

Vermilion County, Illinois
Ordinance No. _____
Mural Energy, LLC

WHEREAS, the Vermilion County Wind and Solar Committee (“Committee”) held a public hearing related to the Application of Mural Energy, LLC on December 11, 2023; January 10, 2024; and March 14, 2024;

WHEREAS, the Committee heard evidence regarding the Application and made Findings of Fact and Recommended Conditions;

WHEREAS, the Committee determined appropriate conditions related to the Project to protect the health, safety and welfare of the community;

WHEREAS, the Committee has recommended siting approval of the Application of Mural Energy, LLC for the construction of a 180 MW Commercial Solar Energy Facility approximating 1,433 acres of land in Jamaica and Vance Townships, Vermilion County, Illinois;

WHEREAS, the County finds that the Applicant has materially complied with the requirements of the Solar Siting Ordinance of Vermilion County;

WHEREAS, the County has reviewed the Findings of Fact and Recommended Conditions, attached hereto as Exhibit A and adopts said written Findings of Fact and Conditions as part of its Ordinances;

WHEREAS, the Applicant must submit to the County a request for a building permit prior to the construction of said Commercial Solar Energy Facility; and

WHEREAS, prior to the approval of a building permit for the Project, and during all phases of operation, the County finds that certain conditions are in the best interests of the County and to protect the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT RESOLVED by the Vermilion County Board that the Findings of Fact are well founded and adopted hereto, and that Siting Application of Mural Energy, LLC is approved subject to conditions and continued compliance with State law and the County’s Siting Ordinance.

PRESENTED, APPROVED, and RESOLVED by the County Board of Vermilion County, Illinois at its April 16, 2024, session.

DATED, this 16th day of April 2024.

AYE _____ NAY _____ ABSENT _____

Chair, Vermilion County Board

ATTEST:

Clerk of the County Board

EXHIBIT A
FINDINGS OF FACT AND CONDITIONS

FINDINGS OF FACT

Vermilion County Wind and Solar Committee

Findings of Fact and Recommendation to Vermilion County Board

RE: Mural Energy LLC Application for 180 MW Commercial Solar Energy Facility

Hearing Dates: December 11, 2023; January 10, 2024; and March 14, 2024

I. Applicant

Mural Energy, LLC (hereinafter “Mural Energy” or “Petitioner” or “Applicant” or “Developer”), is a Delaware limited liability company authorized to conduct business in the State of Illinois, wholly owned by Algonquin Power Fund (America) Inc., doing business as “Liberty Power”). filed a Petition for Siting Permit (“Petition”) with Vermilion County requesting that it be granted a siting permit for a 180 MWac commercial solar energy facility (“CSEF” or “Project”) on approximately 1,443 acres of land situated in Vance and Jamaica Townships in Vermilion County, Illinois.

II. Project Summary

Mural Energy filed a Petition for Siting Permit (“Petition”) with Vermilion County requesting that it be granted a siting permit for a 180 MWac commercial solar energy facility (“CSEF” or “Project”) on approximately 1,443 non-contiguous acres of land situated in Vance and Jamaica Townships in Vermilion County, Illinois.

III. Application

The Application and all relevant exhibits are kept on file with the Vermilion County Board office located at 201 N. Vermilion St., 2nd Floor, Danville, Illinois.

IV. Public Hearing Process

A public hearing was held pursuant to notice and pursuant to the requirements of 55 ILCS 5/5-12020. The public hearing occurred at the Vermilion County Board Room, 201 N. Vermilion St., 2nd Floor, Danville, Illinois. The Application was called for hearing, the Applicant submitted the evidence and was subject to examination by the Vermilion County Wind and Solar Committee (hereinafter “Committee”) and members of the public. Members of the public also submitted evidence and were subject to examination by the Committee and members of the public. The Committee also

accepted public comment (not part of the evidentiary record for consideration) and accepted into the record various letters of support. At the conclusion of the hearing the Committee deliberated as to the issues presented, made Findings of Fact as memorialized herein, made a Recommendation to the County Board, and made recommended conditions.

V. Applicable Standards

The Applicable standards for this Committee's consideration are the Siting Ordinance for Commercial Solar Energy Facilities, including the factors so listed below in part VII.

VI. Evidence and Findings of Fact

The evidence presented is reflected in the record including the transcript of the record and the exhibits as noted herein.

A. Witnesses and Exhibits of Applicant and those in favor of Application:

- **Applicant witnesses and general topic:**
 - Robert Crighton – Director of Project Development
 - Steven Burns – general issues
 - August Christensen – site plan and hydrology
 - Tom Huddleston – drainage
 - Jason Hellendrung – landscape architect
 - Andrew Timmis – glint and glare analysis
 - Tricia Pellerin – acoustics
 - Steven Chu – Review of Illinois Department of Natural Resources and U.S. Fish & Wildlife Service
 - Bryan Loomis – economic impacts
 - Michael Marous – property values
 - Dr. Christopher Ollson – health and safety

- **Applicant's Exhibits:**
 - Group Exhibit 1 – Commercial Solar Energy Facility Siting Permit Application and accompanying appendices
 - Exhibit 2 – Community Benefits Agreement with Village of Fairmount
 - Exhibit 3 – Revised Site Plan
 - Exhibit 4 -- PowerPoint of Tom Huddleston, Agricultural Drainage History & Existing Conditions
 - Exhibit 5 – PowerPoint of Andrew Timmis, Review of Areas of Glare
 - Exhibit 6 – PowerPoint of Tricia Pellerin, Acoustic Assessment

- Exhibit 7 – PowerPoint of Steven Chu, Wetland, Threatened and Endangered Species, and Migratory Birds
- Exhibit 8 – Written Proffer
- Exhibit 9 – PowerPoint of Bryan Loomis, Economic Impact
- Exhibit 10 – Dr. Ollson PowerPoint
- Exhibits 11-15 – Written Public Comment in Support
- Exhibit 16 – Written Proffer
- Exhibit 17 – Revised PowerPoint presentation of Dr. Ollson
- Exhibit 18 – Written Proffer regarding Loomis testimony and taxation

B. Witnesses and Exhibits of Objectors:

- **Witnesses:**

- Mike Davis
- Rebecca Miller
- Mark Puzey
- Justin Corbin

- **Exhibits from Objectors:**

- Miller Exhibit 1 – 4/1/2023 Letter and List of Species at Former Quarry Site authored by Professor Michael Ward
- Miller Group Exhibit 2 – Various Documents re: Algonquin Finances

C. Exhibits from Vermilion County:

- County Exhibit 1 – Report from Vermilion County Soil & Water Conservation District dated December 7, 2023.
- County Group Exhibit 2 – Public Comment

D. Findings of Fact

The Committee has considered the Ordinance requirements and the facts presented by the developer in its Application and in its presentation during the public hearing.

1. Height. Shall not exceed twenty feet at maximum tilt of the solar panel(s).

At maximum tilt the solar panels will be approximately 18 feet in height.

2. No CSEF shall be built on any lot less than 5 acres in size.

No lot as part of the proposal will be less than 5 acres.

3. Setbacks. The Commercial Solar Energy Facility shall be sited as follows, with setback distances measured from the nearest edge of any component of the facility:

- **Occupied Community Buildings and Dwellings on Non-participating Properties: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.**
- **Nonparticipating residences: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.**
- **Boundary line of Participating Property: None.**
- **Boundary lines of Nonparticipating Property: fifty (50) feet to the nearest point on the property line of the nonparticipating property.**
- **Public Road Right of Ways: fifty (50) feet the nearest edge of the public road right-of-way.**

4. Fencing. A locked fence of at least six (6) feet in height but no greater than twenty-five (25) feet shall enclose the CSEF.

Applicant proposes locked fencing of 6-8 feet in height.

5. Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

Applicant proposes lighting that is shielded and downcast.

6. Noise. Noise levels measured at the property line shall comply with standards set out by the Illinois Pollution Control Board. Noise levels may be enforced by Vermilion County, or any other regulatory body.

Applicant provided the testimony of Tricia Pellerin. Ms. Pellerin testified that the proposed project will comply with the Illinois Pollution Control Board limits regarding sound limitations. In addition, Group Exhibit 1 included a Acoustic Assessment Report. The report modeled sound at various receptor sites and found that during operations the sound will comply with the Illinois Pollution Control Board noise regulations. Generally, noise generating equipment will be located near the center area of the Project.

7. Installation and Design. The CSEF shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent highways. Placement of the generator or noise producing

electrical equipment shall be placed at the center of the project to the extent practical.

Applicant submitted the testimony of Andrew Timmis of TetraTech, and a glint and glare analysis as part of its Group Exhibit 1. The Applicant's witness utilized SGHAT v 3.0 to model potential glare. The modeling did not find any potential glare impacting nearby residences, regardless of any screening. The analysis did find, however, there would be glare upon a portion of 400 East Road, particularly on the northeastern edge of array 1. Said glare would occur from November through January from 3:00 pm to 4:30 pm. Mr. Timmins testified that the glare was measured at approximately 10 feet in height. Mr. Timmins indicated vegetative screening could eliminate the glare risks upon the road.

- 8. All wiring between solar panels and the solar farm facility substation shall be underground whenever possible.**

All wiring between the panels and the inverter will be buried. *See testimony of Rupert Crighton, Hearing Transcript 12/11/2023.*

- 9. Outdoor Storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.**

No outdoor storage is anticipated aside from equipment supporting the operation and maintenance of the facility. There will be storage on site during the construction phase of various equipment and materials associated with the construction. *See testimony of Rupert Crighton, Hearing Transcript 12/11/2023.*

- 10. Proof an Agricultural Impact Mitigation Agreement (AIMA) has been executed with the Illinois Department of Agriculture. Failure to comply with the Agricultural Mitigation Agreement and statute at 505 ILCs 147/15 et. seq. shall be a violation of this ordinance. Pursuant to 70 ILCS 405/22.02a an appropriate impact study shall be required as set out in the statutory Agricultural Mitigation Agreement which is incorporated herein as part of this ordinance.**

Applicant provided an executed AIMA. *See Applicant's Group Exhibit 1.* A Natural Resources Inventory Report was provided pursuant to Illinois' Soil Water Conservation District Act. *See County Exhibit 1.*

- 11. Building Codes.** All state, and national construction codes shall be followed. For purposes of this ordinance, the County adopts the National Electric Code and International Building Code as amended from time to time. All building materials must comply with recognized industry standards.

Applicant shall construct pursuant to the building code standards.

- 12. Vegetation and Ground Cover and Weed Control.** Any weed control or planting of vegetation shall prevent Palmer, Amaranthus, and Conyza weed species, and other weed species that, at the time of application, are resistant to agricultural herbicides that are commonly used in Illinois. Any weed control or planting of vegetation shall also be certified to be in compliance with the Noxious Weed Act, 505 ILCS 100/1 et. seq., to prevent importation of noxious weeds or harmful vegetation. No soil sterilant shall be permitted on a solar site.

Facility Owner shall install a Pollinator friendly habitat which shall be maintained in compliance with the Illinois Department of Natural Resources Solar Site Pollinator guidelines.

Facility Owner shall install a living buffer of evergreen trees that must be planted and maintained during the duration of the lifetime of the CSEF beginning with the commercial operation date. During the Siting Application process, the County shall determine the species of evergreens to be planted, the spacing and number of rows to be utilized. Upon decommissioning it shall be the landowners discretion whether the vegetation screening shall remain. Earth berms or other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements if they conceal the use from public view and are maintained.

Applicant provided the testimony of Terry Hellendrung, a landscape architect. *See testimony of Terry Hellendrung, Hearing Transcript 12/11/2023.*

Applicant also submitted a Preliminary Noxious Weed Management and Re-Vegetation and Landscaping Plan as part of Group Exhibit 1. Applicant also committed during the public hearing to monthly inspections of the landscaping and vegetative buffer. Applicant's testimony was that the weed management and control plan would prevent Palmer, Amaranthus, and Conyza weed species and other weed species that are resistant to agricultural herbicides that are commonly used in Illinois. The Applicant's witness opined that the vegetation plan is in compliance with the Illinois Noxious Weed Act. Applicant's vegetative buffer would be subject to a condition of approval.

- 13. All drainage tiles shall be repaired or restored to same or better condition as when the project began. There will be an inspection for compliance by an independent inspector chosen by Vermilion County and paid for by the owner/operator. During construction or operation, any damage to drainage systems shall be repaired by the Facility Owner or Operator. Such repair shall be initiated within 30 days of Facility Owner or Operator being informed of such damage. All repairs shall be performed by a contractor with offices or facilities in Vermilion County, unless such contractor is unable to perform required repairs within the proscribed time period.**

Applicant provided the testimony of Tom Huddleston of Huddleston McBride Land Drainage and Exhibit 4, Agricultural Drainage History and Existing Conditions. *See testimony of Tom Huddleston, Hearing Transcript 12/11/2023; and Exhibit 4.* He has worked on solar farms ranging from community scale solar to over 1,000 acre projects. *Id.*

He walked the site of the Proposal. The site is largely comprised of prime farmland. The site is very similar to other farms in the Midwest and likely has drain tile buried 48 inches or slightly deeper. *Id.*

Prior to construction they will perform a drain tile investigation, and meet with landowners and adjacent owners in order to ensure proper drainage. They will prepare a detailed drainage base map, prepare a perimeter survey and locate legal mutual drains (those traversing to non-participating parcels). They then map the solar site and overlay the site with a drain tile plan. *Id.*

- 14. JULIE shall be contacted before digging or excavation begins.**

Applicant will contact JULIE prior to digging or excavating begins.

- 15. Local drainage districts, if any, shall be contacted prior to any development on the project site to locate drainage district tiles.**

Applicant is required to comply with this provision as noted by Mr. Huddleston's testimony on behalf of the Applicant. *See testimony of Tom Huddleston, Hearing Transcript 12/11/2023.*

- 16. Annual review and reporting.**

The applicant, owner, and/or operator of an CSEF project shall submit to the Vermilion County Board Office on the first Monday of July of

each year following CSEF project approval a report regarding CSEF maintenance and operation.

Applicant is required to comply with this provision.

17. Application Requirements:

A written summary of the project including a general description of the project, including its nameplate generating capacity.

The name(s), address(s), and phone number(s) of the owner and/or CSEF operator.

A site plan of the CSEF site showing:

- Boundaries of the site.
- All proposed CSEF structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines
- Property lines.
- Setback lines.
- The location of any known subsurface drainage tiles, and a statement describing attempts made to do tile surveys and to otherwise discover the location of drainage tile locations.
- Identification of any flood zone areas within the project boundaries.
- Location of all existing structures with their uses identified.
- Wetland location, if any.
- Septic systems.
- Wells.
- Existing easements, if any.

Proof of compliance with this solar ordinance and also proof of compliance with an erosion study by the Soil and Water Conservation District as defined under 70 ILCS 405/22.02a, and fully executed Agricultural Mitigation Agreement statute at 505 ILCS 147/15 et. seq.

A commercial solar energy facility owner shall provide:

- the results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and
- the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Guidelines", if any, and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

- **Proof of compliance where required by the County of the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.**

Applicant has provided the above information with the following noted exceptions: drain tile survey, well locations, septic systems and any existing easements. Of note a public right-of-way was not depicted on any site plans for the southern most portion of solar arrays. Recommended conditions shall address these issues.

18. The county may require a facility owner to:

- (a) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or**
- (b) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.**

The solar farm is not within any protected zone. Applicant has met this criteria.

19. The county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

The Applicant provided proof of consultation with the state historic preservation office, as depicted in correspondence dated September 7, 2023. *See Group Exhibit 1.*

20. Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the CSEF project area. Any specialized training necessary will be provided at the operator's expense and shall be in person with all local emergency response personnel.

Applicant has provided a Preliminary Emergency Response Plan. Mr. Crighton testified that they will do outreach with local emergency response. *See testimony of Rupert Crighton, Hearing Transcript 12/11/2023.* Dr. Christopher Ollson also testified as to emergency response plans and working with local fire and emergency response to develop a plan for various emergencies. *See testimony of Dr. Ollson, Hearing Transcript 1/10/2024.*

21. All other information as may be requested by the Wind and Solar Committee.

No further information noted, other than already noted in the stenographic record.

22. At the sole discretion of the Wind and Solar Committee with the consent of, or at the direction of, the County Board Chairman, if an independent engineering or consulting report is required to resolve any disputes, it shall be the responsibility of the applicant to pay for such engineer or consultant, provided however that the County shall consult with the applicant and attempt to resolve any issue prior to incurring any costs.

This requirement will be applicable during the building permit stage, if approved.

23. During the public hearing process Applicant shall provide competent evidence that the CSEF will comply with all requirements of this Ordinance, all state and federal laws, rules and regulations.

Applicant has not requested any deviation from this requirement.

24. Evidence of the financial ability of the Applicant and/ or Facility Owner to complete and operate the CSEF.

Applicant supplied a Project Financing Memo as part of Group Exhibit 1. The memo indicates the Applicant's parent company (Liberty/ Algonquin) has a long-term portfolio of wind, solar and hydroelectric generating facilities. Financing typically involves construction loans, tax equity and trade finance. There was also information provided as to the project finance process. Objector Rebecca Miller provided evidence that Algonquin Power is \$7.5 billion in debt. *See Miller Group Exhibit 2.* Included in Group Exhibit 2 was various documents obtained from the internet. The documents appear to demonstrate efforts by Algonquin to sell the renewable energy division, variations in stock price including a decline from its prior high stock price, and a \$250 million dollar loss in Q2 of 2023.

25. Decommissioning Plan

The required Decommissioning Plan was provided as part of Group Exhibit 1. However, the plan lacked detailed cost estimations. If approved, detailed cost estimations and Decommissioning Agreements will be necessary and negotiated with the County.

26. Application of Siting Factors:

The factors used to analyze and consider the application shall be this ordinance, relevant state and federal laws and regulations, and the below listed factors:

1. The existing uses and, where applicable, zoning of nearby property;

The Project is proposed on approximately 1,400 acres of farmland. The County does not employ a regulated zoning scheme, but the surrounding properties are generally row crop agricultural production and recreational/wildlife areas. Between two proposed areas of panels is a very large recreational area (formerly the Fairmount Quarry). The Applicant admits it has not studied the former Fairmount

Quarry for wildlife habitat and what impacts the solar farm may have on said wildlife.

2. The extent to which property values are diminished;

Applicant submitted A Market Impact Analysis (Group Exhibit 1, Appendix P) and the testimony of Michael MaRous, an Illinois General Certified Appraiser who testified to a property value analysis he performed. The analysis concluded that the siting and construction of the Project will not negatively impact adjacent property values. There was no evidence or testimony to indicate the property values of surrounding properties will decrease. For those parcels hosting photovoltaic panels, there will be additional income to those land owners.

3. The extent to which the destruction of property value promotes the health, safety, morals, or general welfare of the public;

The Applicant's position is that property values will not decrease.

The Applicant's evidence indicates direct jobs benefits, diversification of income for landowners, generation of real estate taxes (*See Applicant's Ex. 9*), and production of clean energy.

There is evidence that the Project will generate approximately \$37 million in real estate property taxes over the life of the Project. This tax revenue would largely go to the local school districts and is significant. There was testimony that the Project will assist in electric grid stability.

Per the Application, the Project would be a \$4.7 million capital investment, and create 321 full time jobs during the construction period (*See Applicant's Hearing Exhibit 9*) and 995 jobs in the state of Illinois during construction (*Id.*), which is estimated to last 9 to 12 months. *See also Bryan Loomis testimony, Hearing Transcript 1/10/2024.* The Project will potentially create 1.4 jobs onsite and potentially 21.8 locally (relating to induced and supply chain impacts). However, Mr. Loomis also testified that he did not calculate the number of jobs that would be lost in the County due to the conversion of the land from agricultural production to solar. *See Id. at 114-115.* Mr. Loomis calculated the lost agricultural production acreage to result in lost revenue of approximately \$642,000 per year. This equates to a \$642,000 loss in revenue to individuals or businesses in Vermilion County. Additionally, Mr. Loomis has not determined which businesses would feel the impacts of the lost revenue. While Mr. Loomis testified that the increases in jobs and local revenue from the Project will outweigh the losses, it is unclear to this Committee how his overall conclusions can be calculated if he has not calculated the potential lost jobs.

Justin Corbin testified on various issues including his work in agricultural retail approximately 1 mile from the Project. He has served farmers in the area for the past 15 years. He testified that he has two major customers in the Project area. *See testimony of Justin Corbin, Hearing Transcript, 1/10/2024.*

Local traffic will have a significant impact during the construction period of the Project, though long term operational traffic would be minimal. Pursuant to the Application, there would be approximately 422,000 solar panels installed and associated racking systems. The Application states there would be “approximately 17,356 truck deliveries” during the construction portion of the Project. This traffic will certainly have a negative impact on the community during the construction period. During the operations phase, the traffic impacts should be minimal.

4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner;

See #3 above and #5 below.

5. The suitability of the subject property for the planned purposes;

The land area is relatively flat with limited amounts of elevation changes. A drain tile survey has not yet been completed but will need to be done to determine whether any subsurface drainage features are present. There is very minimal grading necessary. *See Rupert Crighton testimony, Hearing Transcript 12/11/2023.* Tom Huddleston (drainage expert of Applicant) also testified that allowing native grasses to grow will assist in reenergizing the soils and promote the building of new soils. He also testified that the local drainage will improve during and after the decommissioning of the site. *See Tom Huddleston testimony, Hearing Transcript 12/11/2023.*

There was testimony from Mark Puzey that the alterations to the land will change the soil profile and once the land is returned to agricultural production it may not be as productive, and there are no studies on the long term effects. *See Mark Puzey testimony, Hearing Transcript 1/10/2024.* Justin Corbin also testified that he has never seen agricultural soils that have been moved return to better production. *See Justin Corbin testimony, Hearing Transcript 1/10/2024.*

6. The length of time the property has been vacant as currently utilized considered in the context of land development in the area;

The properties at issue are not vacant. The properties have been utilized for agricultural row crop production.

7. The care with which the community has undertaken to plan its land-use development;

Vermilion County has taken great care in developing a Commercial Solar Energy Facilities Siting Ordinance.

8. The community need for the use proposed by the applicant;

The Project does provide economic benefits to the County, though some negative impacts remain unknown, as noted above. There are significant payments to landowners which assists in stabilizing farm incomes to those owners. There was no testimony that Vermilion County lacks sufficient power supply.

9. The impact on wildlife and wildlife habitat; and

The Project provided background review and in person observation of the area from October 24 to October 28, 2022. The wildlife assessment is referenced in Applicant's Group Exhibit 1, Appendix J. There were a total of 12 state and federally listed species identified by the US Fish & Wildlife Service and Illinois Department of Natural Resources. Based on site observations, suitable habitat was not observed within the Project area. Per the Applicant, no negative impacts are anticipated to federal and state listed species, Illinois Nature Preserves, INAI sites, bald and golden eagles, and migratory birds. There was an eagle nest noted but it was not clear from witness Chu where the nest was in relation to the Project. *See Steven Chu testimony, Hearing Transcript 1/10/2024.*

The Applicant did not, however, study the former Fairmount Quarry area which now is a privately owned recreational area, nor did the Applicant seek permission to study that area which is notably among the solar arrays being proposed. *See Steven Chu testimony, Hearing Transcript 1/10/2024.* As noted by Miller Exhibit 1, there are a number of potential species within the area of the former Fairmount Quarry including 7 species listed as endangered or threatened on the State of Illinois Endangered Species list. *See Miller Exhibit 1.* On its face, the letter focuses its concern on the location of a wind farm near the former Fairmount Quarry and areas along the Salt Fork River, which is not at issue during this hearing which is only for the siting of a solar facility. Also, the author of the letter and list were not presented for examination. The area is not registered through IDNR or any other agency as a nature preserve. *See Steven Chu testimony, Hearing Transcript 1/10/2024.*

10. The impact on drainage facilities and public property

An AIMA ha been entered into between the Illinois Department of Agriculture and Mural Energy. *See Group Exhibit 1, Appendix E.* The AIMA requirements include requirements as to drain tile repairs, prevention of soil erosion, and measures to

ensure preservation of agricultural land. Applicant also provided the testimony of a drainage expert (Tom Huddleston) who has extensive agricultural and solar experience. He spent a day on site and met with a local contractor that performs drain tile in the region. The land in the area is very fertile prime farmland, flat and primarily drained by agricultural drainage tiles. He testified as to process of preparing a solar site for proper drainage. He testified that many of the drainage tiles would likely be replaced or upgraded, and that they work with the landowners and adjacent owners to ensure proper drainage. He also testified as to the process of repairing damaged drain tiles. Mr. Huddleston testified that that the drainage will improve on the site and that soils will be improved with the planting of native vegetation. *See Tom Huddleston testimony, Hearing Transcript 12/11/2023.*

VII. Recommendation

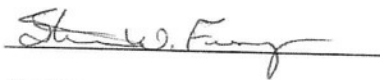
NOW, THEREFORE, BE IT RESOLVED by the Vermilion County Wind and Solar Committee that based on the written application, the testimony, and other evidence submitted during the hearing, the Vermilion County Wind and Solar Committee RECOMMENDS APPROVAL of the Siting Permit Application of Mural Energy, LLC subject to conditions as attached hereto.

PASSED, ADOPTED, AND APPROVED BY THE Vermilion County Wind and Solar Committee on this 14th day of March 2024

Yeas 3 (Puzey, Greenwell, Elmore)

Nays 1 (Fourez)

Abstain 1 (Crawford)



Chairman

*** END OF DOCUMENT ***

CONDITIONS

VERMILION COUNTY, ILLINOIS
CONDITIONS
MURAL ENERGY, LLC

In addition to all necessary requirements imposed by law or ordinance, the Company, Owner and/or Operator shall abide by the following conditions. For purposes of these conditions, the use of "Company," "Owner" or "Operator" shall apply to and have the meaning for all such entities whether referred to collectively or individually. For the purposes of these conditions, "Ordinance" shall mean the "Vermilion County Siting Ordinance for Commercial Solar Energy Facilities". The term "Project" shall include all equipment utilized in the operation of the Commercial Solar Energy Facility, including non-essential equipment and vegetation. The uncured violation of these conditions shall invalidate the Siting Permit, Building Permit and Operating Permit.

1. Commencement of Siting

Commencement of Construction of the Mural Energy LLC ("Company") 180 MW a/c project ("Project") in Vermilion County shall begin by December 31, 2025. If any litigation is filed challenging the approval of the Project, then the time for Commencement of Construction shall be within one (1) year after termination of the litigation. The time for the Company to substantially complete construction shall be within twenty-four (24) months after Commencement of Construction. Installation and maintenance of the vegetative screening may begin prior to the Commencement of Construction. If the Company fails to begin or substantially complete construction of the Project, by the applicable date(s) above, then the Siting permit shall expire and become null and void, unless, prior to such expiration, an extension of time is granted by the Vermilion County Board ("County Board"), upon application by the Company. As used herein, the term "Commencement of Construction" shall mean the issuance of Building Permit for a Commercial Solar Energy Facility.

2. Building Permit(s) and Operating Permit(s)

Company shall obtain a Building Permit(s) prior to beginning construction. The County shall review all materials submitted for compliance with the Ordinance and Conditions.

Company shall obtain an Operating Permit(s) prior to beginning commercial operation of the Project. Prior to issuance of an Operating Permit for the Project, the County shall inspect the facility for safety, compliance with the Ordinance and Conditions and compliance with the International Building Code and National Electrical Code.

No Siting Permit, Building Permit or Operating Permit shall be issued if the Company is delinquent in payment of costs owed to the County.

3. Term

The Siting Permit for the Project shall be granted for a term of 40 years from the date of the Project being connected to the electrical grid. If the Company seeks to continue operating the Project, the Company must apply for a new Siting Permit.

4. Compliance

Construction and operation of the Project shall be in compliance with all federal, state and local regulations (including these conditions) now or hereafter in effect. The construction and operation of the Project shall conform to all representations made by the Company in its application and at all public hearings, and these conditions. In the event of any discrepancy between such representations and these conditions, these conditions shall control. The site plan layout as presented during the public hearing is the maximum extent allowed for the Siting Permit. Expansion of the layout, expansion of the number of solar panels, increase in the height of the facility (including fencing), and any increase in the nameplate capacity of the Project is not permitted without seeking and obtaining an amended Siting Permit, Building Permits, and Operating Permit. Any amendment banned by this Paragraph shall be subject to a public hearing as required by the Illinois Counties Code (55 ILCS 5/5-12020).

5. Property Legal Descriptions

Company shall provide two (2) legal descriptions to the County: the first will be of the subject property the Project will be located, and, the second shall be the specific areas to be occupied by the Commercial Solar Energy Facility.

6. Construction and Maintenance Hours

Construction and routine maintenance activities for the Project shall be performed according to the following schedule:

- a. Commence no earlier than 7:00 a.m. and cease by 7:00 p.m. during the calendar period from September 1 through May 31, Monday through Friday.
- b. Commence no earlier than 7:00 a.m. and cease by 8:00 p.m. during the calendar period from June 1 through August 31, Monday through Friday.
- c. No construction work shall be performed on Saturday or Sunday, except upon an emergency basis.

7. Vegetation and Ground Cover and Weed Control

Company shall comply with the "Vegetation and Ground Cover and Weed Control" provisions of the Ordinance.

Company shall utilize contractors local to Vermilion County to comply with this provision, unless local contractors are not available to do so.

Failure to properly maintain the weeds upon in all areas of the Project, including the Vegetative Screening area, shall be considered a violation and subject the Company to the Penalties provision of the Ordinance. Failure to remedy any violation pursuant to Ordinance and paragraph 30 below may subject to the Company to forfeiture of the Siting approval, and revocation of any Building Permit or Operating Permit.

8. Vegetative Screening

Company shall provide vegetative screening in compliance with the Ordinance and shall shield the view of the Project except as to those areas needed for access to the Project. Said vegetative screening shall provide year around screening on all sides of the Project. The vegetative screening shall be staggered double row of evergreen trees, shrubs or bushes on all sides where there is a view from a public right-of-way or residence on a non-participating parcel. All other areas shall be a single row of evergreens, shrubs or bushes. The vegetative screening shall include the substation area.

The vegetative screening shall be evaluated monthly by the Company and any deceased vegetation shall be replaced within 30 days, unless unable due to weather. Any replacement vegetation shall be denoted in the semi-annual report to the County.

Failure to properly maintain the vegetative screening shall be considered a violation and subject the Company to the Penalties provision of the Ordinance. Failure to remedy any violation pursuant to Ordinance or paragraph 30 below may subject to the Company to forfeiture of the Siting approval, and revocation of any Building Permit or Operating Permit.

9. Stockpiling of Topsoil

If any topsoil is removed, Company shall retain all topsoil for reuse in the event of decommissioning in compliance with the Agricultural Impact Mitigation Agreement.

10. Drainage Survey

Prior to receipt of any Building Permits for any portion of the CSEF, Company shall perform a drainage tile survey for the presence of any drainage tiles or subsurface structures. Any tiles or structures identified shall be identified and mapping provided to the County and landowner.

11. Wells and Well Monitoring

Company shall coordinate with participating landowners to determine the existence of any unsealed wells within the Project areas. For all such wells identified, the Company shall seal all wells on site pursuant to Illinois law and provide appropriate proof of sealing to the County prior to the receipt of any Building Permit. Alternatively, the Company shall annually perform well monitoring and testing and provide the results thereof to the County on or before December 31st of each year. Company shall offer monitoring for all active wells on adjacent wells within 500 feet of the Project boundary.

12. Road Use Agreements

The Company shall enter into all necessary road usage agreements with the County Board and applicable township road districts, if deemed necessary by the County Engineer. Any applicable County Road Use agreement is subject to the terms and conditions of the County Board, and subject to a separate County Board approval of the same. The County shall not issue any Building Permits for the Project until after Company has entered into the necessary road usage agreements and corresponding financial assurances with the County Board and applicable township road districts and provided copies thereof to the County. Any uncured or unwaived material breach of the County road usage agreement or any township road district agreement by the Company shall constitute a material breach of these conditions.

As part of the discussion of the Road Use Agreement(s), the Company shall provide an equipment list of all vehicles traveling upon the public roads including manufacturer (or type if manufacturer is unknown), total weight, weights per axle and axle spacing.

All financial assurance(s) posted in relation to any Road Use Agreement(s) shall have yearly inflation increases of at least 3%.

13. Use of Local Roads

Company shall only use public roads for the initial delivery of equipment, materials and personnel, unless otherwise permitted by a road use agreement. Any equipment which does not have license plates shall only travel upon local roads atop a trailer bearing proper Illinois license plates.

No construction of the Project (including any vegetative screening area) may occur within the setback zone of any public right-of-way.

No construction may occur on properties bearing PINs 26-28-400-001, 26-28-400-002, 26-28-200-005, or 26-28-200-004 unless Company seeks and obtains the vacation of the portions of East 850 North Road and North 550 East Road (if any portion of the right-of-way is within Project area) which are depicted as traversing through the construction area. Alternatively, Company may revise the layout plan of the Project upon those parcels to comply with the setback requirements of the Ordinance and to allow for public travel upon the roads noted.

14. Public Utility

Company shall provide written proof from any public utility that the Project layout will not interfere with the utilization or maintenance of any public utility power lines or other facilities, and will be in compliance with the easement requirements.

15. School Buses and Vehicular Traffic

Company shall avoid conflicts with school bus traffic and school bus stops, and with farm and other vehicular traffic in the Project area. The Company shall continuously maintain a website throughout the construction period which shall provide updates to the public regarding the planned traffic pattern and intensity of use at least 72 hours in advance of the planned activity, including areas that may experience delays during the construction period. Any changes to the planned activity may occur up to 48 hours prior to the planned activity. Any changes must be posted. In addition to the website requirements above, the Company shall maintain a Facebook or other social media site with links to the online information required by this paragraph.

Company shall inform educational institutions and emergency providers of any operational activities that may disrupt traffic.

16. Decommissioning and Security

The Company shall enter into a Decommissioning Agreement with the County prior to the issuance of Building Permits. The submitted Decommissioning Plan shall be reviewed by an engineer of the County's choosing for appropriate cost considerations.

All financial assurance(s) posted in relation to the Decommissioning Agreement shall have yearly inflation increases of at least 3%.

17. Liability Insurance

The Company shall maintain liability insurance as required by the Ordinance. The Company shall promptly increase such liability insurance if such amount is increased in the Ordinance. The Company shall provide evidence of the insurance to the County prior to the issuance of Building Permit(s).

18. Assignment

- A. Except as provided herein, the special use permit shall not be assignable except upon approval by the County Board and interest and/or ownership in the Company shall not be assigned or transferred to another party except upon approval by the County Board. County Board approval under this Paragraph shall not be unreasonably denied or delayed so long as the assignee or transferee ("Acquirer") demonstrates to the County Board adequate financial resources, experience in and capability of operating a Commercial Solar Energy Facility of similar kind and nameplate capacity, and the Acquirer complies with all conditions hereunder and any other applicable local, state or federal requirement. The Company and the proposed Acquirer shall provide the County the following

information:

- i. The name of the proposed acquirer;
 - ii. The most recent financial statement of the proposed acquirer;
 - iii. "financial assurance" as defined in the Ordinance for the current amount of the Decommissioning Plan in effect as of the date of the proposed assignment or transfer as required by these conditions;
 - iv. A new certificate of insurance from the acquirer providing evidence of liability insurance coverage in the amount that is required under the applicable provisions of the current Ordinance at the time of assignment or transfer;
 - v. Written acknowledgement by an authorized signatory of the acquirer that it understands, recognizes and agrees to assume responsibility for all terms, conditions and standards of any road agreement, decommissioning agreement or any other agreement then in force and that it has provided any security for road repairs, decommissioning or other assurances under such agreements;
 - vi. Written agreement by an authorized signatory of the acquirer that it understands, recognizes and agrees to assume responsibility for all terms, conditions and standards of the Siting Permit which are in effect as of the date of the proposed assignment or transfer, including compliance with any mutually agreed upon damages or modifications subsequent to that time, and including compliance with the requirements and obligations of any other agreements or understandings required for the original approval in effect as of the date of the proposed assignment or transfer;
 - vii. The contact information for the acquirer;
 - viii. Designate a representative or representatives of the acquirer or transferee to meet with representatives of the County to discuss the ongoing obligations and responsibility of the acquirer under the conditions of the Siting Permit, which meeting shall take place not less than fifteen (15) days following County Board approval of the assignment or transfer; and
 - ix. Provide the County with such other information as the County reasonably requests.
- B. Notwithstanding the above, Company shall have the right to assign in its sole discretion and without any consent from the County, as follows:
- x. Company may assign or transfer any interest, including 100% interest, in Company to an affiliate of Company.
 - xi. Company may assign or transfer any interest, including 100% interest, to qualified lenders in the event that Company defaults on a financing agreement.
 - xii. Company may assign or transfer any interest, including 100% interest, to tax equity investors.
 - xiii. Company shall provide notice of such assignment to the County within thirty (30) days following such assignment.

19. Fire Protection Districts and Emergency Response

Company shall cooperate with all local Fire Protection Districts and provide funding as necessary for training or for new equipment to prepare the districts to respond to fire and other emergencies concerning the Project. Company shall assist emergency response agencies in developing an emergency response plan for the Project. Company shall train their onsite personnel to assist emergency response agencies for any emergency incident that may occur within the Project. Company shall assist emergency response agencies in developing an emergency response plan for the Project. Company may enter into agreements with local or other emergency response agencies to comply with this requirement.

Company and its contractors shall share their emergency response plans and protocols, for both construction and operation of the Project, with local emergency response agencies. Company shall assist emergency response agencies in evaluating emergency response training needs and assisting with training of emergency response personnel in relation to this Project. The Company shall cooperate in emergency response drills relating to this Project, as part of coordinated training for solar and emergency response personnel. The Company shall coordinate a bi-annual review of policies, procedures, drills, training and equipment needs between Company representatives and local emergency response agencies and provide this documentation to the County.

Company shall ensure sufficient fire fighting capabilities are at the Project prior to the commercial operation of the Project, during construction and operations of the Project.

Company shall provide the Vermilion County Emergency Management office with a copy of all emergency response plans.

20. Reimbursement for County Expenses

Company shall pay all costs incurred by the County, including but not limited to, those costs associated with the all offices, boards and committees of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/or negotiations. All costs incurred shall be reimbursed within 30 days of receipt of an invoice from the County.

21. Validity of Conditions

By applying for Building Permit(s) related to the Project, the Company shall be deemed to waive any and all claims concerning the lawfulness, authority or reasonableness of any of the conditions set forth herein.

22. Defense against Claims

In the event the Project, or any other matters relating to the Project, is the subject of a lawsuit or other legal action against the County, County Board or its officials (including any county officers, directors, administrators, attorneys or agents), the Company shall reimburse the County for all reasonable legal fees and other expenses, including expert fees, incurred by the County in defending such legal action.

23. Financial Ability to Complete Project

Prior to issuance of a Building Permit for the Project, the Company shall provide to the County evidence of financial ability to construct and operate the Project.

24. Compliance with IDNR and USFWS Recommendations

Company shall comply with all Illinois Department of Natural Resources and U.S. Fish and Wildlife Service recommendations and suggestions regarding this Project. If a recommendation or suggestion conflicts with any other provision of the Ordinance or other conditions, the Ordinance or other condition shall apply.

25. Site Debris and Dust Control

Company shall reasonably keep the Project clear of debris and garbage, including the areas within the Project fencing, the substation, and vegetative screening areas.

During construction and operation of the Project, the Company shall employ dust control measures on site to eliminate or minimize dust. Prior to the issuance of Building Permits, Company shall provide the County with a dust mitigation plan.

26. Noise Study

Within 90 days of the Project's commercial operation, the Company shall provide the County with a noise study, and any other evidence requested by the County, demonstrating compliance with the Illinois Pollution Control Board noise standards. Such study shall be from a third-party chosen by the County and such costs shall be reimbursed by the Company. Any noise violations shall be remedied within 30 days. If noise violations persist, Company shall cease operation of those portions of the Project causing the noise violation.

27. Glare Study

Prior to the issuance of any Building Permits related to the Project, the Company shall provide the County with an updated glare study for this specific Project. If such study demonstrates the potential for glare or glint upon the public right-of-ways or any residence upon adjacent property, the Company shall take measures to eliminate such glare prior to the commercial operation of the Project.

28. Lighting

All lighting at the Project shall be downcast and designed to eliminate and light pollution. Project shall utilize outdoor lighting equipment approved and certified by the International Dark-Sky Association.

29. Battery Storage Prohibition

The placement or utilization of a Battery Energy Storage System(s) is prohibited at the Project.

30. Cure Period

Subject to any other provision of these conditions, any alleged breach or violation of the conditions listed herein, including an alleged failure to comply with any federal, state or local regulation now or hereafter in effect, and any penalty herein, including termination of rights granted by or the invalidity of the Siting Permit, Building Permit or Operating Permit as a result of such breach or violation, shall be subject to the Company curing or commencing to cure and thereafter diligently pursuing cure of such breach or violation within sixty (60) days after receipt of written notice from the County of such breach or violation.

31. Proof of Compliance

Company shall provide any requested proof of compliance with the conditions, the Ordinance, or any other rules, laws and regulations to Vermilion County upon request.

END OF DOCUMENT