions or corrections to the agenda?

8 MR. ROBERSON: Make a motion we accept the
9 agenda as presented.

10 MR. ACKERMAN: I'll second that.

11 MR. PHILLIPS: Motion made and seconded for
12 the agenda.

13 Any question?

14 All in favor, say aye.

15 BOARD: Aye.

16 MR. PHILLIPS: Opposed?

17 Public remarks. At the beginning of these
18 meetings, we can have public remarks based on the
19 Zoning Board of Appeals other than things related to
20 this hearing.

21 I have not been notified by anybody that
22 plans to speak this evening, so I'm assuming we will
23 not have any public remarks this evening.

24 New business. Tonight, we have two items

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1 for discussion action. The first item is a public
2 hearing for a conditional use permit for Pleasantville
3 Solar Park, LLC, as presented by EDP Renewables.

4 Now, they've gone to, as you can see, a huge
5 amount of work researching and complying with the
6 regulations that are in force, county, federal, and
7 state.

8 What I think would be the best approach for
9 this would be to have the presentation made for the
10 Pleasantville Solar Park. And then at the end of
11 that, we'll have a question/answer period where
12 anybody in the public can come ahead and ask questions
13 about any part of the presentation. They'll be happy
14 to answer, I'm sure.

15 And then after that question/answer period
16 is completed, we'll close off public testimony. We'll
17 then have questions and discussion among the board
18 itself.

19 We will proceed, at some point, to declare a
20 finding of fact in this matter, and then we will also
21 proceed to do a -- what they call conditions to the
22 conditional use permit.

23 Prior to those two steps, we'll ask EDP to
24 make a final closing with their representatives just

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1 to sum up where they believe they are on that.

2 So, at this time, I'd like to interview --
3 introduce -- Kyle, you're going to take the lead?

4 MR. BARRY: I certainly would love to at
5 this time, Mr. Chairman.

6 MR. PHILLIPS: Well, Kyle is an attorney,
7 and will now be sworn in. Anybody else that testifies
8 this evening on the team or from the public, I'll just
9 swear you in just as a requirement of a public
10 hearing.

11 Kyle, please procedure.

12 MR. BARRY: Thank you, Mr. Chairman. Good
13 evening to you and members of the board.

14 As the chairman indicated, my name's Kyle
15 Barry. I'm an attorney based in Springfield, and I'm
16 here this evening to represent the applicant,
17 Pleasantville Solar Park, LLC, on its application for
18 a conditional use permit for a solar park.

19 We intend to demonstrate tonight that the
20 evidence submitted in those binders there as well as
21 some other materials as part of the application as
22 well as the testimony this evening and some other
23 slides you're going to see, we intend to demonstrate
24 that all of that taken together shows that the

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1 applicant meets the standards for the solar siting
2 ordinance, Fulton County, and the standards for
3 issuing a conditional use permit in Fulton County as
4 well as applicable state and federal statutes.

5 This evening, I've got four witnesses I'm
6 going to be presenting.

7 MR. PHILLIPS: Okay.

8 MR. BARRY: They're up here at the table.
9 Real quickly, we're going to be led off by Sabrina
10 Fleischman. Cal Carlson is going to go next followed
11 by Tom Huddleston. And then Erin Bowen is going to
12 bat clean-up for us. We also have Rob Anders who's
13 with the project at the end of the table. He's going
14 to be available to answer any questions that folks
15 might have to the extent we need his help.

16 With that, at this time, I'd like to turn
17 things over to Sabrina Fleischman. And if we could
18 have her sworn in?

19 MR. PHILLIPS: I think I'd like to just go
20 ahead and swear all of them in at once.

21 MR. BARRY: That sounds like a better idea.

22 MR. PHILLIPS: Okay.

23 [At this time, the Presenters were sworn in.]

24 MR. PHILLIPS: And your name, please?

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1 MS. FLEISCHMAN: Sabrina Fleischman.

2 MR. PHILLIPS: And your name, please?

3 MR. CARLSON: Cal Carlson.

4 MR. PHILLIPS: And your name, please?

5 MR. HUDDLESTON: Tom Huddleston.

6 MS. BOWEN: Erin Bowen.

7 MR. ANDERS: Robert Anders.

8 MR. PHILLIPS: Very good.

9 We have a court reporter here, and if we --
10 me, if I mumble or can't be heard, why I'm sure she'll
11 correct me. So, please proceed.

12 MR. BARRY: I think you've already told us
13 who you are, Sabrina.

14 Could you state your name again for the
15 record, please?

16 MS. FLEISCHMAN: Yes, Sabrina Fleischman.

17 MR. BARRY: And could you tell us who your
18 employer is?

19 MS. FLEISCHMAN: EDP Renewables.

20 MR. BARRY: And what is your role in
21 connection with this solar panel?

22 MS. FLEISCHMAN: I'm the primary project
23 manager on the development team.

24 MR. BARRY: And I understand you have a

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1 PowerPoint presentation to deliver tonight; correct?

2 MS. FLEISCHMAN: That's correct.

3 MR. BARRY: Well, with that, I'd like you to
4 go ahead and proceed with that presentation, and I'll
5 swap places with you, if that will work.

6 MS. FLEISCHMAN: Thank you.

7 Good evening, Chairman, and other members of
8 the board. Good evening, guests. Thank you for
9 attending.

10 I wanted to thank you all for taking the
11 time to come out today and hear our presentation here.
12 I also wanted to just express our excitement in
13 sharing this project with the public and to sharing
14 the project with the board here and looking forward to
15 getting into any of your questions and hearing more
16 from -- from everybody.

17 MR. PHILLIPS: Very good.

18 MS. FLEISCHMAN: So, I guess we'll get
19 started with the brief overview on the company.

20 EDP Renewables is an independent power
21 producer, which means we are putting grid scale energy
22 on the electric grid. We do that in wind, solar,
23 battery, this project in particular, being a solar
24 facility.

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1 We are headquartered in Houston, Texas.
2 We've got offices all across North America including
3 Canada and Mexico. I do want to highlight that the --
4 the company, we're about 1,100 employees across North
5 America. We have offices all over as well. We do
6 have a lot of experience across the country.

7 And, Cal, if you want to flip to the next
8 slide?

9 You can see our generating facilities shown
10 in green on this -- on the map here. We represent 36
11 states in -- in operation in development. The states
12 you see here in the dark gray, they are our operating
13 states, and the light-gray ones are where we have
14 projects under construction or development.

15 I do want to highlight here, our regional
16 offices are located as well across the -- the -- the
17 continent here, and I'll highlight too that we've got
18 a few in Illinois. I'll get into that later.

19 We've -- if you just go back for one second.

20 I do also want to highlight that we've got a
21 robust experience across the project -- sorry, across
22 the country of projects. We represent over
23 247 million hours of power generation and 20 years of
24 experience in the industry.

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1 Our projects have paid \$239 million to local
2 governments, and that's just within the last three
3 years. Something that I, myself, do like to -- to
4 highlight there on that slide.

5 If you want to go to the next one, Cal.

6 This one -- this slide represents some
7 information on our presence in the state of Illinois.
8 As you can see here, we've got a number of wind farms
9 under -- that are in operation as well as two solar
10 projects that will be operational by the end of 2024
11 that are currently under construction. We are very
12 excited about those two.

13 We landed in St. Louis just yesterday and
14 drove up north to site, and you can pass by our
15 110-megawatt project in Jersey County, and then our
16 140-megawatt project in Morgan County. So, as I
17 mentioned before, those two will be operational by the
18 end of this year.

19 Let's see if I missed anything here. Again,
20 just want to highlight, we've got an office in
21 Bloomington, one in Chicago.

22 Our Bloomington office is actually a
23 training facility that is an industry-leading effort
24 to train site technicians. We're very proud of that

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1 as well. It -- we do -- we do represent about
2 500 megawatts of solar projects across the state.

3 Just to touch on real quick, EDP Renewables,
4 as I mentioned before, is a developer/owner/operator,
5 which means that we have a -- we are vertically
6 integrated. We develop our own projects. We
7 construct them. We own them, and then we operate them
8 for the life of the project.

9 So, that here is -- I just want to
10 differentiate ourselves from some of the players in
11 the industry and the other companies. We are very
12 much invested in the long-term in the community, and
13 that's how we do business.

14 The next slide.

15 All right. Just really quick here, some
16 points about how our projects have made direct and
17 indirect benefits to local communities. You can see
18 over \$500 million we've paid to local landowners, and
19 we've created more than 600 permanent jobs as well as
20 7,000 construction jobs.

21 Next slide.

22 EDP Renewables is an -- is an industry
23 leader in -- in developing initiatives such as the one
24 called "Close the Loop" program. This is something

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1 newly launched by our company to meet recycling goals
2 for the company. We've partnered with a number of
3 companies, including Solarcycle, about 20 others to be
4 able to recycle solar panels throughout the -- the
5 life of the project as needed and upon
6 decommissioning.

7 There is a really vibrant market out there
8 for the recycling of these facilities, and EDP
9 Renewables is one of the first to have these
10 partnerships with the recycling companies.

11 I will now go into a little bit about the
12 project at a high level. We'll be talking in very
13 much detail about the site layout. Cal will go
14 through some specifics and some technical details
15 there.

16 But just to highlight Pleasantville Solar,
17 I've been working on this project since 2021. I guess
18 I skipped this earlier. I've been with the company
19 for about three years, and we've been working on this
20 project as a company since 2019, maybe even a little
21 bit before then.

22 The project is 150 megawatts of solar. It
23 will be photovoltaic panels tracking the sun. It is
24 situated near Ipava, and it will -- what we're looking

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1 for here -- looking at here in the map is about
2 2,600 acres. However, we do only expect to use 1,100
3 or -- give or take, of the acreage that's included in
4 this -- in this permit map here.

5 The reason for that, and Cal will explain
6 later, is that there's a few final studies we need to
7 conduct for the project, and we'd also like to leave
8 some room for the engineers to do what they do best
9 and -- and engineer the most efficient project.

10 So, the blue areas are the maximum extent of
11 the project area. You can see sort of these thin
12 lines here will be collection easements underground,
13 and then the larger areas will be available to locate
14 our solar facility.

15 I do -- if you want to just go back for a
16 second -- I just want to highlight here as well,
17 the -- the -- one of the key takeaways from this slide
18 is that we have a generator interconnection agreement
19 with the grid -- that's MISO, if you're familiar with
20 the Midcontinent Interconnection [sic] System
21 Operator -- as well as Ameren, the electric utility.

22 So, our agreement is that the project will
23 be operational by the end of 2025, and we are
24 interconnecting right there in that huge Ipava

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1 substation off of County Highway 2.

2 That -- that is a huge part of building our
3 projects, these interconnection agreements. And
4 seeing as we have one for the project really means
5 that it's -- it is not just an idea but a reality.
6 And we have -- are taking the steps forward to be able
7 to -- to put the project online by the end of 2024.

8 So, that sort of means -- that means
9 construction, we -- we'd like to be ready for
10 construction by the end of this year, and then the
11 project will be operational for 35 years -- 35 to 55
12 years.

13 MR. BARRY: And, Ms. Fleischman, I see your
14 reference to an Agricultural Impact Mitigation
15 Agreement.

16 Is that also referred to commonly as an
17 AIMA?

18 MS. FLEISCHMAN: Correct.

19 MR. BARRY: And when was that put in place
20 with the Illinois Department of Agriculture?

21 MS. FLEISCHMAN: We signed that August 31st
22 of last year with AIMA.

23 MR. BARRY: And is that AIMA admitted as
24 Exhibit N with the application materials?

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1 (Exhibit N was introduced.)

2 MS. FLEISCHMAN: Correct.

3 MR. BARRY: Thank you.

4 MS. FLEISCHMAN: I don't want to spend too
5 much time here. We'll get into it later. But I
6 wanted to give you a high-level overview of what sort
7 of construction looks like and what -- what the
8 construction process will involve. Some -- some key
9 facts and figures here.

10 We've taken full consideration of the county
11 ordinance as well as the state requirements, and we --
12 we intend to comply with all of the -- the key
13 requirements from the county and the state as well as
14 any other federal requirements during the period of
15 construction.

16 So, those things include a SWPPP. Cal will
17 get into a little bit more detail about that. And
18 then we also have Tom Huddleston who will speak on
19 behalf of how we will comply with the drain tile
20 requirements per the AIMA.

21 Moving forward, the -- at a high level,
22 during operation, the 35-year life of the project, we
23 will have grasses planted underneath the solar panels.
24 We will have a full-time operational staff on site.

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1 That is approximately five full-time site technicians.

2 The project will be remotely monitored from
3 our Houston headquarters as well from our remote
4 operation control center, and that is 24/7 monitoring,
5 in addition to the local full-time staff that will be
6 located just at our operations and maintenance
7 building. Cal will sort of describe where that is on
8 the map as well.

9 And then at the end of the life of the
10 project, it is incumbent on us to decommission the
11 project, and there are three levels of protections for
12 that.

13 The first one is the AIMA. We also have
14 requirements in the county ordinance and with the
15 lease agreements with the landowners. So, there are
16 three ways that we will be required to decommission
17 the project at the end of the life of the project.

18 All right. And I wanted to speak here on
19 behalf of our -- on behalf of the economic research
20 firm that we had to produce a independent study on the
21 project and economic impacts of the project to the
22 community.

23 So, there are a few things that I would like
24 to highlight here in particular. The project expects

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1 to create about 107 new, local, full-time jobs during
2 construction. There will be plenty more during the
3 period of construction, but this is an estimate of --
4 of local, full-time jobs.

5 In terms of tax benefits, we're looking at
6 \$4.6 million over the life of the project to the -- to
7 Fulton County. They are the second highest
8 beneficiary of property taxes from the project, the
9 first one being the Unit 2 VIT school that is expected
10 to receive 20 -- close to \$20 million over the life of
11 the project.

12 Some other taxing entities that will receive
13 benefits are the -- the fire district in Ipava. We're
14 looking at \$650,000 over 35 years; the Fulton County
15 ambulance and emergency services, as well as the --
16 all four townships and the -- the other fire districts
17 in the townships as well. The road -- the road
18 districts as well will receive some financial benefit.
19 So, you can see those numbers highlighted over there.

20 I also wanted to speak on behalf of the
21 earnings of the project during construction. We're
22 looking at about \$8.7 million in new local earnings
23 during the 12- to 14-month period of construction, and
24 about \$605,000 in new, long-term annual earnings for

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1 the county.

2 MR. BARRY: And before we move on, you
3 mentioned this economic impact study. Is that
4 Exhibit E on the permit application?

5 (Exhibit E was introduced.)

6 MS. FLEISCHMAN: That's correct.

7 And just on a personal note there, I just
8 want to point out, this is probably one of my favorite
9 things to share about the project. That it is
10 beneficial not only to the local community, not only
11 to putting American domestic energy on the grid,
12 and -- but also to -- to everybody involved in the
13 process. And you can see that through the numbers.
14 They speak for themselves.

15 And then I just wanted to spend a minute to
16 talk about the requirements and the regulations that
17 we have created, that permit application package based
18 off of. It's the Commercial Use Permit Ordinance for
19 Fulton County. I'm sure you all are familiar with it.
20 It was established in May of last year.

21 And what we've done is, is taken an in-depth
22 review of the ordinance as well as any other state
23 requirements, and we are confident that we have met or
24 exceeded the standards required by us in the Fulton

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1 County ordinance.

2 And that just sort of pulls out -- Kyle will
3 get into this at the very end in summation of the
4 project, but these are the findings of fact that we
5 intend -- we are hoping to speak to during our
6 presentation as well as in our permit application
7 package.

8 MR. BARRY: All right. Thanks, Sabrina.

9 Next up, we've got Cal Carlson.

10 You want to step up to the plate?

11 MR. CARLSON: Is it all right if I --

12 MR. BARRY: Or you can sit there and drive.

13 MR. CARLSON: -- use my mouse to do this?

14 All right.

15 MR. BARRY: If you could state your name for
16 the record, please?

17 MR. CARLSON: Yeah, my name is Cal Carlson.

18 MR. BARRY: And could you tell us a little
19 bit about your background?

20 MR. CARLSON: Going to the slide here. But
21 I'm -- I'm employed by Kimley Horn and Associates.
22 It's a consulting firm. I'm in the Chicago office.

23 MR. BARRY: And what are your educational
24 credentials?

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1 MR. CARLSON: I'm a professional civil
2 engineer licensed in Illinois.

3 MR. BARRY: And what's your connection to
4 the project?

5 MR. CARLSON: I've been hired by the
6 developer as the project's engineer for entitlements.

7 MR. BARRY: And can you tell us how long
8 you've been working advising solar project developers?

9 MR. CARLSON: Sure, yes. Since 2018.

10 MR. BARRY: Okay. Well, I understand you
11 have a few more slides you want to walk us through --

12 MR. CARLSON: I do.

13 MR. BARRY: -- if you want to take us
14 through those, please, at this time.

15 MR. CARLSON: Thank you, Kyle.

16 So, to start off, just -- just want to kind
17 of locate the project in the county here. We're next
18 to the Village of Ipava, as you can see on the kind of
19 yellow square here. It's about 50 miles southwest of
20 Peoria and 15 miles northwest of the Illinois River.
21 It's right off of U.S. Highway 136.

22 Zooming in a little bit, this is our site
23 plan that we will be permitting. And I guess the --
24 couple things I just want to note here. You may have

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1 seen it coming in. For some reason, the panels did
2 not print on here, but these darker areas are the
3 panel -- panel extents.

4 Another thing to note on these panel extents
5 is, this is a preliminary max build layout. We will
6 be permitting this site to -- to these extents.
7 However, during final engineering, that paneled area
8 will shrink. As kind of Sabrina said too, make sure
9 that we're getting the -- putting panels in the most
10 efficient locations and making sure the -- the project
11 is as successful as possible.

12 So, I'm going to -- I'm going to go
13 through -- I'm going to go through some of the
14 components of the solar facility, and then I'm going
15 to come back to the site plan and describe a few more
16 of the locations and zoom in a little bit.

17 So, what's in a solar facility? We have the
18 PV modules, the -- the racking system with -- with
19 supports, the collection system, and then the access
20 roads and perimeter fencing.

21 So, the PV modules are -- it's a layer of --
22 of silicon encased in glass and a aluminum or steel
23 frame. These modules use the sun's energy and convert
24 it into electrons. They're designed to withstand

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1 harsh weather conditions and absorb sunlight.

2 So, these modules are supported and kind of
3 housed on this racking system. It's called a single
4 access tracker, and really, it's a pretty long kind of
5 straight tracker that rotates the panels so that the
6 panels are always facing the sun.

7 This racking system is supported by a
8 combination of I-beams that are driven into the ground
9 to support that -- that tracker. And that's kind of
10 shown here. Maximum height of those -- this system is
11 20 feet per the ordinance. However, we're looking at
12 more in the 12- to 15-foot range.

13 So, after that electricity gets kind of
14 converted in the -- in the modules, or the sun's
15 energy gets converted in those modules, it goes
16 through, like, an electrical collection system. I'm
17 not going to get too into the weeds here, but it is
18 brought to different inverters kind of placed
19 throughout the site.

20 These inverters are accessible by -- by the
21 access road, and then the power is then transferred
22 from those inverters to our project substation which
23 is adjacent to the Ipava substation where the energy
24 can -- can go into the grid and -- and support homes

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1 in the area.

2 So, back to the site plan here, just to kind
3 of touch on a couple of the -- the items that you're
4 going to see in here. I think the first thing I want
5 to just state is that the -- this purple line here,
6 this dashed purple line is the project setback line.
7 We are -- the panel area is setting back 50 feet from
8 nonparticipating parcels, and then there's actually
9 another setback line in here. It's 150 feet from
10 occupied dwellings. I just want to state that this
11 project does comply with those setback requirements.

12 Other things to note from the legend here,
13 as I was just talking about, these inverters, these
14 green squares -- you can't quite see them, but I'm
15 going to zoom in in a second, and you'll be able to
16 see those a little better, and then as well as
17 these -- these orange roads -- those are the -- are
18 the access roads that kind of go through the site.

19 So, I'm going to start here on the south end
20 of the site. There's a lot going on, I know. But I
21 want to point out, one of the things that -- that's
22 probably busying the site here -- or the -- yeah, the
23 plan here, are these collection line easements.
24 Sabrina mentioned them. There will not be panels

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1 located in these kind of longer stretches of -- of
2 project area. They were -- there will only be
3 underground collection lines.

4 Also to note, there are existing
5 transmission lines in this area and adjacent to the
6 Ipava substation. The easement for those are depicted
7 in yellow.

8 I also want to point out here -- it's a
9 little tough to see -- but there's two project
10 substation locations that we are permitting here
11 tonight. It's two different options that will be kind
12 of figured out during final engineering. Both are,
13 again, pretty -- pretty close to this Ipava substation
14 to allow for easy interconnection.

15 Lastly on this slide, this shows a existing
16 home just south of the -- of the kind of main project
17 area. And that existing home will be converted to an
18 operations and maintenance building where the --
19 the -- the employees for the project, as Sabrina
20 mentioned prior, will use as their kind of home base
21 as they kind of go about the facility.

22 So, moving north here, I want to just touch
23 on -- so, these -- these stars are the preliminary
24 proposed entrance locations for the site. These are

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1 preliminary, and they will be coordinated with IDOT
2 and the Fulton County Road Commissioner's Office prior
3 to construction.

4 Again, these serve as entrances for the
5 access roads that serve the inverters as well as serve
6 for kind of construction access through the site.

7 Again moving north here, you can kind of
8 see, it's -- it's a little tough, but if you follow my
9 mouse here, this is a wetland area or a -- or a stream
10 that has -- that has kind of been found as through the
11 site.

12 Our team did a wetland delineation study for
13 this site and report, and those lines are shown in
14 this drawing but came right directly from that report.
15 We are -- we provide a 25-foot buffer to all wetlands
16 for this project. There will be no disturbance within
17 25 feet.

18 The other cool thing this project is doing
19 is providing a continuous corridor through the project
20 that will allow wildlife to kind of continue to use
21 this wetland as a migration area. There's not going
22 to be a fence kind of cutting off wildlife from --
23 from one side of the project to the other.

24 MR. BARRY: So, the continuous area near the

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1 stream or wetland will be open; correct?

2 MR. CARLSON: That is correct.

3 Lastly, I just want to show the temporary
4 laydown areas right -- right here. It's kind of a
5 yellow hatched area. These are going to be for
6 staging of materials and equipment during
7 construction.

8 I just want to point out that right now,
9 they're -- they're preliminary. It is kind of shown
10 throughout the site plan. They're in the same
11 location as panels. In reality, it's either going to
12 be a preliminary laydown area or the panels there.
13 We're not going to have both.

14 And then this is kind of the northern most
15 section of the site.

16 So, to kind of touch more on some of the
17 components as -- as discussed, these access roads will
18 be gravel access roads. The exact thickness and
19 section will be designed during final engineering,
20 depending upon the geotech report.

21 Perimeter fencing will be a seven-foot
22 chain-link fence, steel posts with barbed wire one
23 foot above that, as shown in the picture here.

24 In addition to the fencing, there will be

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1 landscaping to provide kind of a visual appeal to the
2 homes adjacent to the project, and I'll talk about
3 that a little bit more later.

4 Kimley Horn developed a transportation and
5 access plan for the project as well as kind of depict
6 the location of construction traffic through --
7 throughout the project and on the existing roads.

8 The main kind of corridor for construction
9 traffic for -- for kind of truck routes and deliveries
10 is that U.S. Highway 136. This plan has been
11 preliminarily approved by the Village of Ipava, Fulton
12 County, and all of the townships associated with the
13 project.

14 MR. BARRY: And has the transportation and
15 access plan been submitted as part of the permit
16 application, Mr. Carlson?

17 MR. CARLSON: It has, yes.

18 MR. BARRY: And is it Exhibit F to the
19 application?

20 (Exhibit F was introduced.)

21 MR. CARLSON: It is, yes.

22 Moving forward here, so just to touch on
23 the -- the vegetation and site restoration of project
24 in here.

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1 As I said, there will be visual screening
2 for the project within 250 feet of a non-participating
3 occupied dwelling. We'll have a kind of vegetative
4 buffer looking sort of like the detail up top here.
5 That's to provide a visual screen for -- for the
6 project and is -- is in accordance with the ordinance.

7 I can kind of go through and show you a
8 couple of the areas that we have now -- shown now. I
9 will say, as the site plan is developed during final
10 engineering, these visual screen locations aren't
11 necessarily going to be exactly where they are shown
12 on the screen. However, they will meet that 250 feet
13 from a non-participating occupied dwelling.

14 The other thing this -- this slide shows is
15 a -- is the array area seed mix. I'll kind of get
16 into that a little bit more in the next couple slides,
17 but there will be a seed mix planted underneath the
18 panels to -- to provide all sorts of stormwater and
19 erosion control solutions as well as visual appeal.

20 So, to talk about stormwater and -- and the
21 SWPPP, I'll cover the SWPPP real quick. First, this
22 project will comply with the NPDES permit and the
23 Illinois EPA requirements.

24 From a stormwater standpoint, I want to

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1 touch on a study that was done by the American Society
2 of Civil Engineers. It -- it looked at the
3 difference -- or the hydrologic conditions between a
4 grass field that's just without solar farm and a grass
5 field with solar farms.

6 The study concluded that there was really no
7 effect to the volume of runoff nor the peak discharge
8 nor the time to peak, which are kind of the three
9 things we look at with stormwater.

10 Moving -- moving on here, we're going to do
11 even better than that. We're not going from a grass
12 field to one with solar panels on it. We're going
13 from an agricultural field with more space between the
14 crops and less kind of absorption to a solar field
15 with -- with robust grass cover, which will allow the
16 water to infiltrate more. There will be less runoff
17 and that -- that root structure can really hold the
18 soil together so there's less erosion as well as kind
19 of shown in this picture.

20 Going to keep going here. The -- this is
21 a -- so, I think the point of this slide is that
22 there's a kind of misnomer that people think that the
23 grass can't grow underneath the panels. This is a
24 picture of an existing solar farm with -- with nice

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1 grass growing underneath the panels.

2 Kimley Horn also provided a glint and glare
3 study. A lot of different points of interest shown on
4 the -- shown on the screen here as well as parts of
5 the roads. It was -- it was found that no glare is
6 predicted.

7 MR. BARRY: Is that glare study submitted as
8 Exhibit G to the permit application?

9 MR. CARLSON: It is, yes.

10 (Exhibit G was introduced.)

11 MR. CARLSON: Kimley Horn also did a noise
12 analysis. A qualified noise expert did a study and
13 found that all of the noise produced by the project is
14 below the requirements of the Illinois Pollution
15 Control Board.

16 Really, the only thing we're -- we're
17 concerned with are the inverters, and we make sure
18 that those inverters are set back enough from the
19 property line that no -- that the noise levels
20 produced by those inverters not get above the required
21 levels.

22 MR. BARRY: Is the noise study submitted as
23 Exhibit H to the application materials?

24 (Exhibit H was introduced.)

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1 MR. CARLSON: Sure is.

2 Moving on here, we also provided a
3 decommissioning plan. We did this in accordance with
4 the AIMA as kind of mentioned before.

5 Really, we estimated the cost that it would
6 take to decommission the project and bring it back to
7 its -- its agriculture condition, and that was done in
8 accordance with the AIMA.

9 MR. BARRY: Does the decommissioning plan
10 require the removal of all the project equipment?

11 MR. CARLSON: Yes, it does.

12 MR. BARRY: And were there -- is a cost
13 estimate provided as part of the plan to -- for the
14 removal of that equipment?

15 MR. CARLSON: Yes.

16 MR. BARRY: And is the decommissioning plan
17 submitted as Exhibit D as part of the application
18 materials?

19 (Exhibit D was introduced.)

20 MR. CARLSON: Yes, it is.

21 MR. BARRY: Thank you.

22 MR. CARLSON: Thank you, Kyle.

23 Quick environmental overview. We did a
24 environmental constraint study for this project to

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1 address the environmental concerns with the site.

2 As mentioned before, a wetland delineation
3 report was -- was done. We do not anticipate to
4 impact any wetlands for this project; however, if
5 impacts are necessary, we will get the permits
6 required prior to construction.

7 We looked at the federally-protected
8 wildlife, determined the project will be designed such
9 that no federally-listed species are significantly
10 impacted. For a state wildlife -- state-protected
11 wildlife standpoint, we submitted an EcoCat to the
12 IDNR, and the IDNR evaluated the information and
13 concluded that adverse effects are unlikely and
14 consultation was terminated.

15 MR. BARRY: And is the letter terminating
16 the consultation from IDNR attached as an exhibit to
17 the application?

18 MR. CARLSON: Yes.

19 MR. BARRY: And is it -- is it Exhibit J?

20 (Exhibit J was introduced.)

21 MR. CARLSON: Yes.

22 MR. BARRY: Thank you.

23 MR. CARLSON: And lastly, we looked at
24 cultural resources and started consultation with the

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1 Illinois State Historic Preservation Office. We are
2 currently in kind of correspondence with that office
3 and will obtain a clearance letter prior to
4 construction.

5 MR. BARRY: And is the correspondence with
6 the State SHPO, the State Historic Preservation Office
7 included as Exhibit K to the application?

8 (Exhibit K was introduced.)

9 MR. CARLSON: Yes, it is.

10 MR. BARRY: Thank you. All right. Well,
11 thank you, Mr. Carlson.

12 Batting third this evening is Mr. Tom
13 Huddleston. Mr. Huddleston, could you state your name
14 for the record?

15 MR. HUDDLESTON: Sure. Tom Huddleston,
16 Huddleston McBride Drainage Company.

17 MR. BARRY: And do you want to tell us about
18 what you do with Huddleston McBride?

19 MR. HUDDLESTON: Yes, sir. I have a -- my
20 partner, Fred McBride, and I own a group of companies.
21 This is our 47th year running the companies. I'm
22 third generation drain tile contractor.

23 We actually installed drain tile. We
24 maintain drain tile, and we design new drain tile

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1 systems. We also have a proprietary drain tile
2 location system that locates drain tiles and makes
3 recommendations to civil engineers in terms of
4 rerouting and abandoning drain tiles for different
5 land uses such as Amazon warehouses or Walmarts or
6 subdivisions. And in this case, solar.

7 So, we -- we go into the site and we locate
8 all the drain tiles and then we GPS them and then we
9 supply that information to the engineer and make
10 recommendations on -- for remediation.

11 MR. BARRY: Mr. Huddleston, is the
12 Pleasantville Solar Project required to conduct a
13 drain tile survey?

14 MR. HUDDLESTON: Yes, sir. It is by AIMA
15 and also by Illinois Drainage Code under mutual drain
16 restoration.

17 MR. BARRY: And is a drain tile study going
18 to be conducted for this project?

19 MR. HUDDLESTON: It is. There's two types
20 of drain tile studies for solar.

21 The first is called a perimeter study, and
22 that's -- that's been commissioned and underway right
23 now by B and J Farms, Ron Lehman. And he's going
24 around the perimeter of the project and randomly slit

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1 trenching, locating the drain tiles, verifying that
2 the drain tile reaches up into the up and
3 non-participating lands of others, which makes that a
4 legal mutual drain under Illinois Drainage Code.

5 Then he's going to locate that drain tile
6 all the way down until it either goes out the other
7 end of the project or it discharges into the creek.
8 And then we'll GPS that drain tile system in a -- with
9 a Trimble system under state plane coordinates, and
10 then we'll design a mitigation to reroute that line
11 into what we call a dedicated main line, which will be
12 constructed of polyethylene, dual wall drainage pipe,
13 which is much greater than the existing pipe, out of
14 the way of any conflicting solar apparatus.

15 And then secondly, we'll meet with
16 individual landowners to assess what their needs might
17 be in terms of local drain tile so that we can -- we
18 can rebuild drain tile systems in those local farms so
19 that we won't have any sort of hydric flume
20 indications during the -- the solar apparatus.

21 So, the whole intent of this is to -- to
22 maintain the -- and improve the existing drainage
23 system within these farmlands and include a dedicated
24 outfall for the upland landowners so that we can

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1 maintain the prime farmland aspect of the land itself.

2 MR. BARRY: And, Mr. Huddleston, is
3 Mr. Lehman a local drain tile contractor here in
4 Fulton County?

5 MR. HUDDLESTON: Yes, sir. He is.

6 MR. BARRY: And I take it you are
7 coordinating with him on the drain tile survey and the
8 drain tile design and drain tile system?

9 MR. HUDDLESTON: Yes, sir.

10 So, our company has created the methodology
11 for locating drain tiles and evaluating them and
12 mitigating them in solar. And so, therefore, our
13 model is to consult with a local drain tile contractor
14 to put together those mitigation plans.

15 So, rather than us coming to someone else's
16 backyard and infringe on their -- on their territory
17 rights, then we just work with them to create the
18 drain tile mapping.

19 MR. BARRY: And so, I think this is obvious
20 based on what you just said, but you've done drain
21 tile surveys and designed drain tiles around solar
22 projects in the past?

23 MR. HUDDLESTON: Yes.

24 MR. BARRY: And again, can a solar project

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1 be constructed in a way that protects the integrity of
2 the existing drain system?

3 MR. HUDDLESTON: Yes, absolutely. It -- it
4 doesn't in all cases protect the existing drain tiles.
5 In many cases, we restore the drain tiles by
6 reinstalling them. But the answer is yes.

7 MR. BARRY: And can you explain how -- how
8 you go about making changes that are beneficial to the
9 drainage flow with solar systems?

10 MR. HUDDLESTON: I can.

11 Once we evaluate the drain tile, we then
12 meet with the upland landowners so that we're sure
13 that we have the drainage that -- that they actually
14 discharge into.

15 And then we explain to them the mitigation
16 of that drain tile so that they're assured that they
17 can continue to discharge their water safely into this
18 drain tile, and it will stay in operation for -- for
19 50 years. We warranty it for 50 years.

20 And in the local farms, we go about that
21 location very much the same way as we install drain
22 tile. We install a lot of pattern drain tile systems.
23 And before we actually install those systems, we do an
24 evaluation of where the existing drain tiles and main

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1 lines may be in those farms, and then we design the
2 new system.

3 So, we basically model it and go through
4 that same process on that local farm. And that kind
5 of tells us where to expect drain tiles. Then we go
6 in specifically and slit trench in those areas. And
7 when we locate the drain tiles, we either probe them
8 out or we insert electronics into the drain tiles. We
9 stake them, then we locate them in the state plane
10 coordinates so that we can put those on the final
11 design plans.

12 MR. BARRY: Thank you. Mr. Huddleston, you
13 previously stated that the AIMA includes a requirement
14 to conduct a drain tile survey, but does it also
15 include a requirement for the repair of a drain tile
16 if the drain tile is unfortunately damaged during the
17 construction of a solar project?

18 MR. HUDDLESTON: Yes, sir. It does.

19 The origin of the AIMA agreement is, the
20 state wanted to make sure that prime farmland was
21 maintained. And so, if solar came in for what is a
22 short period actually in agricultural life, if solar
23 came in for 35 years, when it came out, that land
24 would be equal if not better.

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1 Now, I believe it comes out better. And I
2 think that's been proved by some sites that have been
3 decommissioned. But AIMA wants to make sure that
4 Illinois doesn't lose prime farmland.

5 And in 35 or 40 years, if that landowner
6 believes that food may be more important to grow and
7 it may be economically better for him to grow food,
8 then he can just abandon the solar. Maybe he's --
9 it's best to sign back up again, but regardless, it's
10 a landowner right, and a landowner can decide whether
11 or not to continue that use or to put it back in ag.

12 And if it goes back into ag, it has to be
13 better than it was when it went in. And so that's our
14 mission in this whole process.

15 MR. BARRY: And have you been involved in
16 repairing drain tiles in connection with solar
17 projects?

18 MR. HUDDLESTON: I have, a lot. In -- in
19 new projects and in old projects that didn't have the
20 AIMA agreement that actually caused some drain tiles
21 to fail. So, we got a lot of experience in repair.

22 MR. BARRY: And when you are designing a
23 drain tile system around a solar project, is the goal
24 to make it as good as or better than it was before the

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1 solar project was constructed?

2 MR. HUDDLESTON: The goal is to make it
3 better.

4 Since a lot of these drain tiles are clay
5 that have been in for more than 100 years in some
6 cases, by putting in brand-new drain tile, then we can
7 kind of recondition or restore that drain tile's
8 contribution to the -- to the interior or benefit.

9 So, we use polyethylene, dual wall pipe,
10 which is a heavier pipe and single wall pipe that we
11 put in on most farms. It has the same slit opening in
12 the -- in the pipe profile, but it's much, much
13 stronger pipe, and it's a very much faster flow.

14 So, a lot of these clay drain tiles that
15 we're replacing are drain tiles that may have 30, 40,
16 50, 80 percent silt in them. So, by replacing those
17 drain tiles by like kind, which means take the drain
18 tile out, put the new drain tile in, then we're
19 putting a drain tile in that we can warranty for a lot
20 longer period than the existing drain tile can offer.

21 MR. BARRY: And for the other solar projects
22 you've worked on, were you successful in improving the
23 overall drainage system after the projects were built
24 and any repairs were made?

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1 MR. HUDDLESTON: Yes. We've done hundreds
2 of thousands of feet of like kind replacement on
3 community and -- and utility power.

4 MR. BARRY: And are you confident that you
5 can design a drain tile system for the Pleasantville
6 Solar Park so that the drain tile system will be
7 better than it was before the project was constructed?

8 MR. HUDDLESTON: Absolutely.

9 MR. BARRY: Thank you, Mr. Huddleston.

10 MR. HUDDLESTON: Yes, sir. Thank you.

11 MR. BARRY: And then batting clean-up this
12 evening, we have Erin Bowen, and she's going to talk
13 about property value impact study.

14 MS. BOWEN: Good evening. My name is Erin
15 Bowen. I am a licensed real estate appraiser at
16 CohnReznick. I am a member of the Appraisal Institute
17 with an MAI designation, the highest designation in my
18 field.

19 I work alongside Andrew Lines at
20 CohnReznick, and we specialize in property value
21 impact analysis. We study a number of potential
22 external influences on property values which run from
23 cell towers, landfills, big-box retail, and recently
24 solar and wind facilities.

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1 One of the biggest questions that we hear
2 is, does proximity to solar farms impact property
3 values? And we approach this question threefold.

4 The first of which is to go out to the
5 market and see what other people have said about this
6 issue. What are the published academic literature
7 saying. Second of which is to perform our own paired
8 sales analyses. And then finally is to interview
9 active market participants, including county and
10 township assessors, who have solar in their
11 jurisdiction as well as real estate agents who have
12 listed and sold solar -- or, excuse me, residential
13 properties adjacent to solar facilities.

14 I'm going to start off discussing the
15 academic studies that are out there. There are a
16 handful that are published that cover solar
17 facilities. They are both qualitative and
18 quantitative studies. There are studies that are
19 survey based, and there are studies that are
20 regression based using hundreds of thousands of data
21 points.

22 The University of Rhode Island published a
23 study in 2020 studying over 70,000 test sales and
24 350,000 control sales, and they determined that the

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1 study found no negative impact to homes in rural
2 locations. And they define a rural location as a
3 place with 850 persons per square mile or less.

4 To put into context, the project area under
5 consideration here is about 30 persons per square
6 mile. So, this study found that there would be no --
7 no detrimental impact to property values.

8 The next study I would like to highlight is
9 the Berkeley National Lab study that was published in
10 March of 2023. It was another regression model that
11 analyzed 1.8 million transactions in six states.
12 Three of those states, representing 70 percent of the
13 data, found no impact whatsoever. And overall, they
14 only found a less than 2 percent impact across the
15 study.

16 But the authors of the study wanted to put
17 some parameters on it indicating that it should not be
18 applied to larger-scale solar projects greater than
19 18 megawatts. They also published a follow-up study
20 in April of this year, just a month ago, that was a
21 survey for adjacent property owners. And they found
22 that the positive sentiments outnumbered the negative
23 sentiments of solar by nearly three to one.

24 And I want to highlight that these studies,

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1 and the other ones that I've mentioned, were not
2 performed by real estate appraisers, which Andrew
3 Lines and I are. We --

4 MR. BARRY: So, did the authors of those
5 studies have MAI designations like you and Mr. Lines
6 have?

7 MS. BOWEN: No, they did not. They are
8 not -- they are not licensed appraisers, no.

9 So, at CohnReznick, we have, like I
10 mentioned before, studied other external impacts to
11 property values, and we use the methodology that is
12 outlined in the textbook published by the Appraisal
13 Institute titled "Real Estate Damages," and is written
14 by Dr. Randy Bell, also an MAI appraiser.

15 The textbook states that if there's a
16 legitimate detrimental condition, there will likely be
17 a measurable and consistent difference between the two
18 sets of data. If not, there will be no significant
19 difference between the two sets of data.

20 So, what that means is, if there's an
21 impact, you're going to be able to measure it, and
22 you're going to be able to measure it more than once.

23 And the process of which is to identify a
24 test area, an area which might be influenced, and then

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1 compare that to a control area. So, similar
2 properties that are not near the potential impact, in
3 this case, a solar farm.

4 Our process is to study existing solar. We
5 identify an existing solar project, and we identify
6 every single property that surrounds the solar
7 project, that physically touches the solar project,
8 and we track to see if there are any sales that occur
9 after the completion of the solar facility, and then
10 we compare that to our control sales.

11 So, we're looking at similar
12 characteristics, age, size, type of property. We're
13 looking at a 1970s suburban tract home, we're
14 comparing it to other 1970s suburban tract homes. If
15 we're looking at a farmstead on 5 acres, we're
16 comparing it to other farmstead properties, and we're
17 looking at similar times of transaction. So, if a
18 property is at the height of the market, we're looking
19 at other properties that are selling at the height of
20 the market.

21 And we're also making sure that we're not
22 including transactions that may be selling
23 non-arm's-length. So, from related parties or may be
24 distressed by foreclosure or other instance.

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1 So, we've done this not just once but over
2 40 times in Illinois and other states, Indiana, Iowa,
3 Michigan, Wisconsin in suburban and rural locations.
4 We're looking at homes of variety of circumstances,
5 homes that are within 100 feet of the solar panels,
6 homes that are surrounded on two, three, and in some
7 cases, even all four sides by the solar panels.

8 And in our 40 studies, we have not found a
9 measurable and consistent difference in the sale
10 prices of those properties that are next to a solar
11 facility. And we haven't found a difference in a
12 variety of market factors including overall sale
13 prices, sale prices per square foot, conditions of
14 sale, marketability or number of days on market, rate
15 of appreciation, and we found that solar facilities
16 did not deter new development.

17 I want to go into some specific examples
18 that you guys can see. I've been talking a lot of
19 numbers, and I want you to kind of understand the
20 proximity that we're looking at here. This Grand
21 Ridge Solar Farm in LaSalle County, Illinois, was
22 completed in 2012. It's a 20-megawatt facility. It's
23 kind of hard to see on the site here, but we've got
24 this home that's just a couple hundred feet away from

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1 the panels itself.

2 It sold four years after the completion of
3 the solar facility for \$186,000, or approximately \$80
4 a square foot. We identified five control sales that
5 were similar in design, size, and age that were not
6 near the Grand Bridge Solar Farm, and sold for a
7 median sale price of \$74.35 a square foot, or a
8 difference of approximately seven and a half percent.

9 So, we -- we found that this home that sold
10 next to the Grand Ridge Solar Farm was not impacted by
11 the presence of that solar facility.

12 I want to skip over this one, but it was
13 another solar facility in Illinois, and I want to get
14 right into the assembly solar facility in Shiawassee
15 County, Michigan, that was completed in 2022.

16 This is a home that is encircled on all four
17 sides. It's kind of hard to tell up here by the
18 screen, but these are solar panels, these are solar
19 panels, solar panels, solar panels.

20 If you're going to see an impact, you would
21 think that this would be the place where you would see
22 it, where you got a sea of solar surrounding the
23 property. You've got the residence right over here
24 within, you know, just a couple hundred feet, I think

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1 it's about 200 feet, from the -- the residence to the
2 solar panels itself.

3 We have identified some primary
4 characteristics about this property and compared it to
5 similar properties, or control sales, and found that
6 it sold for approximately five and a half percent
7 above those control sales.

8 And we made sure that we're looking at
9 like-to-like. So, we're looking at other farmstead
10 properties. This one was on a large lot with farm
11 structures. We're looking at other properties on
12 large lots with farm structures that sold in a similar
13 time frame.

14 This assembly solar farm had multiple
15 transactions that surrounded it. Likewise, we found
16 that those test sales that sold next to the solar
17 panels were not impacted by the solar facility being
18 right there. And, in fact, one of these homes sold
19 twice after the completion of the solar farm.

20 This particular property sold in May 2021,
21 after phase one of this project was completed, for
22 \$215,000, and then sold again in March of 2023 for
23 \$250,000, or 16 percent above what it sold for less
24 than 24 months prior. That is about .7 percent per

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1 month, and the FHFA home price index showed that for
2 that ZIP code, the monthly appreciation rate was
3 .67 percent.

4 So, it shows that the homes that are near
5 solar facilities are appreciating at the same rate as
6 other homes in the same ZIP code.

7 MR. BARRY: Can I just pause you for one
8 second and ask if the information and the contents
9 that you're discussing this evening as well as the
10 photos, are they included in a study you performed in
11 connection with this project?

12 MS. BOWEN: Yes, they are.

13 MR. BARRY: And is that study Exhibit I as
14 part of the application materials?

15 (Exhibit I was introduced.)

16 MS. BOWEN: Yes, it is.

17 MR. BARRY: Thank you.

18 MS. BOWEN: Here are some photos. We wanted
19 to highlight that we are really looking at
20 like-to-like, making sure that we are, you know,
21 really diving into the data and making sure that the
22 buyers of the property represent the buyers of what
23 another property would be.

24 MR. BARRY: And if I could pause you one

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1 more time. You mentioned the -- looking at
2 like-to-like homes; right?

3 MS. BOWEN: Uh-huh.

4 MR. BARRY: As an MAI designated appraiser,
5 are you subject to rules and regulations?

6 MS. BOWEN: I am. I am subject to Uniform
7 Standards' practices and procedures. I signed a
8 certification in every report including the report
9 that was submitted in this application.

10 MR. BARRY: And if you deviate from those
11 standards, for example, by comparing non-like-to-like
12 sales, can you be at risk of losing your license,
13 certification?

14 MS. BOWEN: Correct. If I am found in
15 violation of these standard practices and procedures,
16 I am in risk of losing my certification.

17 I don't want to get -- reiterate too much,
18 but another study that we did was for the Riverstart
19 Solar Farm in Indiana, which was another EDP project.
20 And this project, we found that there was no negative
21 impact to homes that were next to the solar facility.

22 I mentioned earlier that solar also does not
23 deter new development. In the middle picture on the
24 slide, you can see some solar panels and a vacant lot

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1 adjacent to those solar panels. The solar facility
2 here in Marion County, Indiana, was constructed in
3 2013.

4 And in 2016, you can see on the picture to
5 the far right of this, the -- a brand-new two-story
6 home was constructed for an estimated cost of \$450,000
7 with an in-ground pool within 150 feet of those solar
8 panels indicating that the existence of the solar
9 facility didn't detract new development. The existing
10 landscaping provided some coverage, but you can still
11 clearly see from the second-story window to the solar
12 panels themselves.

13 We've also seen that new subdivisions are
14 being constructed next to solar facilities. Lennar is
15 currently constructing a 175-home subdivision, within
16 125 feet of solar panels, that are currently selling
17 including some of those homes that are immediately
18 adjacent to solar facility. You can barely see in
19 this picture here, but the solar panels are right
20 behind these homes and are closing as this subdivision
21 is nearing its completion.

22 And I know I've been talking for a while,
23 but I want --

24 MR. BARRY: Well, I just wanted to ask you,

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1 were those homes selling for good prices?

2 MS. BOWEN: Yeah. So, the homes in this
3 community were selling from between 350 to about
4 \$425,000. And the homes that are immediately adjacent
5 to solar panels, these here are selling at the top end
6 of that range. Between 400 and \$425,000.

7 To wrap all this up, we wanted to make sure
8 that we're not the only ones who are researching this,
9 and we have talked to county and township assessors
10 across the country, including in Illinois. These are
11 county-elected officials who are tracking all kinds of
12 transactions, not just those next to solar facilities,
13 but as part of their job is to identify transactions
14 and trends, and we asked them a couple of questions.

15 One, have you identified any trends in sale
16 prices from homes next to solar facilities? And they
17 haven't identified any abnormal trends.

18 We asked county assessors if they had
19 changed the way they had assessed properties by being
20 next to a solar facility. They have not.

21 And we've also asked if they have been asked
22 by and been granted any reduction in assessed values
23 from property owners next to solar facilities, and
24 they have not.

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1 So, we have spoken with over 75 county
2 assessors in over 20 states, and they have all
3 confirmed that there is no effect on adjacent property
4 values by being next to a solar farm.

5 In conclusion, based off of our examination,
6 research, and analysis of existing solar farms in
7 Illinois, the Midwest, and the country, we have found
8 no consistent negative impact to adjacent property
9 values. This has been confirmed by numerous county
10 assessors and has been confirmed by academic studies.
11 And we feel that there's no negative impact to
12 adjacent property values.

13 MR. BARRY: Thank you, Erin.

14 Mr. Chairman --

15 MR. PHILLIPS: Yes.

16 MR. BARRY: -- that concludes the
17 applicant's presentation for this evening.

18 MR. PHILLIPS: Very good.

19 MR. BARRY: As a housekeeping matter, I'd
20 like to request that the PowerPoint presentation be
21 entered into evidence, and I -- I gave you a hard copy
22 of that, not only for putting it into evidence, but
23 also to make sure you could see. Because I wasn't
24 sure what the angle is sitting there.

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1 MR. PHILLIPS: Correct.

2 MR. BARRY: And so, at this time, we stand
3 ready to answer any questions from members of the
4 board or from the audience. And the only thing I
5 would ask for is an opportunity to provide a closing
6 statement after we're done with the questions and
7 before the board goes into deliberations.

8 MR. PHILLIPS: That would be fine.

9 MR. BARRY: Thank you.

10 MR. PHILLIPS: So, I thought it was a very
11 good presentation. Covered a lot of very good aspects
12 of the whole project. We have a nice group assembled
13 this evening.

14 Do we have questions for the presenter? If
15 so, raise your hand. I'll be happy to swear you in
16 and go for your question.

17 Could you please raise your hand, sir?

18 [Citizen sworn in at this time.]

19 MR. PHILLIPS: And your name, sir?

20 CITIZEN: Trent Palmer.[phonetic]

21 MR. PHILLIPS: If you'd like to step a
22 little closer, that might be --

23 CITIZEN: I just got a couple quick
24 questions.

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1 MR. PHILLIPS: Sure.

2 CITIZEN: One about the property impact.

3 Is anyone willing to put that in writing?

4 That my two properties, that that will not be affected
5 by the -- by this solar?

6 I mean, you know, she gave a pretty good
7 argument as far as appraisal value and studies. I'm
8 just wondering if you guys are willing to put it in
9 writing that my properties will not be affected by the
10 solar.

11 MR. BARRY: Well, I'm not sure what putting
12 in writing means, Mr. Chairman, but obviously there's
13 a report that was submitted as part of the application
14 that's in writing that I think convulsively
15 demonstrates that was prepared by an expert here, the
16 highest license you can get in terms of expertise,
17 that demonstrates that they're just not seeing any
18 property value impacts.

19 MR. PHILLIPS: Is it typical to give a
20 guarantee of a loss of -- no loss of property value?

21 MR. BARRY: Well, I mean, I'll tell you, one
22 problem with doing that is that there's a state
23 statute that says that those can't be mandated. So,
24 I -- I don't -- I would say, because of that in

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1 particular, the answer -- my view is the answer is no,
2 it is not typical at all because it's not necessary.

3 And I -- I'll defer to Erin, but what I've
4 heard before in other proceedings is that when you
5 start going down that road, you end up creating
6 problems. You end up distorting markets, and it's --
7 they're difficult to manage. But that's what I've
8 heard before. But I'm not -- I'm not a property value
9 expert.

10 MS. BOWEN: I find no evidence to
11 necessitate a guarantee. I have not seen any other
12 developers offer a guarantee in my professional
13 experience.

14 MR. PHILLIPS: Okay.

15 CITIZEN: We're going to base it on studies
16 and by appraisals. That's people's opinions.

17 MR. BARRY: I would just say, it's more than
18 people's opinions. It's actual sales data that she
19 described, I think, in great detail.

20 And then, you know, I think one of the
21 practical things that -- that, you know, she didn't
22 spend a lot of time on, one of the last slides, is
23 that they talked to actual appraisers in counties in
24 Illinois -- I think Champaign County is one of them,

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1 Stephenson County is another, LaSalle County is
2 another -- they talked to the county tax assessors.

3 I mean, I'll tell you, if it was me and I
4 thought -- I thought there was an impact on my
5 property from whatever by some activity next door, and
6 it was a negative impact, I would go in and file a
7 property tax appeal.

8 MR. PHILLIPS: Uh-huh.

9 MR. BARRY: And those --

10 I'll just ask you. Have you seen any -- did
11 those assessors say they've seen a lot of property tax
12 appeals from people who were complaining about solar
13 projects?

14 MS. BOWEN: No. I have not seen, based off
15 of our discussions with over 75 assessors, that they
16 have been asked for or granted appeals for property
17 owners adjacent to solar facilities.

18 MR. PHILLIPS: Very good. So, I think it's
19 very important to further explain that the volume of
20 material within this binder that we were given is,
21 what, 30 or 40 pages of study by your company and by
22 you personally.

23 MS. BOWEN: I believe it's closer to 100 to
24 150 pages, but yes.

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1 MR. PHILLIPS: I did go through them all.

2 MS. BOWEN: And I would like to state that
3 the studies that were included in the report represent
4 a portion of our studies that were performed. I
5 believe that there are about 10 studies in the report,
6 but I mentioned that we have performed over 40
7 studies. So, what is in that report is only a
8 fraction of the work that we have compiled.

9 MR. PHILLIPS: Very good.

10 Do you have another question, sir?

11 CITIZEN: Yeah.

12 How many studies are from the community
13 around 500 people instead of 15,000, 30,000, 50,000?
14 Are these property values around here, here, here are
15 going to be considerably less than Champaign County or
16 LaSalle County where you got a big population that's
17 carrying the balance of property?

18 MS. BOWEN: We have performed a number of
19 studies that have similar population densities similar
20 to this county in Fulton County, and we feel confident
21 that the population density of the other studies is
22 representative of the community here.

23 CITIZEN: Is there any way you can email
24 those studies to me?

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1 MS. BOWEN: I believe that we have that
2 information in the report submitted to the board.

3 MR. PHILLIPS: Yes. So, the information
4 that you're requesting, sir --

5 CITIZEN: From a small community.

6 MR. PHILLIPS: -- is public information
7 as -- since it's being submitted as part of a public
8 hearing. We can -- if you come up afterwards, we'll
9 find a way to send that portion of the report to you.

10 Are there other questions?

11 Yes, sir? Raise your right hand, sir.

12 [Citizen was sworn in at this time.]

13 MR. PHILLIPS: And your name, sir?

14 CITIZEN: Chris Hagey.[phonetic] I got a
15 question. The materials and all the equipment used
16 for these projects, are they American-made stuff?
17 Items? Or do you ship them in from China or Japan or
18 other places?

19 MS. FLEISCHMAN: So, our materials come from
20 a number of different locations. You can imagine
21 there's a lot of different components that go into the
22 panel as well as the racking, the steel. And then,
23 you know, obviously all the electrical items.

24 Our panels, as we've submitted in our

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1 application, we are planning to use -- they're called
2 Q cells. They are assembled in the United States.

3 CITIZEN: Like your steel, is it American
4 steel or is it shipped in from overseas? You know,
5 there's more than just --

6 MS. FLEISCHMAN: Sure. I'm not quite
7 positive on the -- on the location of origin of the
8 steel. I'd have to --

9 CITIZEN: I'm looking at American jobs.
10 You're saying you'll create American jobs. Well, if
11 you want to do something, you say you're an American
12 company or whatever, why aren't you using 100 percent
13 American products? You ain't sure of what you're
14 using, so where is it coming from?

15 MR. BARRY: She said that the solar panels,
16 which consist -- you know, a big portion of the
17 project are -- the ones that have been proposed are
18 going to be assembled in America. I'm not sure what
19 state the plants are in, but they're made in America.
20 I mean, it's just like --

21 CITIZEN: -- just said assemble in America.
22 Where is the parts coming from is what I'm
23 saying.

24 MR. BARRY: That's right. It's just like an

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1 automobile. I mean, you know, you have -- if you look
2 on the sticker of your car, there's a -- there's a
3 sticker that will tell you where the parts came from.
4 And not all of them, even the ones coming out of
5 Detroit, come out of America, but they're assembled
6 in -- you know, a lot of them are assembled in the
7 plants in the states.

8 CITIZEN: Okay. I got a second question.

9 Just looking down the road, if you decide to
10 do another park in Fulton County, will you have to do
11 this again? Will they have to do another hearing?

12 MR. BARRY: If --

13 CITIZEN: -- just come in here and say,
14 we're going to put in another --

15 MR. PHILLIPS: No. There will be a
16 requirement for another hearing. We would probably go
17 through the same process. They do have excess maximum
18 build space, so to speak. We'd have to take a look at
19 what modifications they're having.

20 My first opinion is, without consultation
21 with the state's attorney, is yes, we'd have a
22 complete second hearing, second presentation just like
23 this.

24 MR. BARRY: And if I could add, so the

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1 permit that they're seeking is to build a project on
2 with the footprint identified in the map, and that's
3 described in the public notice.

4 By law, that's all they can -- they can't --
5 they can't go outside of that, what's -- what's listed
6 in -- in the terms of the properties that are listed
7 in the public notes. That's -- that's by state law.
8 They can't do it.

9 So, if they wanted to come back in and build
10 a new facility or add to this facility and they go
11 beyond the existing properties that are identified in
12 the application and in the public notice, they would
13 have to go through this process again. And state law
14 would require another public hearing.

15 CITIZEN: Okay. Thank you.

16 MR. PHILLIPS: You bet.

17 Are there other questions? We have one?

18 CITIZEN: Yeah.

19 MR. PHILLIPS: Raise your right hand. I
20 can't see you, sir. I'm sorry.

21 [Citizen was sworn in at this time.]

22 MR. PHILLIPS: And your name, sir?

23 CITIZEN: John LaSalle.[phonetic]

24 MR. PHILLIPS: Very good. Please proceed.

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1 CITIZEN: The real estate taxes. I'm
2 assuming all of you are on the county board.

3 The -- how this going to affect the
4 production agriculture land? If these -- these solar
5 farms are worth more, is that going to affect the
6 production agriculture side of real estate?

7 MR. PHILLIPS: Well, we can ask for your
8 opinion first, and then I might ask for a second
9 opinion.

10 MS. BOWEN: So, I think what you're getting
11 at is that if the -- the real estate -- if the
12 assessed values of the land underneath the solar
13 panels is increasing, are you concerned that your real
14 estate assessed values is going to increase, either
15 for agricultural land or otherwise, that you would end
16 up paying more in taxes? Is that your concern?

17 CITIZEN: Yeah.

18 MS. BOWEN: Our finding is no. One, is that
19 for the -- the project, the real estate taxes are
20 adding additional revenue to the community without
21 being a burden. There are no additional families
22 living on these parcels, meaning the fire department,
23 the schools, the teachers. So, you're getting more
24 money into the pot without being a drain on those

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1 resources.

2 So, in practice, we -- we do not see the
3 adjacent real estate assessed values go up in relation
4 to that. So, no, we do not see the property owners
5 end up paying more in real estate assessed values.

6 MR. PHILLIPS: I think we'd like to ask
7 Julie Russell, who is our Fulton County Assessor, to
8 speak to that also.

9 MS. RUSSELL: So, I wasn't completely sure
10 with your agricultural production question.

11 CITIZEN: -- lifestyle --

12 MS. RUSSELL: Well, no, I understand that.
13 But I -- I'm assuming Erin answered your question with
14 wanting to know if your adjacent property taxes are
15 going to increase because of this. I completely
16 concur with her.

17 Something else that I wanted to add was one
18 of the studies that she referenced, the Lawrence
19 Berkeley National Laboratory Study. One of the things
20 that they did not measure was the local impact of tax
21 benefits in each of these communities where the
22 utilities, large-scale solar farms were installed.

23 In Illinois, it's unique to our state that
24 the amount of equalized assessed value that is added

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1 to the tax base in the community that you're going to
2 be in if you're around that solar farm is actually a
3 benefit to everybody around here. Inadvertently, that
4 can actually raise your property worth.

5 Usually, that's not what I hear concerns
6 about in my office. You know, they usually come in
7 concerned that their property's going to go down in
8 value. But it's not something that we've seen issues
9 with or such.

10 MR. PHILLIPS: Thank you.

11 Are there other questions? Well, I figured
12 somebody's mulling over a question. If you have one,
13 why, I'd sure like to hear it.

14 CITIZEN: John Foley.[phonetic]

15 MR. PHILLIPS: Raise your right hand,
16 please.

17 [Citizen sworn in at this time.]

18 MR. PHILLIPS: And your name, sir?

19 CITIZEN: John Foley.

20 MR. PHILLIPS: Very as good.

21 CITIZEN: I'd like to know, Mr. Huddleston
22 talked about the drain tiles, and I wasn't real clear
23 in understanding how neighboring drain tiles are --
24 are maybe improved because of this project.

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1 Is that right?

2 MR. HUDDLESTON: Yes, sir. Well, the way
3 the drain tiles are improved in the solar project is
4 the fact that an upland landowner is probably
5 discharging into a pipe that's pretty old and may not
6 be of adequate size.

7 And so by putting -- replacing that tile
8 with much faster pipe, better pipe, stronger pipe
9 integrity wise, then that upland landowner will have a
10 much better discharge point to discharge into.

11 CITIZEN: How do you coordinate with the
12 upland property owner to do that?

13 MR. HUDDLESTON: Well, when we finish our
14 report, we'll either visit with you or you call us and
15 we'll show you our finding. But I think we want
16 upland landowners to be stakeholders in this process.

17 So, if an upland landowner has a concern,
18 then they need to contact us, and then we'll certainly
19 show you the plan and go over the remediation.

20 CITIZEN: These neighbors don't have to put
21 any input into the cost of that --

22 MR. HUDDLESTON: No, sir.

23 CITIZEN: -- replacement?

24 MR. HUDDLESTON: That dedicated line, you

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1 already have the right to discharge into that drain
2 tile, so we have to maintain the viability and the
3 integrity of that drain tile.

4 So, it's not up to you to do it. It's up to
5 us to repair it and maintain that benefit so that you
6 continue to be able to drain into that drain tile.

7 And most importantly, that if you're
8 discharging right now into an old, clay drain tile
9 that may fail, then we're guaranteeing or warranting
10 the life of that drain tile. So, if it fails, under
11 normal agricultural circumstances, it's got to be
12 replaced. But in the solar, it's going to be replaced
13 anyway.

14 MR. BARRY: That's warranted for 50 years;
15 right?

16 MR. HUDDLESTON: Yes, sir. The -- I don't
17 know if you're familiar with ADS, it's Advanced
18 Drainage Systems, the drain tile contractor. They
19 have material engineers, and they've -- they've given
20 us a 50-year warranty on their pipe.

21 CITIZEN: Can you estimate a budget for this
22 part of the project?

23 MR. HUDDLESTON: No, sir. It's a lot
24 though. I wouldn't be here if it wasn't.

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1 MR. PHILLIPS: Very good. Good answer.

2 Other questions that people might have?

3 Well, if there are no more questions, I'd like to
4 proceed to close the public question section of the
5 public hearing at this time. I'd like to ask the
6 members of the Zoning Board of Appeals if they have
7 questions that they would like to consider.

8 Damon.

9 MR. ROBERSON: My concern -- or not concern,
10 but I'm curious on the access roads that you're going
11 to use -- utilize and build. These roads are private
12 roads, private -- like a driveway.

13 It's -- it's not going to impact the
14 township or any -- anybody like that?

15 MR. CARLSON: Correct. Yes. They're going
16 to be anywhere between 12 to 20 feet wide private
17 access roads. There will be a gate kind of blocking
18 them off from the public area. There's a fence around
19 the whole project, and those access roads will be,
20 like, 20 -- 24-foot gate to kind of get in there.

21 And then, I guess, in terms of, like, impact
22 to -- to traffic in the surrounding area, during
23 operations, there's really not much use for -- for --
24 in terms of people going in and out of the site. So,

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1 I don't -- we don't anticipate obviously any -- any --
2 a large amount of traffic going in and out of these
3 areas.

4 MR. BARRY: And, Cal, for the location and
5 the right to connect those access roads to an existing
6 township or county road, the project will have to get
7 a permit or enter into an agreement with the
8 appropriate road authorities; right?

9 MR. CARLSON: Correct. Yep.

10 MS. FLEISCHMAN: And I'd just like to say,
11 we -- we've sat down with all four road district
12 commissioners to open up this conversation as well as
13 the mayor of Ipava and the county engineer as well to
14 start having this conversation about what is required
15 for us to -- to get a road -- a driveway entrance at
16 that spot.

17 And we do plan to engage in road use
18 agreements with any townships, road district
19 commissioners, whose township roads we plan to use for
20 construction for the life of the project, as well as
21 the county and -- and the village too. And that's --
22 that's all per the county ordinance as well.

23 MR. PHILLIPS: While we're on the subject of
24 roads then, it's my understanding that a road use

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1 agreement is in process?

2 MS. FLEISCHMAN: Yes, sir. We've -- we are
3 working on getting a form prepared as we speak to
4 propose to the county, and I've spoken with all the
5 road district commissioners as well. They are in
6 agreement with the preliminary plan that's included in
7 the binders, and we will use that as a basis to start
8 our conversation about the road use agreement in more
9 detail.

10 So, we see that coming in the next few
11 weeks, and we do expect to have that completed before
12 we start construction.

13 MR. PHILLIPS: Well, and I believe it's a
14 requirement to have it in place before construction
15 starts.

16 And isn't there also a bond or a guarantee
17 associated with that for the road maintenance?

18 MS. FLEISCHMAN: Yep, that's correct. At
19 this time, we are doing our due diligence to figure
20 out how much that bond should be, and we will work
21 with the county engineer to set the amount and -- but
22 that is forthcoming as well.

23 MR. PHILLIPS: Very good.

24 MR. ROBERSON: And just to continue with

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1 that. At the end of the -- end of the life of this
2 project, all those roads go back to normal. All
3 the -- all the gravel or whatever is removed and
4 everything is returned.

5 Is that --

6 MS. FLEISCHMAN: Yes. Unless we --
7 sometimes the landowners like to keep them unless they
8 request that. That's correct.

9 MR. ROBERSON: Okay. Thank you.

10 MR. CARLSON: But that -- that kind of
11 restoration has been accounted for in that
12 decommission.

13 MR. ROBERSON: Okay. Thank you.

14 MR. ACKERMAN: On that decommission plan --

15 MR. PHILLIPS: And your name, sir?

16 MR. ACKERMAN: Bob Ackerman.

17 MR. PHILLIPS: There we go.

18 MR. ACKERMAN: I didn't hear it -- and maybe
19 it was mentioned and I didn't hear it, but certainly
20 there is an assurity or a bond that goes along with
21 that.

22 Now, does that go between the company and
23 the landowner, company and the county? Who holds that
24 assurity?

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1 MS. FLEISCHMAN: So, we are required to
2 enter into a decommissioning agreement with the
3 county. And so, the bond will be posted with the
4 county, and there are -- you're correct. There are
5 requirements for amounts set at certain points of the
6 life of the project, and that is set in the AIMA.

7 I believe that it is between one to two
8 years after operation, we're required to post a
9 10 percent of the decommissioning bond amount. And
10 then I think within six years, I believe it's
11 50 percent. And then after -- I believe it's
12 somewhere around the 10- to 12-year mark, we have to
13 post 100 percent of that. And that's all --

14 MR. ACKERMAN: -- escalates with the length
15 and broad --

16 MS. FLEISCHMAN: Yes, so we will post a
17 certain percentage of the decommissioning estimate
18 included in our report at different milestones in the
19 life of the project.

20 MR. ACKERMAN: I'm following you.

21 MS. FLEISCHMAN: Okay.

22 MR. ACKERMAN: The only other thing I would
23 like to say about the drain tiles is that, we've had a
24 project that didn't go as well as we wish it would

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1 have, after the fact.

2 We didn't know what was going on, but a year
3 later, some farmers and the owner of the property,
4 there was a little hard feelings and things didn't --
5 didn't seem to be worked out very well. So, I guess I
6 had a question.

7 Tom, is there a way for you to, at the end
8 of a project, of course, much like a manufacturing
9 plant coming on, you decommission it to be sure that
10 everything is running, is there a way that you're
11 confident that all your pipes will be running at -- at
12 full ability?

13 MR. HUDDLESTON: Yes, sir. One of the
14 reasons we upgrade the pipe to a dual wall
15 polyethylene is it's a much stronger pipe --

16 MR. ACKERMAN: -- run over or collapse --

17 MR. HUDDLESTON: -- guarantee -- yeah, the
18 construction traffic ones.

19 If I had to say, the most important part of
20 agricultural drainage in this project is take care of
21 the upland landowners. Because they're not benefiting
22 from this project, but they need to drain. And if
23 they can't drain for the next 50 years for some reason
24 or another, then they're going to devalue their land.

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1 And then it's up to the landowners within the project
2 to -- to get up and demand what they want actually for
3 the inside.

4 So, there will be detailed engineering plans
5 that show where those drain tiles are and where
6 they're going to come in and out. Basically, it's a
7 new drain tile that's run, for example, from the ditch
8 all the way up, not in conflict with any of the piles,
9 all the way up to that upland landowner's property,
10 and then intercept his drain tile that flows through
11 this project.

12 And then there's -- yes, sir. And then
13 there's also a riser, a Hickenbottom orange riser
14 that's put in there, and we use that to give it a
15 little air in the system. We also use it for
16 observation. So, if that upland landowner says,
17 things aren't draining so well, he can pull that cap
18 off and he can see the water flowing within it.

19 So, it's the best we can. But that's a
20 great question, and that's the one thing -- that's why
21 we're doing this study right now.

22 MR. ACKERMAN: Okay. Perfect.

23 I had what I thought were good questions,
24 but they got answered already. So, I'm -- I think I'm

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1 okay with what's going on here.

2 MS. CLARK: Answered all mine.

3 MR. PHILLIPS: Cathy, how about you?

4 MS. EATHINGTON: I'm okay. He's answered
5 what I've noted.

6 MR. PHILLIPS: And you're okay, Sally?

7 MS. CLARK: Uh-huh.

8 MR. PHILLIPS: Okay. The -- I don't think
9 we've touched much on the security aspect of all the
10 gates and the coordination of safety between the
11 project, and I just wanted to say that in the -- in
12 your report, you carefully say that you will
13 coordinate with Ipava the county, Vermont, Table
14 Grove, for security access to the project. The gates
15 will either have a Knox Box by them or something like
16 that.

17 MS. FLEISCHMAN: Correct.

18 MR. PHILLIPS: Okay. I would say you might
19 want to just check and see, but I believe in Illinois,
20 it's not the Illinois Uniform Building Code, it will
21 be the International Building Code as compliance, so.

22 Then vegetative screening. As the project
23 goes along, I believe your comment was that it could
24 change as we go. And so, I assume that there will be

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1 a coordination with the owner at that point on that
2 screening.

3 MS. FLEISCHMAN: So, the -- the -- I think
4 the requirement in the ordinance is that we screen
5 from non-participating residences, and we do plan to
6 uphold that commitment.

7 As Cal mentioned, and you're mentioning,
8 Mr. Phillips, is that what we're showing here is a max
9 build layout. So, in areas that we propose screening,
10 if those panels do not end up there, we won't have
11 anything to screen from. So, we won't have screening
12 in that location.

13 However, the commitment remains the same.
14 That we will install vegetative screening at any
15 location where -- where we have a non-participating
16 occupied residence and --

17 MR. CARLSON: Within 250 feet.

18 MS. FLEISCHMAN: Yes, what we've looked at
19 is that 250 feet is a fair assessment --

20 MR. PHILLIPS: Well, I think your -- one of
21 your photo realizations showed one of the
22 intersections with no screening at all, off Route 136,
23 and it's not needed.

24 MR. CARLSON: Yes.

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1 MR. PHILLIPS: Okay. That's about all I
2 have at this point. Checking one more time.

3 No more questions from board members?

4 Mr. Barry, would you like to make a wrap-up?

5 MR. BARRY: I would. I'll try to be brief.
6 Thank you, Mr. Chairman, members of the board.

7 As I indicated at the beginning of the
8 hearing tonight, the applicant, we believe that the
9 materials submitted as part of the permit application
10 as well as the materials on display this evening and
11 accompanied by the testimony fully demonstrate that
12 the project has complied with -- or has complied or
13 will comply with the solar siting ordinance of Fulton
14 County, with the Fulton County zoning code, as well as
15 state and federal requirements.

16 To be a little more specific, I'll give you
17 some examples. Just back to the solar ordinance
18 standards, I think that the presentation this evening
19 has touched on how the application materials and
20 exhibits, as well as the testimony, demonstrate that
21 the project complies with the standards in the
22 ordinance.

23 Such things as setbacks, Mr. Carlson
24 testified about how the layout of the project is -- is

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1 in compliance with all required setbacks from roads,
2 houses, property lines, et cetera. He talked about
3 the fencing requirements, the height requirement.

4 So, again, I think that the evidence
5 submitted convulsively demonstrates that the
6 ordinances, the solar siting ordinance has been met.
7 And then, I'd like to briefly walk through the
8 standards for evaluating a conditional use permit, as
9 we believe those have also been met.

10 So, for example, standard number one is that
11 the establishment, maintenance, et cetera, the project
12 will not be detrimental to or endanger the public
13 health, safety, morals, comfort or general welfare of
14 the county.

15 Well, we heard about -- we didn't talk a lot
16 this evening about safety. But if you look in the
17 application materials, you'll see that addressed by
18 certain things. There's -- including a reference to a
19 2017 study performed by the North Carolina State
20 University which discusses how solar projects can
21 operate in a safe manner. They don't generate any air
22 pollution. They don't generate any water pollution.
23 They're made of inert -- the panels themselves are
24 made of inert substances like aluminum and glass and

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1 silicon.

2 And I would say that in -- it's -- the
3 project will be the opposite of being detrimental to
4 the -- the general welfare of the public. In fact, I
5 submit that the project will promote the general
6 welfare by generating a significant amount of new
7 revenue to the school district, \$4.6 million estimated
8 to the county as well as the other tax and
9 jurisdictions that have their -- that are connected to
10 the project.

11 The second standard is that the -- the
12 project won't be injurious to the uses and enjoyment
13 of other property in the immediate vicinity or
14 diminish the property value.

15 Well, as you heard, Ms. Bowen discussed
16 extensively her lengthy report that's submitted as
17 Exhibit A -- excuse me, I in the application
18 materials, I think, demonstrates pretty conclusively
19 that the solar projects like this one just don't
20 affect property values. I know that's hard for some
21 people to agree with, but the data that is examined in
22 her study simply just don't bear it out.

23 I mean, the -- those -- the study focuses on
24 not just discussions with real estate agents and

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1 appraisers and assessors, but it looks at actual
2 sales, and that's significant. Because some people
3 don't like certain things. They don't like purple
4 houses or they don't like certain aspects of a -- of a
5 particular residence. But the reality is, you got to
6 look at the market. You got to look at the data. You
7 got to look at what happens, the results. And again,
8 I think that report convulsively shows the project
9 will not impair property values.

10 Mr. Carlson talked about the noise study.
11 There simply -- the only thing, as he indicated, that
12 generates noise on the project are the inverters. And
13 they're going to be located toward the center of the
14 project and will meet the standards of the Pollution
15 Control Board rules.

16 Because you know what? If they don't, then
17 they're going to have to mitigate, because those
18 standards have to be met 24 hours a day, seven days a
19 week. That's a requirement under state law. So, they
20 have -- that gives a strong incentive for the
21 engineers to make sure they put those things in the
22 right place.

23 Mr. Carlson also talked about the glare
24 study. If you look at the study again, it's Exhibit G

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1 in the materials, it's got a line -- a column full of
2 zeros. Zero minutes of glare. It's just the -- the
3 panels will be located in such a way that it just
4 won't generate any problems for the roads or for the
5 residences that were studied.

6 So, and again, the project won't -- it's not
7 going to interfere with the neighboring properties
8 because it will be contained on the participating
9 parcels. It's not going to spill over. You heard,
10 Mr. Carlson said there's not going to be significant
11 traffic after construction.

12 And because of the setbacks and because it
13 will be contained on the participating properties and
14 because it operates in a generally quiet, passive way,
15 it's just simply not going to interfere with the
16 activities on neighboring properties.

17 So, with respect to standard number three,
18 the establishment of the facility will not impede the
19 normal and orderly development and improvement of the
20 surrounding properties.

21 Again, I just kind of addressed that. It's
22 contained on the participating parcels only. And
23 the -- the project just doesn't require any activity
24 that goes beyond the parcels. Everything's going to

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1 be operating within the fence.

2 The fourth standard is the adequate
3 utilities, access roads, drainage, and other necessary
4 facilities have been or will be provided.

5 Well, we already discussed the drainage at
6 length with Mr. Huddleston. Mr. Carlson talked about
7 the roads. There's a transportation impact plan
8 that's one of the exhibits. So, I think that the
9 evidence shows that it will provide adequate
10 utilities, access roads, and drainage.

11 Fifth standard is that adequate measures
12 have -- have been or will be taken to provide ingress
13 and egress to minimize congestion.

14 Again, kind of already covered this.
15 They -- the project will have to work with the road
16 authorities, including the county engineer, to make
17 sure that the roads are connected to the public roads
18 in the right places. They can't do it on their own.
19 They can't do -- can't do it without permission. So,
20 I think as designed, the project demonstrates that it
21 will satisfy that standard.

22 Sixth standard is that the project won't be
23 contrary to the objectives of the current
24 comprehensive plan.

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1 Well, I think that there's -- the project
2 will contribute to environmental stewardship in the
3 region, and again, will promote the general welfare
4 and provide economic stimulus with jobs, with the tax
5 revenue, with the spending that will -- will be
6 associated during construction and during the
7 operation of the project.

8 And then lastly, the last standard is that
9 it will, in all other respects, conform to the
10 applicable regulations of this ordinance.

11 And as I said up front, the application we
12 submit complies with the -- the solar siting
13 ordinance, which applies to this project, with the
14 zoning code in general, and with state and federal
15 law.

16 So, with that, we certainly thank you for
17 the opportunity to present the application this
18 evening and the testimony, and we respectfully request
19 a positive vote to issue and approve a conditional use
20 permit for the project. And thank you again for your
21 time this evening and for the hard work that you all
22 do.

23 MR. PHILLIPS: Well, thank you. I
24 thought -- and I haven't talked to any of the other

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1 board members -- but I thought this was a most
2 excellent report that was submitted. It covered all
3 the aspects that the zoning ordinance requires in
4 great detail and great maps, and I thought it was very
5 thorough. I don't know how many pages it might be,
6 but it's quite thick, so.

7 Anyway, well, what we normally do is, part
8 of our process is that we do a finding of fact, and
9 the finding of fact coincides very much with what is in
10 our zoning ordinance, which you just referenced. So,
11 I'll read off the items I have for the Zoning Board of
12 Appeals for this matter.

13 Number one, the applicant has demonstrated
14 control of properties contained in the application for
15 the conditional use permit.

16 And that's probably the middle 25 percent of
17 the binder.

18 Number two, the conditional use permit
19 applied for in this hearing is for a use that is
20 specifically listed in the district regulations of the
21 county ordinance, and that's for the AC-1 district.

22 Number three, the establishment, maintenance
23 or operation of the conditional use will not be
24 substantially detrimental to or substantially endanger

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1 the public health safety, morals, comfort, general
2 welfare or environment.

3 Number four, the conditional use will not
4 substantially be injurious to the use and enjoyment of
5 other property in the immediate vicinity for the
6 purposes already permitted nor substantially diminish
7 or impair property values within the neighborhood.

8 Number five, the establishment of the
9 conditional use will not substantially impede the
10 normal and orderly development and improvement of
11 surrounding property for uses permitted in the
12 district.

13 Number six, the applicant has stated that
14 adequate utilities, access roads, drainage, and/or
15 other necessary facilities will be provided.

16 Number seven, the applicant has stated that
17 adequate measures will be taken to provide ingress and
18 egress so designed as to minimize traffic congestion
19 in the public streets.

20 Number eight, the proposed commercial solar
21 energy facility is not contrary to the objectives of
22 the current comprehensive plan of the county.

23 Number nine, the commercial solar energy
24 facility shall, in all other respects, comply with

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1 regulations of this ordinance -- this ordinance and
2 the zoning district in which it is located, AC-1,
3 except as such regulations may, in each instance, be
4 modified pursuant to the recommendations of and
5 approved by the Zoning Board of Appeals.

6 And finally, number 10, the Zoning Board
7 finds there is a public necessity for this conditional
8 use.

9 Are there comments, changes or additions
10 that members of the Zoning Board would like to make?

11 MS. CLARK: I think you covered it pretty
12 well.

13 MR. PHILLIPS: Okay. Could we have any
14 further discussion on these items?

15 MR. ACKERMAN: There's one point I'd like to
16 make just so everybody knows the conditional permit
17 situation.

18 Once a permit is issued, this office, the
19 permitting office, will be sure that the zoning is
20 met, setbacks, things like that. But they won't be
21 doing day-to-day inspections. They won't be doing
22 electrical inspections.

23 How can the county of Fulton be sure that it
24 will be overseen by an engineer? I'm assuming

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1 probably listed on the plans, the electrical engineer
2 will be the engineer of record, I would assume, and
3 he'll ultimately be responsible for that installation.

4 Am I -- am I correct on this?

5 MS. FLEISCHMAN: Yep. Our drawings will
6 have the -- all the proper sealants by the -- and if
7 that's the proper term, they'll be signed and sealed
8 by the correct engineer, and we'll certify that they
9 complied with the --

10 MR. ACKERMAN: -- formal process.

11 As you go through, things get certified and
12 you move on, or do you wait until the end, and as you
13 power up, everything's certified at that point?

14 MR. BARRY: I'll take a stab at it first,
15 and then make sure I don't get it wrong.

16 But there -- I think there are a number of
17 gates that they're going to have to go through. So,
18 the -- an Illinois licensed engineer will have to
19 stamp the final design for the project after all the
20 additional studies are performed. That some of them
21 were referenced by Mr. Carlson.

22 And then after construction, they will
23 actually have to meet the requirements of the
24 interconnection agreement that is entered into with

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1 the grid -- the electric grid operator. Because they
2 can't just start pumping electricity on the grid
3 without making sure everything works right, to
4 simplify things.

5 And those are requirements that are going to
6 be subject to -- under that -- under that agreement.
7 And -- and so obviously, they're going to have to meet
8 those requirements if they want to make sales of -- of
9 power and put that power on the grid.

10 So, I think there are probably some other
11 stages of -- of -- or other gates they'll have to go
12 through during that process. But yeah, you'll have a
13 number of -- of times where not -- not just
14 independent engineers have to sign off on designs
15 but -- but third parties like the electric grid
16 operator, like Ameren. They'll have to make sure that
17 things work right.

18 And then overall, there's a bigger umbrella
19 because the project will have to maintain compliance
20 with the national electric code. And I would -- I
21 don't want to speak for you guys, but -- but, you
22 know, if you're not -- if things aren't working right,
23 then -- then the project's not performing as well as
24 it can -- as it should, and that's not something you

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1 want because it's -- you know, that's the reason
2 you're building a project.

3 MS. FLEISCHMAN: If I might add as well, I
4 just -- just commissioned a project in North Carolina
5 just a few weeks ago and was involved in the
6 development of that project and also in the
7 construction phase.

8 And our -- our company here, I mentioned
9 before, we're vertically integrated. We have, along
10 with the contractors we hired to complete
11 construction, we have our own construction team
12 in-house --

13 MR. ACKERMAN: -- really going.

14 MS. FLEISCHMAN: Correct. So, myself, Rob,
15 you see here, Taggart, we're all members of the
16 development team. We will -- been with the project
17 since the beginning. We'll be with the project up
18 until it's commissioned.

19 But we also do have project managers on the
20 construction side who oversee the construction
21 process, and some of their internal EDPR team members,
22 you know, with the EDP logo on their shirts, they are
23 also inspectors internally.

24 So, as they're going along, our contractors

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1 will be required to meet certain standards that we
2 internally have amongst the ones that Kyle was
3 mentioning at the state level and enters the power
4 grid. But that's something that is closely monitored
5 in-house.

6 MR. ACKERMAN: The only other last thing I
7 just thought about is, once the project is basically
8 in place, you'll do an as-built set of plans. And I
9 wouldn't mind it, because we're issuing the permit, if
10 we had a copy of that as-built.

11 Is that too far out of line?

12 MS. FLEISCHMAN: No, I don't see any problem
13 with that.

14 MR. PHILLIPS: I believe there's a
15 requirement in your application that that be the case.

16 MR. ACKERMAN: Is that right, Bill? I
17 missed that.

18 MR. PHILLIPS: Pretty sure I saw that.

19 MS. FLEISCHMAN: It's fairly standard, yeah.

20 MR. ACKERMAN: Perfect.

21 MR. PHILLIPS: Okay. Anything else from
22 anybody?

23 Okay. Do I have a motion to approve the
24 finding of facts as I read them?

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

2 MR. ROBERSON: I'll second.

3 MR. PHILLIPS: Second, very good.

4 Any further discussion? Roll call.

5 Damon?

6 MR. ROBERSON: Yes.

7 MR. PHILLIPS: Bob?

8 MR. ACKERMAN: Yes.

9 MR. PHILLIPS: Kathy?

10 MS. EATHINGTON: Yes.

11 MR. PHILLIPS: Sally?

12 MS. CLARK: Yes.

13 MR. PHILLIPS: Bill? Yes.

14 So, the motion carried. So, with the
15 finding of fact, then leads to the final issuance of
16 the conditional use permit.

17 Typically, for other solar projects that we
18 have done in Fulton County -- you're the third one
19 now -- we have a few conditions that we request and
20 incorporate into the actual use permit.

21 Number one, applicant -- and you referenced
22 this, Kyle -- applicant hereby submits the entire
23 presentation binder, descriptions, testimony, and
24 assurances within the binder into the public record of

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1 this meeting.

2 Number two, and this one is a very small
3 item, but it's required to comply with our -- just our
4 zoning ordinance. Under the AC district, we're still
5 required to have a conservation area or forest
6 preserve area.

7 And so, we have a condition that says,
8 applicant will identify areas -- identify areas that
9 will be designated as a conservation or forest
10 preserve to provide compliance with the permissive
11 uses in AC ag district. An operations and maintenance
12 plan for ongoing vegetation planning and maintenance
13 will be provided to the county prior to the issuance
14 of the building permit.

15 The purpose here is to identify those areas
16 and, not to say to get carried away with it, but to
17 identify them so that we're in compliance with the
18 zoning.

19 Number three -- and we know this is state
20 law, but we combine it into our previous
21 requirements -- the conditional use item number three,
22 applicant shall pay real estate taxes for the land and
23 real property improvements of a ground-installed
24 commercial solar energy system pursuant to 35 ILCS

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1 200/10-745.

2 That is just state law. It's a condition of
3 our permit.

4 This is one that we can back off on if you
5 would like, but it's here, we believe, for your
6 protection. And that is, the term solar collector, as
7 used in the ordinance, refers to the system of solar
8 collectors -- and at one point, that are
9 nonfunctional.

10 We had a big discussion at a previous
11 hearing about, at what point does a system become
12 nonfunctional? So, if, in fact, you had 10 panels out
13 of, what, 15,000, 20,000 panels, does that make the
14 system nonoperational?

15 And we said, as an agreement previously,
16 that if 25 percent of the panels are non --
17 nonfunctional for a period of 90 days, that would
18 represent a system that is nonfunctional.

19 Is that fair to you?

20 MR. ANDERS: Is that -- yeah, I think it is
21 specified in the AIMA.

22 And do you need an answer for that right
23 now?

24 MR. PHILLIPS: I can go with a range of

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1 answers or a length in the time, but I'd like to make
2 it a condition of the conditional use.

3 MR. ANDERS: I see.

4 MR. PHILLIPS: But I'm receptive to
5 something that's very fair. This is a very big
6 project, we know that. But we don't -- but it's a
7 basis for saying the project's nonfunctioning. So,
8 it's a very big deal.

9 MR. ROBERSON: Yeah, we need to know what's
10 going on out there. Is it just sitting there or is it
11 generating electricity or at what capacity is it
12 generating electricity?

13 MR. PHILLIPS: Well, and if one capacity
14 refers to the point that if the whole system, for some
15 reason unknown, that the parts are bad or the
16 installation, who knows, that determines if you're --
17 how the permit continues on.

18 Yes, sir?

19 MR. ANDERS: I think from our -- from our
20 perspective, again -- well, certainly the performance
21 of the array, and all of the agreements with the
22 landowners, the performance of the array is decoupled
23 from the payments to the -- to the county, the
24 payments to the landowners, all of that is separate.

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1 MR. PHILLIPS: Uh-huh.

2 MR. ANDERS: So, the functionality of the
3 solar facility itself, really when it comes down to
4 it, is -- is our ability to meet our obligations to
5 the grid per the interconnection agreement that we
6 have signed with Ameren and MISO. And then also our
7 power purchase agreement with the -- our customer
8 who's buying the power from us.

9 So, we face very, very stringent financial
10 penalties that prevent us from situations like this,
11 where any portion of the project is not working. We
12 face very, very strict penalties if we don't meet
13 those obligations. So, this would -- this would be in
14 addition to that.

15 But again, I think for the purposes of your
16 interest from the county perspective, and also from
17 the private landowner perspective and the community, I
18 would -- I would argue that that is essentially a moot
19 point. If what you see from the outside looking in on
20 the array, whether it's working or not, is ultimately
21 immaterial.

22 Does that make sense?

23 MR. PHILLIPS: So, your testimony is that
24 the requirements from Ameren and MISO, MISO -- which

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1 way?

2 MR. ANDERS: MISO, Midcontinent Independent
3 System --

4 MR. PHILLIPS: But it's MISO. Okay. So,
5 that those requirements are much more stringent than
6 what we have possibly come up with here, and that, in
7 fact, any deterioration of your service then really
8 impacts the whole operation; is that correct?

9 MR. ANDERS: That's correct.

10 MS. FLEISCHMAN: So, I can -- I can state
11 that the commitment also in the AIMA is that if we --
12 if the applicant dissolves or ceases to do business,
13 abandons the facility, or it ceases to operate for
14 more than 12 consecutive months for any reason, then
15 it will be -- the CUP will be subject to revocation.

16 Actually, that is in your ordinance in
17 particular.

18 MR. PHILLIPS: The question was, at what
19 point does it diminish -- at the last hearing -- in
20 other words, a whole bunch of solar panels go out.

21 Does that constitute a failure of the
22 system? I don't know. My tendency, I guess, with
23 this, is to rely on the testimony that the MISO
24 requirements are much more stringent and more

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1 financially punitive than what this would be.

2 MS. FLEISCHMAN: Yes.

3 MR. ANDERS: And so, if the performance of
4 the -- just like what Sabrina read from the AIMA, if
5 the performance of the array is such that we're not
6 making a profit, the -- the project is nonfunctional,
7 then that triggers our responsibilities and
8 commitments to decommission the project and remove it
9 from -- from the properties.

10 MR. PHILLIPS: That is correct.

11 MR. ANDERS: And so, with all of that said,
12 the necessity to -- to make this commitment over the
13 top of that, I think, is unnecessary.

14 MR. PHILLIPS: I would agree after that
15 explanation.

16 MS. CLARK: I agree.

17 MR. PHILLIPS: We'll scratch that one.

18 Conditional item number four, applicants
19 shall finalize and record the signed road use
20 agreement prior to receiving a building permit.

21 Conditional item number five, the applicant
22 agrees to coordinate the fire departments in Ipava,
23 Table Grove, Vermont with Fulton County emergency
24 personnel to ensure adequate plans and systems are in

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1 place in the event a safety issue emerges. Applicant
2 will work with Fulton County to identify 911 addresses
3 within the project site. The plan will include
4 providing methods for emergency security access to the
5 site. And, the above will be required prior to
6 issuing a construction permit.

7 No problem? Okay.

8 Number six, applicant agrees to provide
9 vegetation screening on certain road boundaries as
10 agreed upon by property owners adjacent to the roads.

11 The only reason we put that in there is that
12 in your report, you said the final vegetation
13 locations may change. We agree. It's not engineered
14 yet.

15 But shouldn't we -- shouldn't we have an
16 assurance that you'll consult the adjacent
17 nonparticipating property owner?

18 MS. FLEISCHMAN: We -- we can certainly
19 consult the adjacent landowner, but I would request
20 that the ultimate decision on this type of screening
21 be left to us.

22 MR. PHILLIPS: So, you'd like to take the
23 word "agreed upon" and put "consult."

24 MS. FLEISCHMAN: Yeah, we can consult with

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1 the adjoining landowner, but the ultimate decision --

2 MR. PHILLIPS: Seems reasonable to me.

3 Everybody okay?

4 Okay. And finally, number eight -- and this
5 one, I think, you cover in your report, but I just
6 want to run through it -- the applicant shall plant,
7 establish, and maintain, for the life of the facility,
8 vegetative ground cover consistent with the goals --
9 not in compliance but consistent with the goals -- of
10 the Pollinator-Friendly Solar Site Act and require
11 submittal of a vegetation management plan in the
12 application to construct and operate a commercial
13 solar energy facility in the county.

14 So, the big deal a few months ago was that
15 nobody knew what was in that act. Probably still is a
16 big deal.

17 But in your report and in the binder, you
18 reference the fact that you are using pollinator-
19 friendly plants throughout the whole project. We'd
20 just like a confirmation that you looked at the
21 Pollinator-Friendly Solar Act and -- and are working
22 with it, shall we say.

23 MS. FLEISCHMAN: We will consult that prior
24 to determining the seed mix.

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1 MR. PHILLIPS: Okay. So, those are the
2 seven conditional use items I have.

3 Do you have any others you'd like to
4 suggest?

5 MS. CLARK: Sounds pretty good.

6 MR. PHILLIPS: Okay. Could I have a motion
7 to approve the conditional use permit be granted to --
8 I guess we want -- to the park? -- Pleasantville
9 Solar Park and EDP Renewables Subsidiary.

10 Or how would you like the wording on that,
11 Kyle?

12 MR. ANDERS: I'm sorry. Just a quick point
13 of order on that last point.

14 MR. PHILLIPS: Yes.

15 MR. ANDERS: With the pollinator-friendly
16 compliance, can we add a caveat to that, that if we
17 deviate from the -- that state's law, that we can
18 propose an alternative seed mix with your concurrence?

19 MR. PHILLIPS: Yes, I would agree.

20 MR. ACKERMAN: Well, if we deviate --

21 MR. PHILLIPS: If he deviates, yeah.

22 MR. ACKERMAN: Right. But the state will
23 want him to not deviate from that.

24 MR. PHILLIPS: Well, but there are -- the

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1 state law is just -- emerging is the problem --

2 MR. ACKERMAN: Okay.

3 MR. ANDERS: So, many things are emerging.
4 And so the state law parameters are focused on
5 pollinators.

6 MR. PHILLIPS: Yes.

7 MR. ANDERS: And so, if, for example,
8 there's other opportunities for sheep, for example,
9 that's a different type of seed mix with a different
10 opportunity for kind of dual use and benefit on the
11 land.

12 And so, we would not implement anything
13 without your consent, but that would be something
14 different from the Illinois law. That is not --
15 just -- that is not our primary plan at this point,
16 but just again, with deference to the final stages of
17 design that are forthcoming, but just in the spirit of
18 flexibility and collaboration here as we finalize
19 those plans.

20 MR. PHILLIPS: I think it's reasonable. And
21 one of the reasons is, things are changing, and the
22 act is changing, the pollinator varieties, and there's
23 just a lot of change going on.

24 MR. ANDERS: Sure.

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1 MR. PHILLIPS: Would you all agree?

2 MR. ACKERMAN: Sure.

3 MR. PHILLIPS: So, we will add that as
4 noted.

5 MR. ANDERS: Thank you.

6 MR. ACKERMAN: So, you're waiting for a
7 motion?

8 MR. PHILLIPS: I would like a motion to
9 approve the conditional use permit to EDP Renewables.

10 MS. FLEISCHMAN: If you can issue it to the
11 Pleasantville Solar Park, LLC, that would be great.

12 MR. PHILLIPS: I'd appreciate a motion to
13 issue a conditional use permit with seven conditions
14 to Pleasantville Solar Park; correct?

15 MR. BARRY: LLC.

16 MR. PHILLIPS: LLC. Thank you.

17 MS. EATHINGTON: I'll so move.

18 MS. CLARK: And I'll second.

19 MR. PHILLIPS: Cathy seconded? Okay.

20 Any further discussion? Vote.

21 Kathy?

22 MS. EATHINGTON: What?

23 MR. PHILLIPS: Do you vote yes?

24 MS. EATHINGTON: Oh, yes.

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1 MR. PHILLIPS: Sally?

2 MS. CLARK: Yes.

3 MR. PHILLIPS: Bob?

4 MR. ACKERMAN: Yes.

5 MR. PHILLIPS: Damon?

6 MR. ROBERSON: Yes.

7 MR. PHILLIPS: And I vote yes also. The
8 motion's carried unanimously. I would have to say
9 it's one of the best presentations I've seen. So, I
10 thank you all very much. It's very thorough and very
11 well done. I appreciate your patience with our
12 conditions, but these are things that we feel are
13 important to the county.

14 We appreciate everybody coming and attending
15 the meeting tonight. It's very good. We're going to
16 have one more item that we have to discuss, but it's a
17 boring little change of some wording. So, you're all
18 welcome to stay and see how exciting it really gets or
19 you're welcome to leave.

20 TRANSCRIPTION ENDED AT 7:12 P.M.

21

22 (The exhibits were retained by counsel.)

23

24

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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 24th day of May, 2024.



Handwritten signature of Dianna C. Hark in cursive script.

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

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EXHIBIT "B"

FULTON COUNTY ZONING BOARD OF APPEALS

CONDITIONAL USE PERMIT FOR: PLEASANTVILLE SOLAR PARK LLC

PROPERTY LAND ID's: As presented by applicant.

HEARING DATE: May 15, 2024

DATE THIS PERMIT APPROVED: MAY 15, 2024

At the conclusion of public testimony and at the conclusion of Zoning Board members questions, the following were the Finding of Facts for the hearing:

1. The applicant has demonstrated control of the properties contained in the application for a conditional use permit.
2. The conditional use permit applied for in this hearing is for a use that is specifically listed in the district regulations of the county ordinance.
3. The establishment maintenance or operation of the conditional use will not be substantially detrimental to or substantially endanger the public health safety morals comfort general welfare or environment.
4. The conditional use will not substantially be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values within the neighborhood.
5. The establishment of the conditional use will not substantially impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
6. The applicant has stated that adequate utilities access roads drainage and or other necessary facilities will be provided.
7. The applicant has stated that adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
8. The proposed commercial Solar Energy Facility is not contrary to the objectives of the current comprehensive plan of the county.
9. The commercial solar energy facility shall, in all other respects, comply with regulations of this ordinance and the zoning district in which it is located, AC,1 except as such regulations may in each instance be modified pursuant to the recommendations of and approved by the Zoning Board of Appeals.
10. The zoning board finds that there is a public necessity for the conditional use.

The findings listed above were approved by the Zoning Board of Appeals.

Based on the evidence presented and the listed finding of facts, the Zoning Board of Appeals includes the following conditions in a motion to approve the conditional use permit:

Conditions to the Conditional Use Permit

Conditional use number 1, applicant hereby submits the entire presentation binder, descriptions, and assurances within the binder, into the public record of this meeting.

Conditional use number 2, The area outside of the fence for the facility, and external to any infrastructure or equipment used by the facility, may only be used by applicant or landowner in accordance with a permissive use provided for in the AC District of the Fulton County Zoning Ordinance."

Conditional use number 3: Applicant agrees to pay real estate taxes in accordance with 35ILCS 200/10-745."

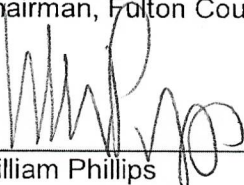
Conditional use number 4: The applicant shall finalize all required Road Use Agreements per the conditions of the Ordinance prior to issuance of a building permit.

Conditional use number 5: The applicant agrees to coordinate with Fire Departments in Ipava, Table Grove, Vermont and with Fulton County emergency personnel to ensure adequate plans and systems are in place in the event a safety issue emerges. Applicant will work with Fulton County to identify "911" addresses within the project area. The plan will include providing methods for emergency security access to the site. The above will be required prior to issuing a construction permit.

Conditional use number 6: The Applicant agrees to provide vegetation screening from occupied nonparticipating residences within 250 feet of the solar facility per the zoning ordinance and hearing testimony. The applicant will consult with the residence owner prior to installation of the screening.

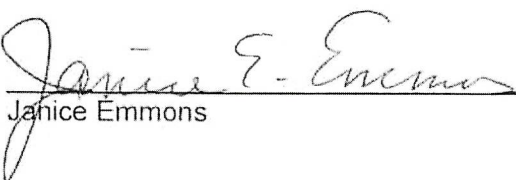
Conditional use number 7: The applicant shall establish and maintain for the life of the facility, vegetative ground cover, consistent with the ongoing goals of the Pollinator- Friendly Solar Act. Applicant will consult with and obtain concurrence from Fulton County Zoning Office if the seed mix deviates from the ongoing goals of the Pollinator Friendly Solar Act. Fulton County agrees to consider other opportunities that would allow dual use and benefit on the land and to provide flexibility for the applicant and in cooperation with the applicant.

Chairman, Fulton County Zoning Board of Appeals:



William Phillips

Fulton County Zoning Officer:



Janice Emmons