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SOLAR PANEL HEARING

MURAL ENERGY, LLC

March 14, 2024

APPEARANCES: MS. COURTNEY KENNEDY  
Attorney at Law  
On behalf of the Applicant

MR. ANDREW KEYT  
Attorney at Law  
On behalf of the County

1 MR. FOUREZ: All right. Let's call this  
2 meeting to order and start with a role call, and let's  
3 put it this way, there are five members present and  
4 one absent and I'll sort it out later.

5 MR. ELMORE: Russell.

6 MR. FOUREZ: Yes, Russell Rudd is  
7 absent. Next item is approval of the agenda. The  
8 agenda for this meeting is to finish up the appearance  
9 for the Mural Project. We got a motion to approve?

10 MR. ELMORE: Motion.

11 MR. GREENWELL: Second.

12 MR. FOUREZ: Second by Adrian. All in  
13 favor say I.

14 MR. CRAWFORD: I.

15 MR. ELMORE: I.

16 MR. GREENWELL: I.

17 MR. PUZEY: I.

18 MR. FOUREZ: Opposed? We have an  
19 agenda. I will turn the meeting over to Scott now and  
20 we will get on with business.

21 MR. KAINS: All right. Thank you,  
22 Mr. Chairman. Good morning, everyone. This is the  
23 Mural Energy Project. We had -- when last met we had  
24 concluded the evidence. We are awaiting closing

1 statement by Counsel for the Applicant and we are also  
2 then going to have deliberations and a decision by the  
3 Vermilion County Wind and Solar Committee.

4 First things first, though, do we have any  
5 cleaning up of anything we need to do, Mr. Keyt?

6 MR. KEYT: I think the only remaining  
7 items are there's a corrected exhibit from the  
8 Applicant and then also a written proffer that the  
9 Applicant has.

10 MR. KAINS: All right. Ms. Kennedy.

11 MS. KENNEDY: That is correct. I have  
12 marked as Exhibit 17 the PowerPoint presentation of  
13 Dr. Ollson. We had to make a revision from the last  
14 day of hearing and then I do have marked as Exhibit 18  
15 a written proffer that essentially follows Mr. Bryan  
16 Loomis's testimony and clarifies a few questions that  
17 the Committee had.

18 MR. KAINS: All right. Very good. With  
19 respect to the revised exhibit what -- what  
20 specific -- do you have a -- just an overview of the  
21 change?

22 MS. KENNEDY: Sure. There was one slide  
23 that was changed and it related to the highway  
24 referenced.

1 MR. KAINS: So now it reflects  
2 accurately the highway that it is -- that it is --  
3 that this project is adjacent to?

4 MS. KENNEDY: And I don't believe it was  
5 highway that was identified. I believe it was  
6 Dr. Ollson's interpretation of a statute and how it  
7 effected the ordinance requirement.

8 MR. KEYT: If I --

9 MR. KAINS: Yeah, Mr. Keyt.

10 MR. KEYT: I believe the issue was his  
11 interpretation of what a roadway or highway is under  
12 the Illinois Highway Code. The highway is defined  
13 broadly to include roads or streets, not just  
14 interstate highways.

15 MS. KENNEDY: Yes. Thank you.

16 MR. KAINS: All right. Very good. And  
17 have you marked the revised exhibit?

18 MS. KENNEDY: I have.

19 MR. KAINS: Okay. And what number?

20 MS. KENNEDY: I have marked that as  
21 Exhibit 17.

22 MR. KAINS: All right. Exhibit 17,  
23 Mr. Keyt, any objection?

24 MR. KEYT: No objection.

1 MR. KAINS: All right. Exhibit 17, the  
2 revised PowerPoint presentation of Dr. Ollson will be  
3 admitted into evidence and made part of the record of  
4 this hearing. And the other thing is a proffer. How  
5 long is it?

6 MS. KENNEDY: The proffer is three pages  
7 in length and I have signed it.

8 MR. KAINS: All right. And did you  
9 write it?

10 MS. KENNEDY: I did.

11 MR. KAINS: Okay. And if you could give  
12 us a summary of what that proffer is just for the  
13 public.

14 MS. KENNEDY: Sure. Mr. Bryan Loomis,  
15 Vice President of Strategic Economic Research  
16 previously testified in this hearing as to the  
17 economic impact of the project it brings to the area.  
18 I believe the Committee and some members of the public  
19 had questions relating to the rate or amount that a  
20 solar project is taxed, so he has clarified that, and  
21 then he has further provided a chart to me showing the  
22 taxes that this project would generate and compared it  
23 to the taxes that the land currently classifies. Let  
24 me back up. The participating parcels in the project,

1 what they currently generate under the agricultural  
2 agreement.

3 MR. KAINS: All right. Very good.

4 Mr. Keyt, do you have any objection -- you're going to  
5 mark that as Applicant's Exhibit 18?

6 MS. KENNEDY: That is correct.

7 MR. KAINS: Okay. Very good. Mr. Keyt,  
8 any objection to 18 coming in?

9 MR. KEYT: No objection.

10 MR. KAINS: All right. Very good.

11 Exhibit 18 from the Applicant will be admitted into  
12 evidence and made part of the record of this hearing.

13 And, Ms. Kennedy, if you could please  
14 distribute those exhibits to members of the Committee.  
15 And, Ms. Kennedy, could I have 18 as well. I don't  
16 need 17.

17 MS. KENNEDY: You bet.

18 MR. KAINS: But I would like to see your  
19 proffer. Thank you.

20 All right. For the general information of  
21 the public the written proffer, that is basically  
22 under the law a clarification of testimony and  
23 answering some questions that were asked of the  
24 Applicant, and this essentially states that Mr. Bryan

1 Loomis, the Vice President of Strategic Economic  
2 Research, he was the gentleman who testified in this  
3 hearing. He had testified to the economic impact that  
4 the Mural Energy Solar Project would have on the local  
5 and state economy. And this proffer indicates that if  
6 he were recalled to testify he would give the opinion  
7 and under the property tax code commercial solar  
8 energy system real property cost basis means the owner  
9 of a commercial solar energy's interest -- systems  
10 interest in the land within the project boundary and  
11 the real property improvements and shall be calculated  
12 at \$218,000 per megawatt of nameplate capacity. And  
13 Mr. Loomis did an analysis comparing current property  
14 taxes generated by the participating parcels of this  
15 project with their current agricultural designation  
16 versus taxes -- real estate taxes that would be  
17 generated of participating parcels with the project  
18 having been constructed over a 35 year period.  
19 Participating parcels would generate approximately  
20 \$4.8 million in real estate taxes under the  
21 agricultural designation. So that as is presently  
22 they would generate over the next 35 years 4.8 million  
23 and some change. By contrast in that same period any  
24 participating parcels would generate \$37 million in

1 real estate taxes as a result of the siting of this  
2 project if it were to go through. So the project  
3 would increase property taxes generated to Vermilion  
4 County and other taxing bodies in the amount of  
5 32.3 -- an approximate \$32.3 million.

6 Ms. Kennedy, thank you for this proffer and  
7 our thanks also to Mr. Loomis for his work on  
8 clarifying that issue.

9 All right. We have -- we will now at this  
10 time close the evidence.

11 Mr. Keyt, have we -- have you or the County  
12 Board or any member of the Wind and Solar Committee  
13 received any other written comments from the general  
14 public?

15 MR. KEYT: There has been one written  
16 comment from the general public that is in the record  
17 already.

18 MR. KAINS: It's already in the record,  
19 and no additional ones since the last time we met?

20 MR. KEYT: No.

21 MR. KAINS: Okay. Very good. All  
22 right. The evidence is closed, and now it is time,  
23 folks, for the Wind and Solar Committee, these four  
24 gentlemen down here in the first row plus Mr. Fourez

1 as Chairman to deliberate and vote on the propriety of  
2 the special use permit application. Actually, before  
3 we go to the deliberations, Ms. Kennedy, you have a  
4 closing statement if you could -- and I know your  
5 closing statement will summarize the issues, but just  
6 kind of touch the -- touch on the most important  
7 issues just because this Board has since we last met  
8 has heard testimony on two other projects. So if you  
9 could just kind of refresh their recollection if  
10 necessary in your closing statement.

11 MS. KENNEDY: Sure. You bet. So I  
12 won't belabor the point. What I'd like to do briefly  
13 is just touch on the siting ordinance, speak to the  
14 evidence presented toward each factor and we can go  
15 from there.

16 I believe the question before this Committee  
17 isn't whether we should allow solar projects within  
18 the county, or use other words used throughout the  
19 course of this hearing whether or not this is a place  
20 for a project such as this one. That question  
21 respectfully has already been answered.

22 First what was formally known as House Bill  
23 4412, now clarified as the Illinois County Code which  
24 has set forth certain parameters around the county

1 regulating the siting of a commercial solar energy  
2 facility, but that question's also been answered by  
3 your Vermilion County Siting Ordinance regulating  
4 commercial solar energy facilities which as you know  
5 sets forth various standards that the project must  
6 adhere to and also sets out the factors that must be  
7 used by this Committee in making its recommendations.  
8 Your job respectfully is to use that siting ordinance  
9 as your holy grail and to see if the project as  
10 proposed conforms to that ordinance.

11 Looking at this specific language of that  
12 ordinance it reads in relevant part the factors to use  
13 to analyze and consider the application shall be this  
14 ordinance. Relevance in the federal laws and  
15 regulations and the below listed factors. Like I  
16 mentioned before, that you approve each one of those  
17 factors and I'll highlight briefly the evidence  
18 presented toward each one.

19 The first factor is the existing uses, and  
20 where applicable, zoning of nearby property. You  
21 heard testimony from one of the representatives of the  
22 Applicant to various experts that the current land is  
23 being used for agricultural purposes, primarily row  
24 crop production. The same is true to adjacent land.

1           The second factor, to the extent to which  
2 property values are diminished here I would call up  
3 Mr. Mike MaRous's testimony specifically. He noted  
4 that nearby property values will not be negatively  
5 impacted. He has submitted a report to which  
6 specifically concluded that there is no market data  
7 indicating that this project will have a negative  
8 impact on either rural, residential or agricultural  
9 properties in the area. He further opined that for Ag  
10 properties that host this project the additional  
11 revenue from these solar leases may actually increase  
12 the value and marketability of those properties.  
13 Mr. MaRous based his testimony and based his  
14 conclusions on a well market analysis that he  
15 performed in Vermilion County and other various  
16 studies that he had done. Throughout the course of  
17 this hearing there was no other evidence presented to  
18 the contrary to this point.

19           The third factor is the extent to which the  
20 destruction of property value promotes the health,  
21 safety, morals, or general welfare of the public.  
22 Again, it is our position throughout the evidence  
23 presented throughout the course of this hearing that  
24 this project will not in any way impact land value.

1           However, I think there's several other aspects of this  
2 project that promotes the public health, safety,  
3 morals and general welfare.

4           You heard testimony from Dr. Ollson who  
5 concluded that this project presents no negative  
6 impact from a health and safety standpoint. He  
7 further opined that the panels in the project itself  
8 is safe.

9           You heard testimony from a noise expert who  
10 opined that the project's anticipated noise levels  
11 comply with the standards set forth by the Illinois  
12 Pollution and Control Board.

13           This project does not present any negative  
14 impact to aviation as noted in the FAA notice criteria  
15 submitted with the application materials.

16           You further heard from the experts on behalf  
17 of the Applicant as to the glint and glare report that  
18 was performed, and I'd just like to highlight this.  
19 As he testified that glint and glare report used very  
20 conservative assumptions all of which he went through  
21 in his testimony. But based on those conservative  
22 assumptions the glint and glare report showed that  
23 minimal glare is predicted along a portion of North  
24 400 East Road. In response to this, the company has

1 proposed a vegetative screen buffer and we walked  
2 through blocking potential glare anticipated.

3 You further heard from Mr. Bryan Loomis  
4 regarding the economic impacts of this project. He  
5 testified to the jobs that will be created during the  
6 construction process and then also the jobs that will  
7 be created throughout the operation and maintenance of  
8 the project itself. He further went through the  
9 property tax revenue anticipated for this project and  
10 further highlighted that school districts tend to  
11 benefit the most from that tax revenue. Mr. Loomis  
12 also opined to the local boost to the economy, what he  
13 called indirect revenue benefits of this project to  
14 stimulate the local economy.

15 Participating landowners will direct benefits  
16 through the land use payments. This will allow  
17 agricultural land to remain in the family farms for  
18 generations to come. It serves as an additional  
19 source of revenue for those farm families.

20 Highlighting a larger issue, this project if  
21 sited will help promote the state's larger goals of  
22 working towards renewable energy. Most importantly,  
23 however, this project as proposed meets and conforms  
24 to the County Ordinance.

1           The fourth factor is the relative gain to the  
2 public as opposed to the hardship imposed on the  
3 individual property owner.

4           Again, I just highlighted several benefits of  
5 this project all of which I won't rehash here under  
6 this factor. We don't believe that there's any  
7 hardship imposed on individual property owners.

8           You heard testimony from the representative  
9 of the Applicant Mr. Crighton whose presence is not  
10 anticipated to generate any shadow pokers, there's no  
11 odors associated with this project, no obnoxious noise  
12 levels, and, again, it does not impose a burden on the  
13 public infrastructure.

14           The fifth factor is suitability of the  
15 subject property for the planned purpose. Again, as I  
16 noted earlier, this is agricultural land. It is  
17 allowable under the Vermilion County Siting Ordinance  
18 and it's our position that this project is responsibly  
19 sited in conformance with that ordinance.

20           The sixth factor is the length of time the  
21 property has been vacant as currently utilized  
22 considered in the context of land development in the  
23 area. Under the County's Code and the County -- or  
24 excuse me -- under the County's Code and under the

1 Vermilion County Siting Ordinance it allows the siting  
2 of commercial solar energy facilities on agricultural  
3 land. We believe that this is appropriately situated  
4 in the area.

5 The seventh factor is the care with which the  
6 community has undertaken to plan its land-use  
7 development. Here I believe the county has taken  
8 great care and planned its land use development as  
9 evidenced in the ordinance regulating commercial solar  
10 energy facilities. This project as proposed meets  
11 those ordinance requirements.

12 If you go through your application materials  
13 you'll see that the Applicant has prepared a chart  
14 addressing each one of the ordinance requirements and  
15 provided project as proposed conforms with those  
16 requirements or where you can find that information if  
17 it's an appendix submitted with the application.

18 You've heard testimony where the project  
19 representatives worked with the Village of Fairmount  
20 and they've raised significant amount of local support  
21 as evidenced by the numerous signatures on the  
22 petitions of support and the letters of support  
23 submitted into evidence.

24 You further heard about the company's

1 commitment toward working with local drainage  
2 districts and fire protection districts. I believe  
3 all of these demonstrate the level of care and  
4 outreach that this Applicant has taken to be a good  
5 neighbor of the site and project responsibly.

6 Further I'd like to note that this type of  
7 development is one of the best kinds of development in  
8 that it does not require any new infrastructure. The  
9 siting and the piling will not require public  
10 utilities to serve project itself or roadways.  
11 Mr. Crighton testified as to certain internal access  
12 roads but none of that will stress the public  
13 infrastructure.

14 The eighth factor is community need for the  
15 use proposed by the Applicant. As I noted earlier,  
16 the state has set forth various benchmarks for  
17 renewable energy across the state and we believe the  
18 siting of this project will further state goals.

19 The ninth factor, the impact on wildlife and  
20 wildlife habitat. And I think here it's imperative to  
21 highlight the requirements of the ordinance. The  
22 first one is that the facility owner shall provide  
23 results and recommendations from a consultation with  
24 the Illinois Department of Natural Resource as

1 obtained through the EcoCAT Tool. That has been  
2 provided in the application materials and was  
3 highlighted by Mr. Steven Chu's testimony. He further  
4 opined the project as proposed comply with those  
5 recommendations issued by the IDNR.

6 Secondly, the ordinance requires that the  
7 results of the United State's Fish and Wildlife  
8 Service, IPac Tool be submitted. And, again, these  
9 are also found in the application materials. Mr. Chu  
10 further testified to these, and, again, stated the  
11 project as proposed complies.

12 Mr. Chu further testified that this project  
13 will not be built in wetland streams or rivers. We  
14 believe on the evidence presented as to this fact that  
15 there will be little to no impact on wildlife.

16 The tenth and final factor for this is the  
17 impact on drainage facilities and public property.  
18 And here I think Tom Huddleston's testimony spoke  
19 volumes throughout this hearing. Tom as you know has  
20 a wealth of experience and knowledge in this area. He  
21 opined that the land within the solar area within the  
22 project park boundary will be improved and adjacent  
23 properties drainage systems improved through the use  
24 of pattern tiling and rerouting the current drain tile

1 systems. Tom further testified that the Agricultural  
2 Impact Mitigation Agreement requirements and the work  
3 that goes into discovering and improving drain tiles  
4 prior to construction on this project. Tom also  
5 described the process in which adjacent landowners can  
6 be stakeholders in the project to improve their  
7 drainage. Tom further opined storm water runoffs  
8 would be improved because of the native plant species  
9 planted beneath the panels. He further testified he  
10 believes based on his experience that the soil  
11 integrity will improve as the ground is allowed to  
12 rest. And, again, there are no public -- no public  
13 properties to be used within this project and  
14 therefore there will be no impact there.

15 Based on these factors and the evidence  
16 presented during this hearing it is our hope that you  
17 will agree that this project meets and conforms with  
18 the ordinance requirements and further that you will  
19 recommend approval of this project to the County  
20 Board.

21 Thanks.

22 MR. KAINS: Very good. Thank you,  
23 Ms. Kennedy.

24 Now, it is time for deliberations and

1 decision from this Committee. And to guide us through  
2 that I will turn it over to Mr. Keyt.

3 MR. KEYT: Okay. Thank you. We -- as  
4 the Committee here has essentially two jobs we hold  
5 the public hearing, take the evidence that is -- that  
6 comes in and then we make findings of fact, a  
7 recommendation to the County Board and then any  
8 recommendation of conditions to the County Board as  
9 well. Ultimately the Committee's job is to make a  
10 recommendation on those items to the County Board, the  
11 County Board then has the final say on whether to  
12 approve the siting permit. Before we get into the  
13 discussion of specific findings of fact and potential  
14 conditions I'm going to address a couple things and  
15 then also the Committee should discuss whether there's  
16 any further evidence or information that the Committee  
17 would like to hear either from the Applicant or  
18 whether the Committee wants to retain an independent  
19 expert for any of the specific items that have come  
20 up, whether that's economics, or drainage, or the  
21 noise, any item that you might want to have someone --  
22 have the County retain and come give testimony, the  
23 Committee has the power to do that. So I guess I'll  
24 open it up to the floor on the discussion about

1 whether or not the Committee has the desire to retain  
2 any independent expert to come and give any evidence  
3 or testimony to the Board.

4 MR. ELMORE: No.

5 MR. KEYT: Any thought?

6 MR. FOUREZ: I'm still not -- with the  
7 economic impact things, what she just brought today  
8 deals only with property tax differential and not the  
9 net gain or loss from agricultural use versus solar  
10 panel use. And we're talking about not just the  
11 county as a unit but the smaller micro-economy and  
12 the -- in the local community, and they talk about how  
13 many jobs they're going to generate, no reference to  
14 what, if any, jobs may be lost due to this. So I  
15 think it would probably behoove us to have somebody  
16 come in to give us a rundown on the actual net  
17 economic impact agricultural use versus solar use.

18 MR. KEYT: So I think that issue then is  
19 open for discussion with the Board -- or the  
20 Committee, excuse me, wants to retain someone to give  
21 some information to the Committee about economic  
22 impact of the project as a whole to the County or that  
23 local area. And the Committee has the ability to  
24 reach outside to a third party and have them evaluate

1 the project's economic impacts or any other aspect  
2 that they may want to do. The cost of that comes from  
3 the Applicant's application fee assignment,  
4 application fee. So if the County does have a desire  
5 to do that, what would be appropriate then is to make  
6 a vote on that issue and then we would recess for an  
7 appropriate time to have somebody look at it and then  
8 come back and give us their analysis on it, and then  
9 you could take that either as a written report if you  
10 wanted it that way or you could have them provide a  
11 written report and live testimony. That's ultimately  
12 up to the Committee if you want to take that route.  
13 If we do take that route there's -- we would not get  
14 into the findings of facts or the conditions. We  
15 would just recess until another day and then we'd come  
16 back and address that issue there. So that -- I think  
17 the question of the Chair -- or the issue that the  
18 Chair's raised for the Committee to discuss.

19 MR. ELMORE: I mean, I would agree that  
20 certainly harvest and grain sales, loss of revenue  
21 from that was not covered in Mr. Loomis's testimony,  
22 but I don't know that that would stop us from going  
23 forward. That is certainly up to everybody here. But  
24 it certainly is a hole I think in what he presented.

1                   MR. PUZEY:  General question, who would  
2 do that, like someone from a university, someone from  
3 a private Ag service, for example?  I mean, where  
4 would we get that kind of information so we could  
5 evaluate changes here?

6                   MR. FOUREZ:  Andrew, did you have some  
7 thoughts on who we might be able to bring in and do  
8 that?

9                   MR. KEYT:  We could probably reach out  
10 to a few sources, either from a university, the farm  
11 bureau, or otherwise to get their take on that issue.  
12 I do not know how long it will take.  It usually if  
13 you -- usually I've not had to retain an expert in  
14 relation to the economic issues, economic impact  
15 issues.  Typically I'm retaining someone in relation  
16 to noise and shadow flicker, things that are somewhat  
17 technical in nature.  So I don't know who all is out  
18 there to be able to do it, but I would imagine that  
19 we'd be able to find somebody to be able to take a  
20 look at that issue.

21                   Now, how long that might take, you know, it  
22 may be -- it may take us a month to get that  
23 information and get somebody retained and then get  
24 them preparing a report back to the Committee.  So it

1 may take a little bit of time. And that's okay, it's  
2 okay to recess while you're evaluating that, and so  
3 that's up to the Committee if you want to take that  
4 route. I would probably be the one that would track  
5 down who that expert would be. I don't know who it  
6 would be off the top of my head, though. So it could  
7 take a little bit for me to locate and then get  
8 somebody signed up and approved by the County to do.  
9 But that's okay, I mean, that's -- you know, that's up  
10 to the Committee if you want to take that route.

11 MR. PUZEY: So we just decide whether  
12 it's worth it, worth the time of day and so forth to  
13 be -- I guess be more convinced, if you will, that  
14 there is a significant loss in revenue to the local  
15 economy.

16 MR. KEYT: You may recall that  
17 Mr. Loomis had testified about various economic  
18 impacts. There was some information he didn't  
19 necessarily know like what the net -- what the net  
20 gain would be. There was some questions about whether  
21 or not he had -- had studied what loss of jobs might  
22 occur because of the project in relation to like, you  
23 know, people doing -- people involved in Ag retail.  
24 So there was an open question, if memory serves, from

1 that testimony of Mr. Loomis. So it is an area that  
2 is somewhat unanswered in the grand scheme of things.  
3 So if you want to have somebody retained for that  
4 issue, that is an issue we can look into.

5 What would be appropriate is if you do want  
6 to take that route somebody would make a motion for  
7 the Committee to then retain someone to look at that  
8 specific issue. Also, if you do, keep in mind, we  
9 would be bringing in -- the Committee would be  
10 bringing in an independent expert. It does open that  
11 issue up that the Applicant could address it and the  
12 objectors could address it. It doesn't open up a  
13 whole hearing. It's just that specific issue with it  
14 being open for discussion and evidence from the  
15 Applicant and the general public or anybody in  
16 objection to it. So I don't think it would be a  
17 significant amount of time. It would essentially just  
18 be probably a morning of testimony and getting back to  
19 where we are at this point. But that's up to the  
20 Committee. I mean, it's --

21 MR. GREENWELL: I would make that  
22 motion.

23 MR. KEYT: For clarity, the motion would  
24 be to -- for the Committee to retain someone to advise

1 the Committee on economic impacts related to the  
2 project and recess to another date in the future and  
3 we would discuss that date if the motion passes. Do I  
4 have your motion correct?

5 MR. GREENWELL: (Affirmative nod given.)

6 MR. KEYT: Okay. And then I guess it  
7 would be appropriate that there's a second.

8 MR. FOUREZ: Did we get a second?

9 MR. KEYT: It's up to the Committee if  
10 anybody wants to --

11 MR. PUZEY: Well, if you don't get a  
12 second?

13 MR. KEYT: If you don't get a second it  
14 dies with the lack of a second.

15 MR. PUZEY: I'm not providing a second.

16 MR. KEYT: Okay. Going once, twice.  
17 Second. Okay. So that motion would die then for lack  
18 of a second. And then if I read the Committee right  
19 here, they want to move on into the findings of fact  
20 and then whatever their recommendation would be to the  
21 County Board.

22 So before I have circulated to the Committee  
23 a draft set of findings. Findings of fact that just  
24 basically takes your ordinance and the evidence that

1 has come in during the course of our hearing. It is  
2 only a draft, it's only as to get the Committee  
3 started on going through the draft findings and  
4 ultimately the potential conditions. What and how  
5 those findings read is entirely up to the Committee.  
6 So just so you know, I don't have a vote or a say on  
7 how those findings read. I don't have a vote or say  
8 on how those conditions read. Those entirely come  
9 down to how the Committee wants them to read. If I  
10 would suggest perhaps a recess of maybe five minutes  
11 and I can hook up, hopefully onto the TV screen so  
12 everybody can follow along where we are, cause the  
13 Committee has a draft set of findings but the people  
14 from the public can't see those obviously so...

15 Go ahead.

16 MR. PUZEY: Quick question. Which one  
17 of these will be actually evaluating first? Is it the  
18 findings or the conditions?

19 MR. KEYT: Findings.

20 MR. PUZEY: Findings.

21 MR. KEYT: It will be the findings  
22 first.

23 MR. PUZEY: Okay.

24 MR. KEYT: And then we can do the

1 potential conditions second.

2 MR. PUZEY: Okay.

3 MR. KEYT: So we would do that first.  
4 Is there -- do you want to take maybe a five minute  
5 recess and I'll hook up the TV and then we'll get  
6 rolling from there.

7 MR. PUZEY: Yes.

8 MR. KAINS: Okay. I think it would be  
9 appropriate to recess. It is 9:36. We'll come back  
10 about 9:42, 9:43, give Mr. Keyt a few extra minutes,  
11 but the Committee, the hearing is in recess now.

12 Thank you.

13 (A recess was taken at 9:37 a.m.)

14 (Resume at 9:53 a.m.)

15 MR. KAINS: All right. Folks, we're  
16 back on the record. We appreciate the gentleman from  
17 the County Board Office to get us squared away.

18 And, Mr. Keyt, you may then proceed with  
19 going through the proposed findings of fact.

20 MR. KEYT: Okay. So I'm going to walk  
21 through the proposed findings of fact. These are in  
22 front of the Committee members. And, again, these are  
23 entirely up to the Committee. I'm going to go  
24 essentially by topic area. So there are -- I think

1 there are 26 different topics that are in there but  
2 some of them are very quick and easy to resolve, so  
3 it's not like we'll spend much time on them.

4 The first three sections of -- I'm sorry,  
5 four sections of the draft findings just really cover  
6 who the Applicant is, a project summary, the  
7 application itself, and where those exhibits will be  
8 kept and then the public hearing process. So those  
9 there's not much to review or change there. That  
10 simply is an application was received, it was received  
11 from this entity, the application is kept at the  
12 County and then it goes through the hearing process  
13 and what we've done.

14 Then it talks about the applicable standards.  
15 We'll get into those in more detail. Part 4 -- I'm  
16 sorry, part 6 then deals with the evidence and  
17 findings of fact. It lists out specifically all of  
18 the exhibits that have been received, who gave  
19 testimony and any of the Applicant's exhibits and  
20 then, of course, any exhibits we received from people  
21 from the public and any testimony from people in the  
22 public or who testified. There's also then a list of  
23 exhibits from the County. The only exhibits from the  
24 County were the soil and water conservation district

1 report from December 7 and then some public comment  
2 that had been received.

3 Keep in mind the evidence for you to consider  
4 is only testimony and documentary evidence that has  
5 been received. Public comment is not part of the  
6 evidentiary record, it does not go into your  
7 consideration. The only things to consider in part of  
8 your decision is the evidence received during this  
9 hearing process that are documentary in nature or  
10 testimony that we have heard and that includes the  
11 application that was received.

12 Okay. With that, any questions then before I  
13 get into the actual substance of the findings of fact?  
14 Okay. Hearing none.

15 Number 1 is the panel height. The County has  
16 a 20-foot height limit. Their proposal is an 18-foot  
17 height, maximum height full tilt.

18 It then gets into we have a limitation or  
19 floor really that the -- any parcel hosting a solar  
20 facility has to be at least 5 acres in size. All of  
21 the parcels involved in this project are at least 5  
22 acres in size.

23 Number 3 deals with setbacks. Setbacks are  
24 set again by the state statutory requirements. Our

1 ordinance within, of course, adopted those state  
2 statutory requirements as were mandated too by the  
3 state. Those are 150 feet from occupied community  
4 buildings and dwellings on non-participating  
5 properties; 150 feet from the nearest  
6 non-participating residences; boundary line of  
7 non-participating properties is 50 feet; public road  
8 of right-of-way is 50 feet. Now, that's from the  
9 nearest edge of the right-of-way. That is not the  
10 center of the road or the actual pavement of the road  
11 but the actual right-of-way itself, which as you  
12 probably know is wider than the actual pavement of the  
13 road. And the Applicant testimony and the application  
14 itself reflects that they would be compliant with  
15 those factors or those setback requirements.

16 There's a locked gate that the applicant has  
17 proposed that would be -- or locked fencing that would  
18 be 6 to 8 feet in height.

19 Downcast -- we have a requirement for all  
20 lighting has downcast so that it does not spill upon  
21 adjacent properties. That applicant proposes lighting  
22 that is shielded and downcast.

23 Noise levels. As you'll recall, the county  
24 is required to utilize the Illinois Pollution Control

1 Board standards on lighting -- or I'm sorry, noise.  
2 Noise standards are set by the Illinois Pollution  
3 Control Board, are not set by the county. They did  
4 provide testimony from Tricia Pellerin who testified  
5 that and provided documentary evidence regarding sound  
6 compliance in relation to factor number 6.

7 Before I get into factor number 7 and beyond,  
8 any questions, changes, amendments to 1 through 6 on  
9 any of the finding -- draft findings of fact? Okay.  
10 Hearing none.

11 I'm going to go down to Paragraph Number 7,  
12 installation and design. It has to be designed and  
13 located to prevent glare toward any inhabited  
14 buildings and adjacent properties as well as adjacent  
15 highways. You'll recall, we did have some testimony  
16 and information provided by the Applicant that there  
17 was some glare issues on -- to one of the public  
18 roadways and so part of the findings deal with that  
19 issue. So if you -- looking at these findings of fact  
20 there's a reference to that glare issue on 400 East  
21 Road, particularly on the northeastern edge of array  
22 number 1 which would have glare from November through  
23 January, from 3:00 p.m., to 4:30 p.m., during the day.  
24 There is a potential condition that's been written in

1 to deal with that glare issue.

2 Any changes or amendments to that Paragraph  
3 Number 7 as listed there?

4 MR. PUZEY: No.

5 MR. KEYT: Okay. I'm going to take the  
6 next grouping, probably 8, 9 and 10. All wiring has  
7 to be buried underground. So there are connections  
8 running from the panels themselves to the substations  
9 must be buried. So those -- it is required that all  
10 of their cabling be buried to the substation area.  
11 Their proposal is to have buried cabling, that's  
12 number 8.

13 Number 9 deals with outdoor storage. They  
14 are not allowed to have any outdoor storage unrelated  
15 to materials, vehicles, and equipment that directly  
16 support the operation and maintenance of the solar  
17 farm. They have provided testimony that there would  
18 not be any outdoor storage.

19 Paragraph 10 deals with the Agricultural  
20 Impact Mitigation Agreement. As you might recall, the  
21 state has an Agricultural Mitigation Agreement  
22 requirement that was provided in the Applicant's Group  
23 Exhibit Number 1, that was part of their application.  
24 There's also a Natural Resources Inventory Report that

1 was provided by the Vermilion County Soil Water and  
2 Conservation District, that's County Exhibit Number 1.

3 Any changes to Paragraphs 8, 9 and 10 that  
4 are listed there?

5 Number 11, that's really an operational  
6 requirement as opposed to an application requirement.  
7 So in terms of constructing a building, any sort of  
8 solar facility they have to comply with all of the  
9 building codes of not just the County but also the  
10 National Electric Code and International Building  
11 Code. Those occasionally get amended from time to  
12 time to comply with whatever amendments that occur up  
13 to the point of their construction.

14 Any changes before I get into Paragraph  
15 Number 12? Any changes to Paragraph 11?

16 MR. PUZEY: No.

17 MR. KEYT: Okay. Paragraph Number 12  
18 deals with vegetation screening around the project.  
19 This is also addressed within one of your conditions  
20 that we'll talk about, and, again, whether you adopt a  
21 condition or not adopt a condition is not necessary  
22 for the discussion of findings, but there is a  
23 condition that deals with vegetation screening.

24 The Applicant did provide some testimony from

1 Terry Hellendrung who's a landscape architect. He  
2 provided and then also submitted a preliminary noxious  
3 weed management and vegetation and landscape plan,  
4 that was part of their Group Exhibit Number 1, that's  
5 the big two-binder application. They also comitted  
6 during the public hearing to performing monthly  
7 inspections.

8 Any changes to that Paragraph Number 12?

9 Okay. Moving on.

10 Paragraph Number 13 deals with drain tiles.  
11 I'm going to go through this a little more detail. So  
12 drain tiles have to be repaired or restored to same or  
13 better condition as when the project began. There's  
14 the inspection for compliance by an independent  
15 inspector chosen by Vermilion County. During  
16 construction or operation, any damage to drainage  
17 systems shall be repaired by the facility owner or  
18 operator. Such repair shall be initiated within 30  
19 days of the facility owner or operator being informed  
20 of such damage. All repairs shall be performed by a  
21 contractor with offices located in Vermilion County,  
22 unless such contractor is unable to perform required  
23 repairs within the prescribed period of time.

24 We did have or hear from the testimony of

1 Mr. Huddleston, he's with Huddleston McBride. The  
2 Applicant provided some testimony from Mr. Huddleston  
3 of McBride Land and Drainage, that's part of your  
4 Applicant's Exhibit Number 4. He walked through the  
5 site proposal. It is a large site largely comprised  
6 of prime farmland. It is similar to other farms he  
7 has worked on.

8 Prior to construction they would have to  
9 perform a drain tile investigation and meet with the  
10 landowners and adjacent owners in order to ensure  
11 proper drainage, and they would have to prepare a  
12 detailed drainage map, prepare a perimeter survey and  
13 locate legal mutual drains. They then map the solar  
14 site and overlay the site with a drain tile plan.

15 I'll note to you that the drain -- the  
16 application did not have a drain tile survey in it.  
17 That is one of the issues we'll get to here in a  
18 moment.

19 But any changes to Paragraph Number 13?  
20 They're also mandated by the state, by the way, under  
21 the drainage act and the siting statute that was  
22 recently passed to repair any drain tile damage.

23 MR. PUZEY: So my assumption that Tom  
24 Huddleston or his company will do surveying but he'll

1 also contact local drainage districts and so forth in  
2 order to establish permission if there is permission  
3 to hook a new tile into that drainage district and so  
4 forth?

5 MR. KEYT: Correct. Yeah, they would  
6 have to do that. That's already mandated by the -- by  
7 other state statutory requirements anyway. Before  
8 they would be allowed to get a building permit they  
9 would have to submit a drain tile survey to the county  
10 before they got a building permit and they would have  
11 to work with the local drainage districts if there is  
12 one in that area before they would be able to get a  
13 permit, and before they hook into any other drainage  
14 systems they would have to get that permission and  
15 have that discussion with the local drainage district  
16 or anybody else's adjacent property that might be  
17 impacted.

18 MR. PUZEY: Okay. Thank you.

19 MR. KEYT: Paragraph 14 deals with call  
20 JULIE before any excavation or digging begins.

21 Local drainage districts, Number 15, is the  
22 operational requirement that you're referring to,  
23 Mr. Puzey, is local drainage districts, if any, shall  
24 be contacted prior to any development on the project

1 site to locate drainage district tiles. So that is an  
2 operational requirement that's already in your code.

3 Number 16 deals with annual review and  
4 reporting. The Applicant is required -- this is an  
5 operational requirement it's not necessarily a  
6 application requirement. So they would have to comply  
7 with that provision during any operational period.

8 Okay. Any changes to 15 -- I'm sorry, 14, 15  
9 or 16 before I move on to Section 17? Hearing none.

10 Paragraph 17 deals with the application  
11 requirements and requires a written summary and then  
12 also a site plan which delineates out boundaries of  
13 the site. Any structures including, but not limited  
14 to, the project solar panels, substation,  
15 interconnect, location and voltage of any overhead  
16 transmission lines, properties lines, setback line  
17 location of any subsurface drainage tiles, and the  
18 statement describing attempts made to do tile surveys  
19 to otherwise discover the location of drainage tile  
20 locations. And then also identification of any flood  
21 zones. Location of existing structures with their  
22 uses identified. Wetland location, if any. Septic  
23 systems. Wells. Existing easements, if any.

24 The Applicant largely complied with those

1 requirements. There is some noted exceptions within  
2 there. Their information provided with the following  
3 noted exception; there was not a drain tile survey.  
4 There was not well locations depicted, septic systems,  
5 or existing easements. There is a public  
6 right-of-way, you may recall, of the southernmost  
7 section of panels, that parcel has a public  
8 right-of-way that is still running through that  
9 parcel. So one of the issues in order that is  
10 important here is that there is a public road that  
11 still runs through that parcel in which there are  
12 panels depicted over the top of the road. So that  
13 road has not been vacated as of yet and as far as I'm  
14 aware there's no petition to vacate that road. So  
15 that easement -- public easement right-of-way still  
16 exists on that parcel, that is the southernmost parcel  
17 of that solar array or of that solar project.

18 Any changes, additions, amendments to that  
19 Paragraph Number 17?

20 MR. PUZEY: So this public right-of-way  
21 and public road you're referring to, are you going  
22 discuss that more in the next conditions?

23 MR. KEYT: Conditions.

24 MR. PUZEY: Or is this a time to do

1 that?

2 MR. KEYT: We will discuss that more  
3 during the conditions on how to deal with that roadway  
4 if the Committee recommends approval. Regardless of  
5 whether the Committee recommends approval or denial we  
6 still go through conditions and make that  
7 recommendation because the County Board has the  
8 ultimate say. So the County Board has the say on  
9 whether to approve the project or not and we don't  
10 want it to go to the County Board without some  
11 recommended conditions in there. So regardless of  
12 what our outcome here is on what the recommended  
13 approval or denial, we still go -- we'll through the  
14 conditions, that is the appropriate area to address  
15 that roadway is on the conditions.

16 MR. PUZEY: Okay.

17 MR. KEYT: Now, it is a factor also.  
18 Keep in mind, it is a factor as to whether you approve  
19 or deny. So that's an issue for you to consider.

20 Paragraph 18. The county can require a  
21 demonstration of avoidance of protected land and any  
22 recommendations from IDNR for setbacks from protected  
23 lands, including those identified by the nature  
24 preserve conditions.

1           If there is not any area that is within a  
2 protected zone or is that quarry area that you may  
3 recall that isn't a nature preserve that's registered  
4 with the state but it is there but it is not within a  
5 protected zone.

6           Paragraph 19, we require that they provide  
7 evidence of consultation with the Illinois State  
8 Historic Preservation Office that is with the  
9 Department of Natural Resources to assess potential  
10 impacts on State-registered historic sites under the  
11 Illinois State Agency Historic Resources Preservation  
12 Act. They did provide proof of consultation with that  
13 State historic office as depicted in their  
14 correspondence from September 7th, 2023, that is part  
15 of Group Exhibit Number 1.

16           Any changes to Paragraphs 17, 18 or 19 before  
17 I move on? Okay. Hearing none.

18           Moving on to Paragraph 20 deals with  
19 emergency plan. They have to submit a site emergency  
20 plan to the local fire protection districts or  
21 departments and then they have a say in whether they  
22 need any specialized training and that training would  
23 have to be provided at the operator's expense. That's  
24 an operational requirement. So before you get a

1 building permit they would have to comply with that.  
2 The Applicant did provide a preliminary emergency  
3 response plan. Mr. Crighton testified that they will  
4 do outreach with those local emergency response  
5 entities. Dr. Ollson also testified as to emergency  
6 response plans and working with the local fire and  
7 emergency response to develop a plan for various  
8 emergencies. It's not required at this stage but they  
9 have that worked out. They would have to have that  
10 before they would build.

11 Number 21. All other information as  
12 requested by the Wind and Solar Committee. There is  
13 no other further information.

14 Number 22 is operational requirement before  
15 they get a building permit.

16 Number 23 is during the public hearing  
17 process they have to provide competent evidence that  
18 it will comply with all the requirements of the  
19 ordinance and the state and federal rules and  
20 regulations. They largely provided that evidence  
21 during the application period.

22 Number 24. Evidence of financial ability of  
23 the Applicant or facility owner to complete and  
24 operate the commercial solar energy facility. And

1 before I get into the substance of Number 24, any  
2 changes to 20, 21 or 22 or 23?

3 MR. PUZEY: I think you need to complete  
4 the word wind in the third line of 24.

5 MR. KEYT: On 24, yeah.

6 Okay. Getting into the substance of  
7 Paragraph Number 24 because a there's little more  
8 there. Number 24 is evidence of financial ability of  
9 the Applicant or facility owner to complete and  
10 operate the commercial solar energy. They provided  
11 the project financing memo as part of their Group  
12 Exhibit Number 1. That memo indicates that the  
13 Applicant's parent company has a long-term portfolio  
14 of wind, solar and hydroelectric generating  
15 facilities. Financing typically involves construction  
16 loans, tax equity and trade finance, and there was  
17 also information provided as to the project finance  
18 process. There was some information provided by  
19 Ms. Miller regarding that evidence that Algonquin  
20 Power does have a debt of approximately \$7.5 billion,  
21 at least according to what was provided. Also  
22 included in Group Exhibit 2 was various documents  
23 obtained from the internet. The documents appeared to  
24 demonstrate efforts of Algonquin to sell the renewable

1 energy division, variations in stock price including a  
2 decline from the prior high stock price, and \$250  
3 million loss in quarter two in 2023.

4 Any changes, additions to Paragraph Number  
5 24?

6 MR. PUZEY: No.

7 MR. KEYT: Okay. Moving on. Paragraph  
8 25 deals with decommissioning plan. The required  
9 decommissioning plan was provided as part of their  
10 Group Exhibit Number 1. There were some areas of that  
11 plan that -- that were -- did not address necessarily  
12 all of the issues that get into decommissioning but  
13 keep in mind the only requirement they have in regards  
14 to the decommissioning plan at this stage is to  
15 provide a draft decommissioning plan. The  
16 decommissioning plan if the project were to be  
17 approved by the county, a detailed cost estimation and  
18 decommissioning agreements would be negotiated with  
19 the county and the developer if that -- if it was  
20 approved. So it's not necessary that they detail out  
21 all of those cost issues now and there is a reason for  
22 the county that we don't want that to occur at this  
23 stage, and part of that reason that there's usually a  
24 delay between the period of time that a project is

1 approved and a project is built and sometimes that may  
2 be a year or more and the cost of that decommissioning  
3 estimates can change in that period of time. So what  
4 we prefer is that we negotiate decommissioning cost  
5 estimations, have an engineer review that and then go  
6 back and forth with the developer if it's approved at  
7 the building permit stage as opposed to now because  
8 those cost estimations could change, and if we had to  
9 do that all we could potentially shortchange the  
10 county in having sufficient funds to do the project.

11 Okay. With that said, any changes to that  
12 Paragraph Number 25?

13 MR. PUZEY: No.

14 MR. KEYT: Okay. That is most of the  
15 application factors or application criteria that they  
16 have to provide to the Committee. There is also, of  
17 course, the siting factors that the county has in  
18 relation to the siting of wind and solar projects of  
19 the county. That is part of your ordinance, that is  
20 also a part of your consideration on whether to  
21 recommend an approval or denial of the project. I'm  
22 going to go through those. Those are listed in  
23 Paragraph 26, it's 1 through 10 of what's sitting in  
24 front of you.

1 Paragraph 1 of 26 deals with the project's  
2 existing uses and, where applicable, zoning of nearby  
3 property. Our Vermilion County is not formally zoned  
4 county so there's not necessarily zoning as to  
5 residential or industrial, etc., unless you're within  
6 the City of Danville or another municipality. But the  
7 property surrounding the area is generally row crop  
8 agricultural production. There is a recreational  
9 wildlife area within that vicinity. Between two  
10 proposed areas of panels is a very large recreational  
11 area, as I think everybody knows is the former  
12 Fairmount Quarry. Applicant admits it has not studied  
13 the former Fairmount Quarry for wildlife habitat and  
14 what impacts their solar farm may have on said  
15 wildlife.

16 Any changes to that Paragraph Number 1 --  
17 Subparagraph 1, Paragraph 26?

18 MR. GREENWELL: I'm confused by the 55  
19 acres of farmland in that first sentence.

20 MR. KEYT: Oh, that's my mistake.

21 MR. GREENWELL: Okay.

22 MR. KEYT: It should be approximately  
23 1,400 acres.

24 MR. GREENWELL: Okay.

1                   MR. KEYT: Paragraph 2 deals with the  
2 extent to which property values are diminished. There  
3 was testimony and evidence submitted from the  
4 Applicant. Applicant submitted a Market Impact  
5 Analysis, that's part of Group Exhibit 1, Appendix P,  
6 and the testimony of Michael MaRous, he testified to a  
7 property value analysis he performed. His analysis  
8 concluded that the siting and construction of the  
9 project will not negatively impact adjacent  
10 property -- the analysis concluded that the siting  
11 construction of the project will not negatively impact  
12 adjacent property values. There was no evidence or  
13 testimony to indicate the property values of  
14 surrounding properties will decrease. For those  
15 parcels hosting photovoltaic panels, there will be  
16 additional income to those landowners.

17                   Any additional information or changes you  
18 would like to Paragraph Number 2?

19                   MR. PUZEY: Why is it stated here that  
20 the landowners will have additional income if there is  
21 because they put these panels on them?

22                   MR. KEYT: Yeah, the -- so --

23                   MR. PUZEY: I'm assuming that's the  
24 case, but does it need to be stated there?

1 MR. KEYT: Yeah, they have -- we could  
2 take that portion out if the Committee prefers. It's  
3 up to the Committee how that reads.

4 MR. PUZEY: Just curious.

5 MR. KEYT: There's certainly leases on  
6 those properties that govern and I think there was  
7 some testimony about how there is some economic impact  
8 to those who are hosting participating parcel owners,  
9 but that's up to the Committee if you want to remove  
10 that sentence you can take that out.

11 MR. PUZEY: Leave it there.

12 MR. KEYT: Okay. Any other thoughts,  
13 changes to Paragraph Number 2?

14 Okay. Paragraph Number 3 is a little bit  
15 lengthy, deals with the extent to which the  
16 destruction of property value promotes the health,  
17 safety, morals, or general welfare of the public. I  
18 note at the outset that the Applicant's position is  
19 the property values will not decrease.

20 I'm going to go through these in sections  
21 here. Applicant's evidence indicates direct jobs,  
22 benefits, diversification of income for landowners,  
23 and generation of real estate taxes, that was part of  
24 Applicant's Exhibit Number 9, and the production of

1 clean energy. I'm going to address some of that  
2 economic impact information that was provided by the  
3 Applicant in the same paragraph. There was evidence  
4 submitted from the Applicant that the project will  
5 generate 37 million in real estate property taxes over  
6 the life of the project. Tax revenue would largely go  
7 to the local school districts and is significant.  
8 There was testimony that the project will assist in  
9 electric grid stabilization.

10 Per the application, the project would be  
11 approximately \$4.7 million capital investment, and  
12 creat 321 full time jobs during the construction  
13 period and 995 jobs in the state of Illinois during  
14 construction. That was the testimony from Bryan  
15 Loomis. The construction period is estimated to last  
16 approximately 9 to 12 months. The project and the  
17 testimony from Mr. Loomis indicated there will  
18 potentially create 1.4 jobs site and potentially 21.8  
19 locally jobs, those are both induced and supply chain  
20 impacts. Mr. Loomis also testified they did not  
21 calculate the number of jobs that would be lost in the  
22 county due to the conversion of the land from  
23 agricultural production to solar. That was part of  
24 his testimony, as you may recall. Mr. Loomis

1 calculated the lost agricultural production acreage to  
2 result in lost revenue of approximately \$642,000 per  
3 year. This equates to a \$642,000 loss of revenue to  
4 individuals or businesses within the county.

5 Mr. Loomis has not determined which businesses would  
6 feel the impacts of the lost revenue. While  
7 Mr. Loomis testified that the increases in jobs and  
8 local revenue from the project will outweigh the  
9 losses, it is unclear to the Committee the overall  
10 conclusions can be calculated if he has not calculated  
11 the potential lost jobs.

12 Any changes to those first four paragraphs  
13 under Section 3?

14 MR. ELMORE: What constitutes a  
15 full-time position? I mean, it says 9 to 12 months.

16 MR. KEYT: In relation I think to the  
17 economic loss, I think his testimony was there would  
18 be an addition of 1.4 jobs directly related to the  
19 project. He did not know how many jobs would be  
20 impacted by the project negatively, impacted by the  
21 project coming in. So how Mr. Loomis came to the  
22 conclusion of, you know, those jobs during that time  
23 period, I think he gave some explanation during the --  
24 his testimony, and I do have a copy of the transcripts

1 if you do want to review those portions we can.

2 MR. ELMORE: Okay.

3 MR. PUZEY: One clarification on  
4 Paragraph 3, the additional tax revenue will come to  
5 the county, and here it says that -- that would  
6 largely go to the local school districts. That's not  
7 a given? It's my understanding that the county could  
8 distribute to any entity within the county, it  
9 wouldn't have to be Salt Fork South, for example, or  
10 Salt Fork North, it could go to Hoopeston community or  
11 anyone, I believe.

12 MR. KEYT: Okay. Do you want to change  
13 that -- the phrasing of that or how that's written?

14 MR. PUZEY: I would say I would just  
15 take out the word local.

16 MR. KEYT: So tax revenue would largely  
17 go to the school districts. You would take out the  
18 word local?

19 MR. PUZEY: Yeah.

20 MR. KEYT: I think what you're wanting  
21 to do is remove the word local?

22 MR. GREENWELL: Is the portion by state  
23 statute on how much of the county's taxes go to  
24 schools, how much go to -- or does the county have

1           that?

2                           MR. FOUREZ: Well, that's already -- I  
3           mean, Salt Fork -- cause it's in the Salt Fork  
4           District approves their levy and then whatever  
5           property is within the district that tax -- those tax  
6           dollars go to Salt Fork. The only place the county is  
7           involved in the school taxes is we collect it and  
8           disperse it back to the superintendant of the schools,  
9           county superintendant of schools offices. We're  
10          just -- the county simply is a pass through to do the  
11          collections and then send it back out to the schools,  
12          but the school sets the tax rate and the taxes that  
13          they pay will go to Salt Fork as far as that. And I  
14          don't have it with me, but a year ago or so I broke  
15          down Jamaica Township where every dollar of our tax  
16          money goes to all the different taxing districts and  
17          that's all determined by what those taxing districts  
18          levies are.

19                          MR. GREENWELL: So the taxes that this  
20          solar farm pays will go to Salt Fork because --

21                          MR. FOUREZ: Whatever Salt Fork levies  
22          would go to Salt Fork, the county's portion would go  
23          to the county, the soil and water conversation  
24          district would go to them, fire protection district,

1 so on and so forth on down the line would all get the  
2 tax revenue that's generated off of the assessment for  
3 that project.

4 MR. PUZEY: So, Steve, I think you're  
5 saying that the entire amount of the taxes doesn't go  
6 to Salt Fork, it goes to the conservation district,  
7 other things?

8 MR. FOUREZ: Yeah. That total number is  
9 divided up amongst all the taxing districts.

10 MR. PUZEY: Right.

11 MR. FOUREZ: Where that project sits.  
12 That's not -- that doesn't all go to one source and  
13 then it's laid out. It's already --

14 MR. PUZEY: That's what I want to  
15 clarify. It' doesn't go to the school, it goes to a  
16 portion, depending on.

17 MR. KEYT: I think maybe each taxing  
18 district sets their percent of what their levy is  
19 going to be.

20 MR. PUZEY: Yes.

21 MR. KEYT: The county collects the tax,  
22 that's one of their roles and then they provide the  
23 taxed dollars out to the various district based on the  
24 percentage of their levy. I'm not a tax expert, but I

1 do not believe the county has the authority to change  
2 where the dollars are going to go. Like, they  
3 couldn't send it to, example, Hoopeston for their  
4 school, right, it has to go -- it's within whatever  
5 property are within -- whatever properties are within  
6 the taxing districts it goes to those taxing districts  
7 that are within that project area or where the project  
8 area lies. So it would go to whatever that local  
9 school district would be.

10 MR. FOUREZ: Yes. You as a taxpayer  
11 would have to write a check to the fire protection  
12 district, the school district, the library district,  
13 all the other taxing districts that are part of that  
14 footprint. The way the system works is you write a  
15 check to the county, county's got that all recorded  
16 and so -- and it breaks it out on your tax bill.

17 MR. PUZEY: Exactly, yes.

18 MR. FOUREZ: How many dollars goes to  
19 each of those taxing districts. One of the curses of  
20 the state of Illinois is we have more taxing districts  
21 than any other state in the union.

22 MR. PUZEY: But it's not a windfall for  
23 Salt Fork just because they happen to have a solar  
24 farm in that area? They still got to be able to tax

1 according to whatever their levy is?

2 MR. FOUREZ: Yeah. It just increases  
3 the equalized assessed value in the district. And  
4 that's up to the school districts to go, okay, are any  
5 of these going up so we can lower the per \$100 tax  
6 rate and still generate the same number of funds. So  
7 there may be a benefit to everybody in the district,  
8 or they can say, well, hey, we're going to take our  
9 4.99 percent of increase every year of the hiring of  
10 EAV and generate higher revenues.

11 MR. PUZEY: Okay.

12 MR. KEYT: It does result in an increase  
13 in the tax revenue to the local schools.

14 MR. PUZEY: Right.

15 MR. KEYT: There was some testimony  
16 about how that's broken down.

17 MR. PUZEY: So your terminology, largely  
18 to the local schools is still accurate then?

19 MR. KEYT: I would say so, but that's up  
20 to the Committee.

21 MR. FOUREZ: \$37 million, 51 percent of  
22 that would go to Salt Fork, 10 percent, give or take,  
23 would go to the county for general country operations  
24 and the rest of that will filter out through the other

1 taxing districts, the library district, the junior  
2 college district, so on and so forth.

3 MR. PUZEY: Okay. Thank you.

4 MR. KEYT: There is a -- the actual tax  
5 on that solar facility is set by state statute. So it  
6 is -- I think it's \$218,000 per megawatt, so that --  
7 that is now set by the state so our assessor cannot go  
8 out and assess it differently.

9 MR. FOUREZ: Yeah, the assessment rules  
10 are set by the state.

11 MR. KEYT: Okay. So moving on then.  
12 The next paragraph in that section deals with Justin  
13 Corbin. He testified on various issues including his  
14 work in agricultural retail approximately one mile  
15 from the project. He has served farmers in the area  
16 for the past 50 years and 2 major customers within the  
17 project area.

18 The next paragraph there. Local traffic will  
19 have a significant impact during the construction  
20 period of the project. The long-term operational  
21 traffic would be minimal. There was some testimony  
22 related to that. Pursuant to the application there  
23 would be approximately 422,000 solar panels installed  
24 and associated racking systems. The application

1 states that there would be approximately 17,356 truck  
2 deliveries during the construction portion of the  
3 project and that traffic would have a negative impact  
4 on the community during the construction period  
5 although that is temporary. During the operation  
6 stage the traffic impacts would be minimal.

7 Any other additions to Paragraph -- or, I'm  
8 sorry, Section Number 3?

9 MR. PUZEY: So we'll be talking about  
10 conditions a little bit more as far as that road  
11 that's on 680 East is going to have 17,000 plus truck  
12 deliveries going around there and that gravel is going  
13 to end up in the field somewhere?

14 MR. KEYT: Yeah. There would be a  
15 discussion on conditions. There is a discussion that  
16 one of the conditions is -- if there would be approval  
17 one of the conditions deals with traffic impacts and  
18 getting notifications out to the community regarding  
19 those -- that traffic.

20 MR. PUZEY: Right.

21 MR. KEYT: There also -- and we'll -- as  
22 you may know, if a project was approved, before they  
23 would get the building permit they would have to get a  
24 road use agreement from the county and any local

1 township which deals with how they can use those  
2 roads, what fees they would have to pay into the  
3 county or township related to that use, that all would  
4 come after. But before they begin construction they  
5 would have to negotiate that out. It's not required  
6 at this phase in their process.

7 MR. PUZEY: Okay.

8 MR. KEYT: Again, that only comes into  
9 play if it's approved.

10 Number 4. Relative gain to the public as to  
11 hardship imposed by individual property owners. I  
12 just referenced Number 3 and Number 5 below. It reads  
13 Number 4 but it should be Number 5.

14 Any changes to Number 4?

15 Okay. Number 5 deals with suitability of the  
16 subject property for planned purposes.

17 The land is relatively flat with limited  
18 amounts of elevation changes. A drain tile survey has  
19 not been completed but will need to be done to  
20 determine whether any subsurface drainage features are  
21 present. The testimony of Mr. Crighton indicated  
22 there was very minimal grading that would be  
23 necessary. Mr. Huddleston testified that allowing  
24 native grasses to grow will assist in reenergizing the

1 soils and promote the building of new soils. He also  
2 testified that the local drainage -- local drainage  
3 will improve during and after decommissioning of the  
4 site. That was from his testimony on December 11th.

5 There was testimony from Mr. Mark Puzey that  
6 alterations to the land will change the soil profile  
7 once the land is returned to agricultural production,  
8 it may not be as productive and there are no studies  
9 on the long-term effects. That was from the testimony  
10 of Mark Puzey on January 10th.

11 Justin Corbin also testified that he has  
12 never seen agricultural soils that have been moved,  
13 returned to better production. That was from his  
14 testimony on January 10th as well.

15 Any changes, additions or revisions to  
16 Paragraph Number 5 -- or Section Number 5?

17 Okay. Number 6. The length of time the  
18 property has been vacant as currently utilized  
19 considered in the context of land development in the  
20 area;

21 Those properties are not vacant now they're utilized  
22 for agricultural row crop production.

23 Number 7 deals with the care the community  
24 has undertaken to plan its land-use development;

1 As you recall, the county and this Committee went  
2 through the process of developing a commercial energy  
3 facility signing ordinance and that's the criteria  
4 used here in assessing this protect.

5 Number 8 deals with community need for the  
6 use proposed by the Applicant. The project does  
7 provide economic benefits to the county, though some  
8 negative impacts remain unknown, as noted above.  
9 There are significant payments to landowners which  
10 assists in stabilized farm incomes to those owners.  
11 The project would provide energy stabilizations to the  
12 county, there was some testimony of that. Though  
13 there was no testimony that Vermilion County lacks  
14 sufficient power supply.

15 Any changes or revision to Paragraph Number  
16 8?

17 MR. FOUREZ: I guess I have a question  
18 where it talks project would provide energy  
19 stabilization to the county. Unless the energy  
20 generated is going to stay county I can't see how you  
21 can make that statement.

22 MR. KEYT: It's up to the Committee if  
23 you want to amend or revise that particular sentence.  
24 Would you prefer it, Chairman, if it instead of

1 stating the project would provide energy stabilization  
2 to the county, though, there was no testimony that  
3 Vermilion County lacks sufficient power. Would you  
4 prefer that it just -- remove that first portion and  
5 just state there was no testimony that Vermilion  
6 County lacks sufficient power? And ultimately it's up  
7 to the Committee how that reads.

8 MR. FOUREZ: It's just one of those  
9 things based on what I know from what's been presented  
10 I don't see where it's going to directly contribute  
11 any energy to the county. To me I'd take it.

12 MR. KEYT: Okay. Is there any  
13 preference?

14 MR. ELMORE: That's fine.

15 MR. KEYT: So no. I'll remove that  
16 first portion of the sentence. And then that last  
17 sentence will just read there was no testimony that  
18 Vermilion County lacks sufficient power supply.

19 MR. GREENWELL: I mean, there's no  
20 evidence that our current power supply is unstable I  
21 guess, so...

22 MR. KEYT: Yeah. Okay. Number 9 deals  
23 with impacts on wildlife and habitat and there's two  
24 paragraphs here.

1 Project provided background review and  
2 in-person observation of the area from October 24th to  
3 October 28th, 2022. There was a wildlife assessment,  
4 that's in Applicant's Group Exhibit 1, Appendix J.  
5 There was a total of 12 state and federally listed  
6 species identified by the U.S. Fish and Wildlife  
7 Service and Illinois Department of Natural Resources.  
8 Based on site observations, suitable habitat was not  
9 observed within the project area for those state  
10 listed species. Per the applicant, no negative  
11 impacts are anticipated to federal and state listed  
12 species. Illinois Nature Preserves, INAI sites, bald  
13 and golden eagles, and migratory birds. There was an  
14 eagle nest noted but it was not clear from witness Chu  
15 where the nest was in relation to the project. Any  
16 changes to that first paragraph?

17 Paragraph 2 of that section deals with the  
18 area of the middle of that former quarry. Applicant  
19 did not, however, study the former Fairmount Quarry  
20 area which is now a privately owned recreational area,  
21 nor did the Applicant seek permission to study that  
22 area notably among the solar arrays being proposed.  
23 That was from the testimony of Mr. Chu on January  
24 10th, '24. As noted by Miller Exhibit 1 there are a

1 number of potential species within the area of the  
2 former Fairmount Quarry including 7 species listed as  
3 endangered or threatened on the State of Illinois  
4 Endangered Species list. That's from Miller Exhibit  
5 Number 1. On its face, the letter focuses its concern  
6 on the location of a wind farm near the former  
7 Fairmount Quarry and areas along the Salt Fork River,  
8 which is not at issue during this hearing which is  
9 only for the siting of the solar facility. The author  
10 of the letter and the list were not presented for  
11 examination. The area of the former Fairmount Quarry  
12 is not registered through IDNR or any other agency as  
13 a nature preserve. That is through the testimony of  
14 Mr. Chu on January 10th, '24. Any changes to that  
15 second paragraph of Section 9? Okay. Hearing none.

16 Section 10. Impact on drainage facilities  
17 and public property. An Agricultural Impact  
18 Mitigation Agreement has been entered into between the  
19 Illinois Department of Agriculture and Mural Energy.  
20 The Agricultural Impact Mitigation Agreement  
21 requirements includes requirements as to drain tile  
22 repairs, prevention of soil erosion and measures to  
23 ensure preservation of agricultural land. Applicant  
24 provided the testimony with a drainage expert

1 Mr. Huddleston. He spent a day on site, met with a  
2 local contractor that performed a drain tile in the  
3 region. The land in the area is very fertile prime  
4 farmland, flat primarily drained by agricultural  
5 drainage tiles. He testified that many of the  
6 drainage tiles would likely be replaced or upgraded,  
7 and that they work with the landowners or adjacent  
8 owners to ensure proper drainage. He also testified  
9 as to the process of repairing damaged drain tiles.  
10 Mr. Huddleston testified that the drainage will  
11 improve on the site and that the soils will improve  
12 with the planting of native vegetation. That's from  
13 the testimony of Mr. Huddleston on December 11th. Any  
14 changes to that Paragraph Number 10?

15 Okay. All right. That concludes the going  
16 through the findings of fact for the Committee. We  
17 have made some adjustments to those as we went along  
18 per the Committee's preference on one item.

19 Any other changes, revisions to the findings  
20 of fact from the Committee? Do not need to make a  
21 motion on it. I think we've gone through it, and if  
22 there are none. Now would be the time to address  
23 whether to recommend approval or denial of the project  
24 to the County Board.

1 I make no suggestion how you should vote or  
2 which way to vote or whether you want to attach  
3 conditions or not. The only thing I will tell you is  
4 on a project of this size, if you would be voting to  
5 approve a project of this size I would very strongly  
6 recommend attaching conditions. Those are the draft  
7 conditions you have. If you do attach conditions,  
8 regardless of whether you approve or deny, we will go  
9 through those conditions anyway, but your choices are  
10 to approve it, deny it, or approve it subject to  
11 conditions. Someone would need to make a motion as to  
12 one of those three. Again, I make no representation  
13 on how you should vote, that is entirely within the  
14 Committee's purview. Your vote should be based on our  
15 ordinance and what evidence we heard and whether  
16 they've met the application -- or met the requirements  
17 of our ordinance. That's up to the individual  
18 Committee members to decide. The only advice I give  
19 you on making a recommendation to the County Board is  
20 that if you are recommending an approval I would very  
21 strongly recommend it subject to conditions.

22 MR. PUZEY: Well, my question is,  
23 though, how do we make a recommendation for approval  
24 or not until we go through the conditions?

1           MR. KEYT: Well, we could, and so if you  
2 want to save your recommendations to the County Board  
3 until after we go through conditions, proposed  
4 conditions we could do that. It's not necessarily  
5 that we have to take this in one order or another. We  
6 could walk through the proposed conditions and then  
7 once we've set conditions go to a motion on a  
8 recommendation and if that's what you would prefer.

9           MR. PUZEY: I would prefer doing that.

10          MR. KEYT: Yeah. Okay. Let's do that.

11          MR. FOUREZ: If that's permissible from  
12 a parliamentary standpoint. Cause I've been sitting  
13 here thinking through and since this goes to the  
14 County Board, we're simply giving them a  
15 recommendation and it needs to be with conditions when  
16 it goes to the County Board those conditions probably  
17 need to be attached depending on what the County Board  
18 does, thumbs up or thumbs down, cause they're the  
19 final say.

20          MR. KEYT: Correct, yeah.

21          MR. FOUREZ: So however we approach this  
22 it's got to be -- I think the conditions need to be  
23 tacked onto the end of it.

24          MR. PUZEY: I agree.

1 MR. ELMORE: Yeah.

2 MR. FOUREZ: Whether we vote to  
3 recommend it to the county or not to recommend it,  
4 those conditions I think need to be attached to it.  
5 So when they do what they do, they'll already be  
6 attached.

7 MR. KEYT: Correct.

8 MR. PUZEY: Exactly.

9 MR. KEYT: Okay. So with that it sounds  
10 like the Committee's preference is then we go through  
11 conditions first, then we'll tackle the issue of  
12 whether to recommend an approval or denial or approval  
13 subject to conditions.

14 So with that we can turn to the conditions  
15 that are sitting in front of you.

16 MR. KAINS: All right. Mr. Keyt, I'm  
17 going to interrupt you for just a moment. Before we  
18 get into the in-depth discussion upon the conditions I  
19 think it would be appropriate to take a recess, give  
20 our court reporter's fingers a chance to rest and give  
21 us a chance to stretch our legs.

22 It is 10:46 a.m. With the Chair's consent  
23 let's take a recess until 11:00.

24 MR. FOUREZ: Works for me.

1 MR. KAINS: All right. We'll be back  
2 from recess at 11:00. The Committee's in recess.  
3 Thank you.

4 (A recess was taken at 10:47 a.m.)

5 (Resume at 11:00 a.m.)

6 MR. KAINS: All right. It's 11:00,  
7 let's go back on the record.

8 All right. The Committee has discussed the  
9 findings of fact and now it's time for the Committee  
10 to deliberate on conditions that would be attached to  
11 a special use permit should one be approved by the  
12 county.

13 And, again, Mr. Keyt, the conditions.

14 MR. KEYT: Okay. All right. Committee  
15 members have in front of them a set of draft  
16 conditions, again, they are merely a draft, it is  
17 entirely up to the Committee how they want those  
18 conditions to read. The conditions, again, whether  
19 you recommend an approval or recommend a denial, the  
20 conditions we should go through. I would recommend  
21 conditions regardless, simply because your  
22 recommendation on conditions be forwarded to the  
23 County Board this day as your recommendation on the  
24 projet over all. And then if in the event the County

1 Board wants to approve, they can easily just take your  
2 conditions as part of the approval if they wish to do  
3 so.

4 There are 31 conditions, I'm only going to go  
5 through the ones that are -- there are some in there  
6 that are relatively perfunctory, such as if you  
7 build a project you have to comply with state and  
8 federal local ordinances. So there's not necessarily  
9 a need to walk through that in detail. However,  
10 there's a few we're going to spend a little more time  
11 on. There's one in relation to any vegetative buffer  
12 that might be imposed. That vegetative buffer we  
13 probably should talk about in a little more detail of  
14 how you want it to be.

15 Okay. With that, any questions or at this  
16 point any changes that you might have to conditions  
17 before I start walking through them individually?  
18 Okay.

19 MR. GREENWELL: I have a question.

20 MR. KEYT: Yes, sir.

21 MR. GREENWELL: The fact that they  
22 didn't look at the wildlife a stone's throw away from  
23 the site, can that be a condition that that has to be  
24 looked at this point?

1                   MR. KEYT: You could add -- you could  
2                   feasibly -- you mean as a part of a condition --

3                   MR. GREENWELL: Yeah.

4                   MR. KEYT: -- to approval? You could  
5                   add something that before they get a building a permit  
6                   they have to do some sort of observational studies.  
7                   The only issue that you have is that if the owner  
8                   doesn't grant the permission that limits their ability  
9                   to study the overall area of that quarry. So it may  
10                  be that any observations they would do would have to  
11                  be done from adjacent properties. So, you know, I  
12                  don't think we can add a requirement that they get  
13                  permission and go on the property and do the wildlife  
14                  studies cause that would involve the property rights  
15                  of a third party and we can't really condition it on  
16                  that. We could, though, condition on them doing some  
17                  at least observational studies of that area or maybe  
18                  that stock analysis of the wildlife within that area.  
19                  So could feasibly do that as part of a condition. And  
20                  we can talk about -- what I would suggest we go  
21                  through conditions that are here and then we can talk  
22                  about whether you would want to add that condition and  
23                  vegetative screening when we get through the others.

24                  Okay. So Number 1 deals with commencement of

1 the siting. So when we would want them to begin  
2 construction. There's a couple things I would suggest  
3 we add in Number 1 as clarification. One is it's not  
4 Mural Electric Solar, LLC, it's Mural Energy. I'll  
5 make that change for clarification purposes. I also  
6 would suggest we make sure that it's clear that it's a  
7 180 megawatt solar facility, not just a facility. It  
8 is this particular project that's before us. The  
9 start date we currently have, they have to commence in  
10 here construction by the end of the year. Now, that's  
11 up to the Committee if you want to extend that period  
12 and give them an extra year to do that you could. The  
13 other option is if they get to the end of the year and  
14 they haven't started construction and they want to,  
15 they could always come back to the Committee or the  
16 county and ask for the extension of time. So it's up  
17 the to Committee if you want to read as is and they  
18 just come back and ask for request for extension or if  
19 you want to give them an extra year to construct --  
20 or, I'm sorry, commence construction.

21 Is there any preference from the Committee  
22 whether to leave as is or if give them additional time  
23 in the condition?

24 MR. GREENWELL: Would that be more of a

1 decision the Board should make maybe?

2 MR. KEYT: It could be, yeah. Could  
3 always defer to them.

4 The other thing I would suggest on Number 1  
5 is if you do in doing the conditions you could --  
6 there's a number of phases to construction, of course,  
7 so one phase of the construction would be part of the  
8 vegetative screening. Some counties will allow for  
9 the vegetative screening process, in other words, the  
10 planting of the trees and locating them to occur even  
11 before the commencement of the construction with start  
12 and earnest. So you could allow for the screening to  
13 commence once the siting approval and before they  
14 commence construction. So, in other words, before  
15 they came in and got a building permit they could  
16 start doing their vegetative screening and that's up  
17 to the Committee if you want to allow for that or not.

18 Is there any preference on that one way or  
19 the other?

20 MR. ELMORE: I guess if they're going to  
21 do it or it's approved or what have you I wouldn't  
22 mind getting that a start or head start on the  
23 vegetative screening as soon as possible.

24 MR. KEYT: Any other comment from the

1 Committee on that issue? Otherwise I'll include it in  
2 that they're allowed to start the vegetative screening  
3 before they start their commencement of construction.

4 Okay. Number 2 deals with building permit  
5 and operating permit. Before they being construction  
6 they have to obtain a building permit and then before  
7 they are -- begin their commercial operation date they  
8 would have to obtain an operating permit from the  
9 county. In other words, once it's constructed and  
10 ready to connect into the grid they would have to  
11 obtain an operating permit from the county which would  
12 involve an inspection to make sure everything was done  
13 according to the ordinance and in compliance with the  
14 building code. Any changes to Number 2?

15 Number 3 deals with the term of the siting  
16 permit would be for a term of up to 40 years from the  
17 date of the project being connected to the electrical  
18 grid. You could do it one of two ways. You could  
19 either do it from the connection to the electrical  
20 grid or from the issuance of the operating permit from  
21 the county. Either one's fine. If you have a  
22 preference one way or the other, let me know. As it  
23 is right here it is from the time that they are --  
24 they connect to the electrical grid. It likely would

1 not be much of a difference.

2 MR. ELMORE: It said 9 to 12 months was  
3 kind of the construction estimate.

4 MR. KEYT: Yeah. It's 9 to 12 months  
5 from construction and then we wouldn't come and  
6 inspect it until after they're ready to connect to the  
7 grid. And so you're talking about a difference of  
8 probably a month or two maybe.

9 MR. ELMORE: All right.

10 MR. KEYT: Paragraph 3 is relatively  
11 common, it's just that they have to comply with the  
12 state, the state statute, federal and state law, local  
13 law. On Number 3 you could allow for design changes  
14 within the footprint. So they're not allowed to  
15 expand beyond their footprint. They can't make --  
16 they can't -- beyond what they've submitted here  
17 during the siting process they can't put them on  
18 another parcel, they can't expand them even within the  
19 fence line. They're held to what that area is where  
20 the solar panels are depicted on the site plan that  
21 they've submitted. So that's part of it. So one of  
22 the sentences here reads that the site plan layout as  
23 presented during the public hearing is the maximum  
24 extent allowed for the siting permit. Expansion of

1 the layout, expansion of the number of solar panels,  
2 increase in the height of the facility, and any  
3 increase in the nameplate capacity of the project is  
4 not permitted without seeking and obtaining an amended  
5 siting permit, building permit or operating permit.

6 If you want to allow any changes within that  
7 area that's depicted they would have to stay within  
8 it, but that's up to you.

9 Okay. Hearing none. Moving on to condition  
10 Number 5 is the legal descriptions. There's required  
11 two legal descriptions be given to the assessor. The  
12 assessor uses those for their assessments.

13 Number 6 deals with construction and  
14 maintenance hours. The draft version here would  
15 exclude construction during Saturday and Sunday, but,  
16 again, it's up to the Committee and ultimately the  
17 county if you want to allow construction on Saturday  
18 and Sunday or Saturday or Sunday, that's up to you.  
19 I -- some counties allow for construction on Saturday.  
20 I will tell you that -- the only thing I will say in  
21 that regard is if you allow construction on the  
22 weekends it does get it done quicker which is usually  
23 the time period that -- which has the most  
24 construction to the public in that area.

1           So any thoughts on expanding the construction  
2 time periods that are listed there into Saturday and  
3 Sunday?

4           MR. ELMORE: Does an emergency basis  
5 stretch into the maintenance portion of once it's  
6 construction or -- I guess, what would constitute an  
7 emergency in construction?

8           MR. KEYT: So if they had an emergency  
9 out there during their operations period?

10          MR. ELMORE: Yeah.

11          MR. KEYT: They would be allowed to go  
12 in there and make that.

13          MR. ELMORE: Right. Understood.

14          MR. KEYT: Okay. Paragraph Number 7  
15 deals with vegetation and groundcover and weed  
16 control. We have a fairly robust provision in our  
17 ordinance dealing with vegetation and weed management.  
18 The importance of this portion is that failure to  
19 properly maintain weeds upon -- in all areas of the  
20 project, including the vegetative screening areas  
21 shall be considered a violation subject the penalties  
22 provision of the ordinance. So the importance of that  
23 provision is that if there's violations of our weed  
24 management requirements or the vegetative screening we

1 would then give notice that there's a violation and  
2 give them an opportunity to fix it.

3 Number 8 deals with vegetative screening --

4 MR. PUZEY: I'm going back on that --

5 MR. KEYT: It might involve a little  
6 more in depth discussion on vegetative screening  
7 but...

8 MR. PUZEY: For item 7 what's the  
9 completion of that first line after unless?

10 MR. KEYT: Oh, I'm sorry, it isn't a  
11 complete sentence. So the company shall utilize local  
12 contractors, local to Vermilion County to comply with  
13 this provision unless local contractors are not  
14 available to do so.

15 MR. PUZEY: Okay.

16 MR. KEYT: Okay. Moving on. I'm going  
17 to skip over paragraph 8 cause we're going to come  
18 back to that.

19 Number 9 deals with stock piling of top soil.  
20 Any top soil removed shall be retained for reuse in  
21 the event of decommissioning in compliance with the  
22 Agricultural Impact Mitigation Agreement.

23 Drainage survey. So before they get the  
24 building permit they would have to perform a drain

1 tile survey.

2 Number 11 deals with wells and well  
3 monitoring. There was not any indication of whether  
4 there are any wells on any of the parcels that are  
5 involved. The company shall determine the existence  
6 of any unsealed wells within the project area. What I  
7 would suggest is adding a clause here that says and  
8 coordinate with the landowners to determine that  
9 existence.

10 MR. PUZEY: There is one well. It's on  
11 the map.

12 MR. KEYT: Okay. Gotcha. The company  
13 shall seal all wells on site pursuant to Illinois law.  
14 There is a statute that governs the sealing of wells,  
15 that already exists, and provide appropriate sealing  
16 to the county prior to obtaining a building permit.  
17 Alternatively, the company shall perform well  
18 monitoring and testing and provide the results thereof  
19 to the county on or before the 31st of each year.

20 So any of those wells that are identified,  
21 what I would suggest adding to this well monitoring is  
22 that they have to coordinate with the local landowners  
23 that have those wells on their land and for any of  
24 those that are identified they would then seal those

1 wells pursuant to the statute.

2 MR. PUZEY: This applies only to wells  
3 in the project area?

4 MR. KEYT: Correct.

5 MR. PUZEY: Not close by --

6 MR. KEYT: Correct.

7 MR. PUZEY: -- neighbors?

8 MR. KEYT: Yes. That is correct.

9 MR. PUZEY: Okay.

10 MR. KEYT: Any suggested changes or  
11 revisions to that Paragraph Number 11, and I'll assume  
12 you'll agree with that additional language I had in  
13 there, unless you say otherwise.

14 MR. PUZEY: Yes.

15 MR. KEYT: Okay. I'll clarify too that  
16 it only applies to the project area and participating  
17 parcels of the project area, if that makes sense.

18 MR. PUZEY: Okay. Well, the reason I  
19 ask, there is a well at Mark Puzey's site there which  
20 is within 200 feet of the corner of the property and  
21 if for some strange reason it goes dry and it could be  
22 attributed to or a pollution problem, for example,  
23 could attributed to the Mural Project, who is  
24 responsible?

1 MR. KEYT: Well, that would -- that  
2 would also be between that adjacent owner and the  
3 project. We I don't think could require them to go  
4 and seal all the wells on adjacent properties. Nor do  
5 I think we'd want to have that requirement.

6 MR. PUZEY: No, it's not an old well,  
7 it's active well.

8 MR. KEYT: Right. I understand that.  
9 Is what you're saying you would want them to have some  
10 sort of monitoring of wells that are adjacent?

11 MR. PUZEY: Yeah, would they monitor  
12 that one too.

13 MR. KEYT: Gotcha. Well, that's up to  
14 the Committee. If you want to propose -- I could come  
15 up with language to address that if the Committee  
16 wants to include something like that.

17 MR. ELMORE: Sure.

18 MR. KEYT: Any thoughts on that as an  
19 added part of a condition to that paragraph 11?

20 MR. ELMORE: I have no problem with  
21 that, Add monitoring of adjacent wells.

22 MR. KEYT: Okay. I can add language to  
23 that effect. We probably need to limit it to a  
24 distance, if that's, you know -- probably need to

1 limit it to a distance or a definable group of  
2 adjacent properties, does that make sense to the  
3 Committee?

4 MR. PUZEY: Within 500 feet, 300 feet or  
5 some number.

6 MR. KEYT: Yeah. I think Curt had  
7 suggested 500 feet and that probably makes good sense.

8 MR. PUZEY: There are other wells way  
9 back in the field, well, about a quarter of a mile  
10 back that actually have fallen in, they're covered up.

11 MR. KEYT: That's probably getting too  
12 far.

13 MR. PUZEY: I'm not suggesting anything  
14 like that.

15 MR. KEYT: Okay. Paragraph Number 12  
16 then deals with road use agreements and I think most  
17 of you know that before they would get a building  
18 permit they have to enter into any necessary road use  
19 agreements with the County Board and applicable  
20 township road districts. Any applicable road use  
21 agreement is subject to the terms and condition of the  
22 County Board, and subject to a separate County Board  
23 approval of that same agreement. Any uncured or  
24 unwaived material breach of the road use agreement

1 that are in effect would be a breach of the  
2 conditions. Road use agreement company shall provide  
3 an equipment list of all vehicles prior to negotiating  
4 the road use agreement and then that road use  
5 agreement would also require financial assurances  
6 posted in relation to the road use agreement which  
7 would have a yearly inflation of as written here at 3  
8 percent. Some counties do 2 percent. I'm not sure  
9 there's a reason to go less than 3 percent at this  
10 point. Just in terms of understanding, if the County  
11 Board were to approve the project there would become a  
12 period of negotiation before they would obtain a  
13 building permit. That is a back and forth about --  
14 between the county and the developer about what roads  
15 they would use, what are the impacts going to be,  
16 there's typically a base line survey done before  
17 construction begins, if there's improvement to those  
18 local roads that have to occur, that is all vetted out  
19 in the road use agreement. We don't have to go  
20 through all the terms within this condition. That  
21 gives the County Board the flexibility then to  
22 negotiate what that road use agreement is going to  
23 look like and there's probably a few township roads  
24 they might be using as well and then we have that

1 discussion with the developer about what is required  
2 and what we want before they get a building permit.  
3 So they wouldn't be able to start any construction  
4 before they had a road use agreement in place with the  
5 necessary parties.

6 Any changes or additions to Paragraph 12?

7 MR. PUZEY: I've got a question about  
8 that. The agreement would be between the county and  
9 Mural and not the township?

10 MR. KEYT: It could be on townships too.

11 MR. PUZEY: Cause those are township  
12 roads.

13 MR. GREENWELL: They'll be with the  
14 townships.

15 MR. PUZEY: Okay. All right.

16 MR. KEYT: It's either one. So in this  
17 situation there's a number of township roads. It's  
18 unclear though what their delivery routes would be.  
19 So there may be county roads involved, it could be  
20 state involved roads. If it's with the townships,  
21 oftentimes the townships negotiate those road use  
22 agreements separately. We don't care what their  
23 agreement is between the township and the developer,  
24 that's up to the township and the developer. What our

1 requirement would be at that point is if we're not --  
2 if we don't have a road involved, we the county then  
3 all we want them to do is give us the executed fully  
4 signed road use agreement between them and the  
5 township before they get a building permit. We would  
6 just be the gatekeeper of do they have it. Yes.  
7 Okay.

8 MR. PUZEY: Okay.

9 MR. KEYT: We're good to go?

10 MR. FOUREZ: Can we within that --  
11 because the only county road, designated road that  
12 goes through that is the main highway between Sidel  
13 and Fairmount, the rest of it's all township road. In  
14 the process of doing the road use agreement, fold that  
15 into a cooperative effort on the part of the county  
16 and the townships to make sure all the roads are  
17 addressed and it's treated the way it should be.

18 MR. KEYT: Yeah. Generally what happens  
19 is usually the county engineer and myself or if  
20 other -- there's other engineers involved and the  
21 township road commissioner then would have those  
22 discussions with the developer about what the  
23 requirements would be for the improvement of those  
24 roads before they start construction or if that's

1 necessary and then what financial assurances would be  
2 in place to cover any damages to those roads and then  
3 what happens post-construction in terms of the fixing  
4 of those roads, if there's been some damage. So  
5 that's essentially how that process goes.

6 MR. FOUREZ: To me I think it needs to  
7 be a coordinated --

8 MR. KEYT: It is. It is. It's often  
9 times -- it's often times a back and forth of  
10 discussion. Often times we sit down and walk through  
11 here's the roads at issue. Usually the township road  
12 commissioner is there, often times the county engineer  
13 is there, there's usually an attorney for the county  
14 involved, and then there's a discussion with the  
15 developer about what needs to be done to those roads  
16 ahead of time and then the financial assurances  
17 required and then what happens post-construction. So  
18 it is fairly cooperative effort there -- that takes  
19 place there.

20 MR. FOUREZ: Okay. And I was just  
21 wondering. That will be taken care of so we don't  
22 need to put anything more specific in those  
23 conditions?

24 MR. KEYT: No. And I wouldn't suggest

1 getting too specific on the condition other than you  
2 have to have one before we start. It may be --  
3 there's a number of issues that get vetted out in  
4 discussions with the developer at that stage.

5 MR. FOUREZ: All right.

6 MR. KEYT: Okay. Moving on. Use of  
7 local roads. The project construction has to use  
8 local roads or public roads. Any equipment that does  
9 not have a license plate shall only travel upon local  
10 roads atop trailer bearing proper Illinois license  
11 plates. The reason that's there is what we don't want  
12 a developer to do is begin using the local roads, the  
13 township roads as their internal haul road between one  
14 location to another. And so if they're going to do  
15 construction, if they're going to be on public roads  
16 it needs to be a properly plated trailer.

17 Most importantly in this Number 13 is it  
18 deals with an exclusion of construction in that most  
19 southern area of panels. So as I think everybody is  
20 is aware at this point there is a southern-most  
21 section of panels on the site plan has a depiction of  
22 panels over an area that is not a vacated public road.  
23 There is a public road that runs through that  
24 southern-most section. We've looked at that. There

1 is no record of it being vacated. So that last  
2 paragraph there states that no construction may occur  
3 on properties bearing the following PINs and then it  
4 just lists the PINs of where those panels are located,  
5 unless the company obtains a vacation of the portions  
6 of East 850 North Road and North 550 East Road which  
7 are depicted as traversing through the construction  
8 area. Alternatively, the company may revise the  
9 layout of the project upon those parcels to comply  
10 with the setback requirements of the ordinance to  
11 allow public travel upon those roads. So they either  
12 have one of two choices: Either they have to revise  
13 that layout of that southern section of panels to  
14 allow for the setbacks and the public to travel, they  
15 would still have to be setback 50 feet from the  
16 right-of way, that's still our ordinance requirement;  
17 or they could seek a vacation of those records; or  
18 they just don't build on that southern portion.  
19 That's the purpose of that last sentence.

20 Any questions or changes as to Paragraph 13?

21 MR. PUZEY: Yes.

22 MR. GREENWELL: I was going to ask,  
23 there's a power line also running along that road. Is  
24 item 14 addressing that or...

1 MR. KEYT: Yeah.

2 MR. PUZEY: The extension of Road 550  
3 East of -- North 550 East is the ones that's  
4 completely covered and that's the one that would be  
5 the primary concern. I don't believe the road which  
6 is 850 North -- no, East 850, it's on the west side of  
7 that property is included in the project.

8 MR. KEYT: From what I can tell it  
9 looked like it was still -- portions of it might be  
10 within that area.

11 MR. PUZEY: Okay.

12 MR. KEYT: Portions of the road might  
13 be. Now, what we could do is we could revise this to  
14 state that if any portions of East 850 North Road or  
15 North 550 Road are within the project area depicted,  
16 they would have to meet those conditions.

17 MR. PUZEY: Okay. Well, that's -- it's  
18 alongside it, but I don't think it's in it.

19 MR. KEYT: If you look at those maps and  
20 if you look at the overhead it looks like it is within  
21 the right-of way area. It may not be on the surface  
22 of that road and I know that road is not necessarily  
23 paved or depicted real well, but the right-of way area  
24 is the area that probably needs to be investigated on

1 that East 850 North Road -- or, I'm sorry, North 550  
2 East Road, the one that goes north-south, I'm sorry,  
3 make it easier.

4 MR. PUZEY: All right. I'm just saying  
5 it may not really be in the project area.

6 MR. KEYT: Gotcha. Okay. Which is the  
7 north-south road, is it the East 850 North?

8 MR. GREENWELL: Yeah, 850 North. The  
9 east is the direction of it. Is the east-west road.

10 MR. KEYT: Is it North 550 that goes  
11 east-west and goes into it?

12 MR. GREENWELL: North 550 is a  
13 north-south road.

14 MR. KEYT: It is North 550 that you're  
15 talking about?

16 MR. PUZEY: That's what I'm saying, may  
17 or may not be in.

18 MR. KEYT: It's 850 North that clearly  
19 goes right through the middle?

20 MR. PUZEY: Yes. Right.

21 MR. KEYT: Okay. Okay. So I just  
22 put -- here's what I did. I just added a paren after  
23 that 550 East Road that just says open paren, if any  
24 portion of the right-of way is within the project

1 area. And then it allows some investigation to  
2 determine whether or not it is or isn't. It's a  
3 little murky from looking at the GIS from what I can  
4 see.

5 Okay. Any other changes to Paragraph 13 --  
6 or Section 13?

7 Paragraph 14 then deals with public utility.  
8 The company shall provide written proof from any  
9 public utility that the project layout will not  
10 interfere with the utilization or maintenance of any  
11 public utility, power lines or other facilities.

12 Number 15 then deals with vehicular traffic  
13 and school buses. It just essentially requires them  
14 to maintain some sort of website or social media  
15 presence that they can advise the public as to the  
16 construction traffic going on in the area.

17 MR. FOUREZ: Andrew.

18 MR. KEYT: Yes, sir.

19 MR. FOUREZ: I was looking at something  
20 else.

21 MR. KEYT: Yes, sir.

22 MR. FOUREZ: Where we're looking at  
23 public utilities, do we need to put at the end there  
24 that they have to make sure how the easements are

1 worded, and I know and they just a put new line  
2 through it to go into the school, I have a power line  
3 easement through my property that specifically forbids  
4 anything planted on it other than row crop, no  
5 construction within so many feet of that easement, so  
6 on and so forth, a lot of these easements are going to  
7 be specified that way. They need to be aware of that  
8 if there -- where there's an easement along and the  
9 line itself in my field runs 20 feet out in the field  
10 from the road.

11 MR. KEYT: So that paragraph --

12 MR. FOUREZ: There are some real  
13 restrictions on some of these utility lines easements  
14 that I as landowner have to abide by.

15 MR. KEYT: Yeah. So one of the -- the  
16 way we phrased it there is they have to provide  
17 written proof from the utility that the layout is not  
18 going to interfere with the utilization of maintenance  
19 of the public utility power lines. You could add a  
20 phrase that it says and is also in compliance with the  
21 easement requirements, if that makes sense.

22 MR. FOUREZ: It would, yeah.

23 MR. KEYT: Is everybody good with that?

24 MR. FOUREZ: The easements may have more

1 requirements than just access and maintenance and  
2 upkeep.

3 MR. KEYT: So I just added a clause to  
4 the end of that sentence that just states and will be  
5 in compliance with the easement requirements.

6 Okay. Number 15 deals with buses and  
7 vehicular traffic. It just states that when they're  
8 doing construction they have to provide some sort of  
9 Facebook or website that advises the community of  
10 planned activities during the construction phase.

11 Number 16 deals with decommissioning and  
12 security. Before they get a building permit from the  
13 county they have to enter into a decommissioning plan  
14 and agreement. You may recall that they submitted a  
15 decommissioning plan as part of their application.  
16 That is subject to negotiations between the county and  
17 the developer before it goes to -- they get a building  
18 permit.

19 Liability insurance. We have a liability  
20 insurance requirement in our ordinance. This just  
21 reinstates that they have to abide by that  
22 requirement.

23 Number 18 is an assignment clause. It  
24 just -- if the developer is going to sell the project

1 to another entity we want them to notify the county  
2 and then that other entity has to enter into or  
3 provide the assurances, they have to abide by the  
4 requirements of the ordinance, any conditions and  
5 financial assurances that are in place. That  
6 provision really only kicks in if they're going to  
7 sell 100 percent or a majority interest in that  
8 development.

9 19 deals with fire protection and emergency  
10 districts and response. So they have to cooperate  
11 with local fire protection districts and provide and  
12 updated their training for new equipment that might be  
13 necessary to respond to an emergency. They also  
14 provide training to those emergency response  
15 personnel.

16 Number 20 deals with reimbursement of county  
17 expenses to the extent they have third party costs.  
18 Associated with either directly or indirectly related  
19 to the project they have to reimburse those expenses.

20 Number 21 deals with validity of conditions.  
21 They applied for a building permit related to the  
22 project. They would need to have waived any and all  
23 claims regarding the lawfulness, authority or  
24 reasonableness of any conditions.

1 Defense against claims. If for some reason  
2 the county would sue in relation to an action related  
3 to the project they will reimburse the county for all  
4 reasonable legal fees, expenses, including expert fee.

5 Any changes to any of the conditions we've  
6 gone through so far? Seeing none.

7 Financial ability to complete the project.  
8 Before they get a building permit the company shall  
9 provide with the county evidence of financial ability  
10 to construct and operate the project.

11 Compliance with IDNR -- Paragraph 24,  
12 compliance with IDNR and U.S. Fish and Wildlife  
13 Service recommendations. So if there's any  
14 recommendations from IDNR or U.S. Fish and Wildlife  
15 Service they have to comply with those  
16 recommendations. If a recommendation conflicts with  
17 any provision or ordinance of the condition the  
18 condition shall apply.

19 Number 25, deals with site debris and dust  
20 control. They have to keep the site reasonably clear  
21 of debris and garbage, the substation area and  
22 vegetation screening areas, and they also need to  
23 employ dust control measures on the site to eliminate  
24 dust, minimize dust. They have to provide to the

1 county a dust mitigation plan before they get building  
2 permits.

3 Number 26 deals with noise study. Within 90  
4 days of the operation, the commercial operation the  
5 company shall provide the county with a noise study  
6 demonstrating compliance with noise standards. Right  
7 now I have in there that they have to provide a noise  
8 study, and then there was a clause that says and any  
9 other evidence requested by the county. That's  
10 probably not necessary. A noise study is likely  
11 sufficient, but we can leave in that paragraph or that  
12 clause.

13 Number 21 deals with glare study prior to the  
14 issuance of building permits related to the project.  
15 The company shall provide the county with a glare  
16 study for this specific project. You'll recall  
17 they've already done a glare study. What I would  
18 suggest is we ask them for an updated glare study,  
19 cause we've already got one and we don't want them to  
20 just give us the same one back. So what I would  
21 suggest is updating that language to state with an  
22 updated glare study.

23 MR. ELMORE: Okay.

24 MR. KEYT: And if that study has

1 potential for the glare or glint upon the public  
2 right-of-way or residences they have to do -- take  
3 measures to eliminate such glare.

4 Number 28 deals with lighting. All lighting  
5 has to be downcast and utilized outdoor equipment  
6 approved and certified by the International Dark-Sky  
7 Association. There's an association that essentially  
8 is aimed at keeping light pollution at a minimum so  
9 all the lighting has to be downcast at the facility.

10 Number 29 deals with battery storage. The  
11 placement or utilization of battery storage is  
12 prohibited at the project. You could allow for  
13 battery storage if they come back with a new special  
14 use or -- I'm sorry, siting permit request, you could  
15 allow for it if you want. If you want to do so, but  
16 you also could just leave it as is. It is a provision  
17 within the state siting statute, the storage of  
18 electricity. So you could leave as is or allow for  
19 battery storage if they return with a new siting  
20 permit.

21 MR. PUZEY: That would be an alternative  
22 to a direct feed into the power line grid?

23 MR. KEYT: Yeah, it would -- battery  
24 storage is relatively -- I say relatively, relatively

1 new in this size of capacity. We'd allow them to  
2 store electricity and so when there's not enough --  
3 when there's -- you know, nighttime or there's a  
4 higher requirement they could release some of that  
5 stored electricity onto the grid. If you want to  
6 allow for that by subsequent siting approval you could  
7 do that.

8 MR. PUZEY: If we don't allow for it in  
9 the first place then they could still come back and  
10 request it?

11 MR. KEYT: They can always come back and  
12 request it anyway.

13 MR. PUZEY: Okay. No change.

14 MR. KEYT: Number 30 is a cure period.  
15 If there's a breach of the conditions it allows --  
16 what happens is the county would notify them of a  
17 breach of the condition and then require them to fix  
18 that violation. The company has essentially a 60 day  
19 period from receipt of the written notice to begin  
20 pursuit of remedying the violation.

21 Number 31 is the proof of compliance.  
22 Company shall provide any requested proof of  
23 compliance with the conditions, the ordinance or any  
24 other rules, laws, regulations to Vermilion County

1 upon request. So if we're sitting here saying we're  
2 not sure they're complying with conditions you can  
3 always ask.

4 All right. Any changes to any of the  
5 conditions we've gone through so far? Again, we've  
6 not gone through the vegetative screening provision  
7 and we need do that. But any other changes -- any  
8 changes other than what we've already done before we  
9 get into the vegetative screening and then discussion  
10 of any wildlife study at the quarry? Okay. Hearing  
11 none.

12 We can talk about vegetative screening. The  
13 way this condition is written right now is the company  
14 shall provide vegetative screening in compliance with  
15 the ordinance and shall shield the view of the project  
16 except as to those areas needed for access to the  
17 project. Said vegetative screening shall provide year  
18 round screening on all sides of the project. The  
19 vegetative screening shall be staggered double row  
20 evergreen trees, shrubs or bushes. That's a provision  
21 that we'll probably want to discuss. The vegetative  
22 screening shall be evaluated monthly by the company  
23 and any deceased vegetation shall be replaced within  
24 30 days, unless unable due to weather. Any

1 replacement vegetation shall be denoted in the  
2 semiannual report to the county. There is an annual  
3 report of the ordinance that is required so you could  
4 just make that an annual report to the county. But  
5 the main issue we probably need to discuss is whether  
6 we want to have a double row of evergreens all the way  
7 around the project or do you want to have that in  
8 certain areas of the project? So a couple ways we can  
9 handle it. It is a pretty extensive footprint that  
10 the project has. So if you're talking a double row of  
11 evergreens all the way around it's a pretty  
12 significant amount of shielding. There's probably  
13 areas where there is not a residence probably visible,  
14 but there may be rights-of-way. Along those  
15 rights-of-way there may be cars going up and down that  
16 would probably see the project. But it's up to the  
17 Committee on how you want that to read and if you want  
18 to require screening 360 all the way around the  
19 project, that's up to you. If you want to curtail  
20 that to just the residential view sheds and the  
21 rights-of-way view sheds you could do that, that's up  
22 to the Committee to decide.

23 MR. FOUREZ: My feeling would be it  
24 needs to be screened all the way around, and looking

1 down to some of these other places, there's a place  
2 where it mentions that the vegetative screening is  
3 considered part of the project and subject to the  
4 setbacks. Do we need to put that in this section  
5 also?

6 MR. KEYT: In regard to your question  
7 about whether the vegetative screening is subject the  
8 setbacks, the short answer to that is the statute --  
9 the way the definitions in the statute read is that  
10 it's not subject to that. The vegetative screening is  
11 separate from what the setback requirements would be.  
12 That's the way statute reads. So if we put that  
13 condition probably would be a violation of the  
14 statute. So I would suggest not doing that part.

15 MR. PUZEY: So that means that this  
16 vegetative will be in the setback, that 50 feet?

17 MR. KEYT: You could be -- so they  
18 could -- let me give you an example. Let's say you  
19 have a roadway, there is a 50 foot -- let's say  
20 there's a 50 foot setback from the roadway -- I'm  
21 sorry, the right-of-way to the facility itself, so  
22 this would be fencing, etc., in that area, that 50  
23 foot area would be where some of that vegetative  
24 screening would be because that is not part of the

1 definitions of the facility itself. Now, for clarity,  
2 they cannot encroach into the right-of-way at all,  
3 like, they're unable to do that ever. So if they had  
4 a tree say sitting in the right-of-way, whatever road  
5 authority it is would have the ability to remove the  
6 tree, right, but they still are outside the fencing  
7 area which is the setback area -- or the setback  
8 point. So you could be within 50 feet of the  
9 right-of-way.

10 MR. PUZEY: So there will be a fence all  
11 the way around, okay.

12 MR. KEYT: Right.

13 MR. PUZEY: And that fence is going to  
14 be 50 feet from the edge of the road or the center  
15 road right-of-way, where's it going to be?

16 MR. KEYT: From the edge of the  
17 right-of-way. So if you have the pavement of the  
18 road -- Adrian probably knows this better than I do,  
19 so if I explain it wrong somebody correct me, but you  
20 have the pavement of the road, the right-of-way is  
21 actually wider than that, that would include the  
22 distance, and so the right-of-way area is actually  
23 much wider typically than the actual road surface  
24 itself. So the setback is 50 feet. So the fence has

1 to be 50 feet from the right-of-way edge.

2 MR. PUZEY: Okay.

3 MR. KEYT: Power poles typically are  
4 close to the edge of the right-of-way, and then that  
5 50 foot area fence to the edge of the right-of-way is  
6 where that vegetative screening would be.

7 MR. FOUREZ: I guess my concern is on  
8 some of these township roads if that vegetative  
9 screening are where these setbacks are, we move some  
10 pretty large farm equipment up and down in the roads  
11 and there are times when we have to get over there to  
12 the edge of the field on either side if we meet going  
13 down the road. We need to make sure there's enough  
14 clearance for us to be able to use the road with farm  
15 machinery.

16 MR. KEYT: Well, it can't -- the  
17 vegetative screening can't impact into the  
18 right-of-way at all. They can't have any vegetative  
19 screening in the right --

20 MR. CRAWFORD: You can't have an  
21 overhang in the road.

22 MR. KEYT: Yeah. Cause the road  
23 district can come in and just remove it at that point.  
24 Just like you might have -- like, you know,

1 somebody -- if somebody, you know, accidentally plants  
2 into the right-of-way, that would be unusual to  
3 happen, but it would be unusual that the road district  
4 come in and remove it, but if there's encroachment  
5 into the right-of-way the road commissioner or county  
6 engineer can always remove it out. So the vegetative  
7 screening itself cannot be anywhere within the right  
8 of way. It has to be outside.

9 MR. PUZEY: Right. We understand that.  
10 But the vegetative screening could be further in more  
11 of that 50 feet?

12 MR. KEYT: Correct.

13 MR. PUZEY: Okay.

14 MR. KEYT: Because it's between the  
15 fence and the -- there's 50 feet between the fence and  
16 edge of the right-of-way. That vegetative screening  
17 could be somewhere in that area.

18 MR. PUZEY: Okay. Well, my opinion is  
19 that we need something. I would like to see trees at  
20 least along on the road sides, not necessarily way  
21 back in the field, but I could go back to that too.  
22 That's going to add a lot more trees. I don't think  
23 we can interfere with the farm next to them, but it  
24 could I suppose. But a project this scope and so

1       forth, it's going to require, a lot of trees. Just a  
2       single row around them requires a lot trees.

3               MR. KEYT: And I think your real  
4       question is do you want to require a vegetative  
5       screening. I think the Chair had said we want -- his  
6       preference is vegetative screening all the way around  
7       the project. So the first question, Russell, now is  
8       do you want to have vegetative screening all the way  
9       around, and if so, do you want it to be single row all  
10      the way around and then double row to shield the  
11      residences area or do you want to do double row all  
12      the way around? The way it's written right now is the  
13      vegetative screening is staggered double row of  
14      evergreens and that would be around the project, the  
15      whole circumference. A double row all the way around  
16      is probably pretty significant, but that's up to the  
17      Committee and ultimately the County Board on how you  
18      want to do that. A lot of projects have a single row  
19      all the way around, or some places if there's not a  
20      residence that's within the site of on that side they  
21      don't do any screening on it at all. But I would say  
22      the norm that I normally see is a single row of  
23      evergreens or trees or shrubs all the way around the  
24      project and a double row shielding the residences,

1 that's probably the norm. But it's not my call to  
2 make so, it's up to you guys. I would suggest if  
3 you're going to do screening that it be evergreens of  
4 some type.

5 MR. GREENWELL: The pictures they had in  
6 the proposal was a lot of deciduous trees which really  
7 aren't too much blocking.

8 MR. KEYT: Yeah, during the winter it  
9 doesn't provide much of a shield.

10 MR. CRAWFORD: We're trying to protect  
11 the residents from an ugly view or whatever, okay. If  
12 you've got the areas that aren't -- don't have  
13 screening and it's five years down the road, somebody  
14 buys a piece of property and builds a residence on  
15 that is not screened.

16 MR. KEYT: What happens then?

17 MR. CRAWFORD: Yeah.

18 MR. KEYT: We could always talk to the  
19 developer about that, but they wouldn't -- the  
20 screening as to the residences would be as to the  
21 residences that exist today. It would be hard to  
22 police -- force them to put in vegetative on some  
23 residences that comes in the future. At that point it  
24 would become what we would phrase a prior

1 nonconforming use. So they wouldn't have screening  
2 there, the ordinance requires screening but that  
3 person who bought that property came to that issue.  
4 So I wouldn't suggest requirement screening for future  
5 properties.

6 MR. FOUREZ: I guess my concern is when  
7 you look at this -- when you start going, okay, this  
8 section doesn't need it, this section needs it, that's  
9 getting really subjective and if we're going to make  
10 stipulations and rules it needs to be more objective  
11 than subjective. It needs to be the same all the way  
12 around rather than, okay, this, you know, single row  
13 will go here and a double row will go there. If we  
14 make one rule that applies all the way around makes it  
15 much easier to administrate in my opinion.

16 MR. KEYT: That is true.

17 MR. GREENWELL: I'm okay with a double  
18 row. But what are the diameters of these trees that  
19 are fully mature or how far out and how much of that  
20 50 feet is --

21 MR. ELMORE: Depends.

22 MR. KEYT: I cannot recall the species  
23 that was in their proposal. We can always -- what we  
24 can always do is mandate a specific species of

1 evergreen that would be smaller. There's a few that  
2 you could use. There's -- I'm trying to think of the  
3 name of it. I'm trying to think of the scientific  
4 name of it and I can't think of it, but there's some  
5 trees that are fairly well-suited to blocking a view.  
6 Like, you wouldn't want to plant a white pine. I  
7 think it's a hundred feet, has a, you know, hundred  
8 foot spread, it's not going to work very well anyway.  
9 So you probably would have a shorter bush or tree or  
10 shrub or evergreen that is -- can grow closer together  
11 and block that view. So we can always mandate a  
12 specific species. Also part of it is when they come  
13 back for the building permit with a vegetative  
14 screening plan it sometimes is easier to evaluate it  
15 at that point separately and we could put in a  
16 provision that says simply -- we could leave this  
17 provision in, Applicant shall provide a vegetative  
18 screening plan for evaluation by the county with  
19 specific species listed that are evergreens, etc. So  
20 that's probably the easiest way to deal with it rather  
21 than trying to delineate out specifically what it's  
22 going to be right here. You could do that and then  
23 when they come back for a building permit, which to be  
24 fair, it's probably not going to be in the next few

1 months, I would guess probably would be quite a ways  
2 down the road either they could evaluate what those  
3 trees are going to be.

4 MR. ELMORE: Would you propose something  
5 in effect a double row of trees on -- or adjacent to  
6 all public roads and non-participating residences?

7 MR. KEYT: Yeah.

8 MR. ELMORE: Something of that nature.

9 MR. KEYT: Yeah, you could -- the way  
10 it's written right now the vegetative screening is on  
11 all sides -- year round on all sides of the project  
12 and it's a double row -- staggered double row of  
13 evergreens, trees, shrubs or bushes.

14 MR. ELMORE: Okay.

15 MR. KEYT: So you could adjust it to  
16 state vegetative screening shall be staggered double  
17 row of evergreens, trees, shrubs and bushes as to  
18 those areas where there would be a public view from a  
19 right-of-way or a residence. And then if you wanted  
20 to have a single -- then you could do a single row  
21 everywhere else, so that's -- but you can to that.

22 MR. FOUREZ: That would set a rule that  
23 would be consistent -- it wouldn't be a matter of  
24 who's looking at it and what they deem.

1 MR. ELMORE: Right.

2 MR. PUZEY: So let me ask a couple more  
3 questions about the double row versus the single row,  
4 for example. You put a double row along say 680 East,  
5 but out in the field you put a single row around the  
6 back side, what I would say the back side of those  
7 properties.

8 MR. KEYT: I would say that would be  
9 appropriate.

10 MR. PUZEY: And then if you go around  
11 Rich Hoag's house, that 40 acres there, is that going  
12 to be single row?

13 MR. KEYT: Going around? From the  
14 residence?

15 MR. PUZEY: From the residence.

16 MR. KEYT: Well, if there's a residence  
17 with a view it would be double row.

18 MR. PUZEY: A double row, okay.  
19 Continue on. And then if you come back around to 680  
20 East you got double rows then. And then you go  
21 underneath a high line and cross over the road and  
22 there's the 40 acre field right there, are you going  
23 to put a single row around that, or none, or are you  
24 going to put a double row around that?

1 MR. KEYT: If there's not a right-of-way  
2 or a residence there then it would be a single row.

3 MR. PUZEY: Okay. Okay. And then I'll  
4 call it the west side of the whole project right along  
5 the quarry road, okay, now it's a quarter of a mile  
6 back in the field before you start seeing any of these  
7 solar panels so that becomes a single row there  
8 because there's no visibility from a residence, for  
9 example?

10 MR. KEYT: Yes. Yeah. If there's no  
11 right-of-way or residence I think the thought was --  
12 if there's no right-of-way or residence that could be  
13 a single row. If there's a right-of-way or residence  
14 that would be a view it would be a double row.

15 MR. PUZEY: Okay.

16 MR. KEYT: The idea being that the view  
17 from that residence or the road --

18 MR. PUZEY: You can see it from the road  
19 but it's a quarter of a mile away.

20 MR. KEYT: Yeah, you'd still have a  
21 double row.

22 MR. PUZEY: Still double row, okay.

23 MR. KEYT: Now, what you could do here  
24 is you could say the vegetative screening shall

1 provide year around screening on all sides of the  
2 project. The vegetative screening shall be staggered,  
3 double row of evergreens, shrubs or bushes on all  
4 sides where there is a view from a public right-of-way  
5 or residence. On a non-participating parcel all those  
6 areas shall be a single row of evergreens. And then  
7 you could add a sentence that the company shall  
8 provide a vegetative screening plan with specific  
9 species of evergreen, shrubs or bushes prior to  
10 receipt of a building permit for approval by the  
11 county.

12 MR. PUZEY: Okay.

13 MR. KEYT: You could do that and then  
14 they would have to come back with, okay, here's  
15 exactly where this is going to go.

16 MR. PUZEY: Okay. And what goes around  
17 substations, are they double row?

18 MR. KEYT: You'd have the same. That  
19 substation is relatively close to the road, those  
20 areas that are not -- when we're surrounding a project  
21 we're obviously not going to be able to surround the  
22 access roads, right, so some of those areas wouldn't  
23 be -- the substations would be subject to that same  
24 vegetation screen, because the project as a whole is

1 not just the solar arrays.

2 MR. PUZEY: Okay. Then the other  
3 example is for the western area, this is 400 -- I  
4 think North 400 East Road which runs north and south.

5 MR. KEYT: Yes, sir.

6 MR. PUZEY: Okay. You would have a  
7 double row including around the house?

8 MR. KEYT: Correct. Yeah.

9 MR. PUZEY: But if you go back in the  
10 field there's nothing back there except old farm  
11 ground.

12 MR. KEYT: Yeah. If there's not a  
13 residence within view --

14 MR. PUZEY: There actually isn't a road  
15 there.

16 MR. KEYT: Yeah, then there would not be  
17 a requirement for screening.

18 MR. PUZEY: Okay.

19 MR. KEYT: I mean, there would be a  
20 single row of screening. The way I've adjusted it  
21 based on what everybody discussed here.

22 MR. PUZEY: All right. Personally I  
23 could easily say that -- or accept that no trees  
24 around that because it's just a fence. There's going

1 to be a fence there for sure.

2 MR. KEYT: Yeah. I mean, it's up to the  
3 Committee. I mean, if you want to have it so there's  
4 no screening on -- with there's no residence. Like  
5 the Chairman said, it is probably easier to regulate  
6 if you just say it's at least a single row all the way  
7 around, it's a double row where there would be a view  
8 from a public right-of-way or a residence.

9 MR. PUZEY: Going to be a lot more trees  
10 to mow around.

11 MR. KEYT: Okay. So I think based on  
12 discussions, the way I've revised that is to read  
13 vegetative screening shall provide year around  
14 screening on all sides of the project. Vegetative  
15 screening shall be staggered, double row of evergreen,  
16 shrubs or bushes on all sides where there is a view  
17 from a public right-of-way or residence on a  
18 non-participating parcel. All other areas shall be a  
19 single row of evergreens, shrubs or bushes. The  
20 vegetative screening shall include the substation area  
21 and then the rest remains the same.

22 Is everyone good with that vegetative buffer  
23 plan?

24 MR. PUZEY: Yes.

1                   MR. KEYT:   Okay.  Then the next, I think  
2 we had some discussion about wildlife, requiring a  
3 wildlife survey of that quarry area.  Again, we  
4 can't -- we could add a provision in there regarding  
5 they have to do some sort of survey of the area to the  
6 extent feasible without -- we can't mandate for them  
7 to go on, that would involve a third party's property  
8 right, so we can't really mandate that to happen, but  
9 if you want to include an additional provision of a  
10 survey of that area from either a public rights-of-way  
11 or adjacent parcel where they have permission they can  
12 do that prior to getting a building permit.

13                   MR. PUZEY:   That would be a  
14 recommendation or a requirement?

15                   MR. KEYT:   It would be a recommended  
16 condition.

17                   MR. PUZEY:   Okay.

18                   MR. KEYT:   And it would be a condition  
19 before getting a building permit.  We'd probably have  
20 to address what would happen if there is additional  
21 information that comes.

22                   MR. PUZEY:   That's the point.

23                   MR. KEYT:   Yeah.  I think what we'd have  
24 to do is if you require that and if there is an

1 endangered species that is found then they'd have to  
2 probably address that in the scope of a public  
3 hearing. So I think the way you could do it feasibly  
4 is to write a condition that says to the extent  
5 feasible -- to the extent feasible the Applicant or  
6 the company has to provide an updated wildlife study  
7 of the quarry area for any endangered species that may  
8 exist, and then to the extent that any endangered  
9 species are found they would have to come back for  
10 further evidence before getting the building permit.  
11 We would have to -- in other words, we would have to  
12 have this hearing again but just as to the wildlife  
13 issue on that quarry. We wouldn't restart the whole  
14 thing, we just would be -- we would have to come back  
15 and have further investigation as to that wildlife  
16 that was found. I'll tell you it might be a tough  
17 provision to -- then the question is what happens if  
18 there's some endangered species. What you could do is  
19 feasibly a condition that says if any endangered  
20 species are found during that survey they have to  
21 consult with U.S. Fish and Wildlife and the Illinois  
22 Department of Natural Resources as to mitigate any  
23 impacts and then wouldn't have to come back. That  
24 might be the easiest way to do it.

1 MR. PUZEY: Well, it's my understanding  
2 that endangered species are not affected by the solar  
3 portion but the wind is controlled by the -- by the  
4 ordinance.

5 MR. KEYT: Yeah. If you look at the  
6 wildlife study they provided and then also the  
7 information Ms. Miller provided from the U of I  
8 Professor. The U of I Professor's letter relates to  
9 the impact on any endangered species that a wind  
10 project might have.

11 MR. PUZEY: Right.

12 MR. KEYT: It doesn't address any solar  
13 impact -- any impacts from a solar project. So  
14 chances of them finding some sort of endangered  
15 species that would be impacted by a solar project  
16 would probably be pretty low I would think. Now, I'm  
17 not a biologist by any means so. But it's up to the  
18 Committee, if you want to try and craft a condition on  
19 that issue I'm happy to try and craft something up and  
20 I can -- I can do that if you want to include that as  
21 a provision, an updated study.

22 MR. PUZEY: So, again, a recommendation  
23 but not a requirement provision?

24 MR. KEYT: Yeah. What I would suggest

1 is if you're going to do that if there's endangered  
2 species found they have to consult with IDNR and the  
3 Fish and Wildlife Service on how to address it rather  
4 than coming back to the Committee again and we just  
5 leave it to the IDNR and for the Fish Wildlife Service  
6 to tell them how they want it addressed if you want to  
7 include that as a condition.

8 MR. PUZEY: We need to decide whether we  
9 want to do it in the first place and then what the  
10 urgency is I guess.

11 MR. KEYT: Yeah. I'm a little hesitant  
12 to include it as a condition just because it's going  
13 to be a little bit unwieldily as to the county's  
14 ability to enforce such a thing. If the reality does  
15 impact the wildlife that might occur from the solar  
16 project that's typically the territory of IDNR or the  
17 Fish and Wildlife Service. So if there was an impact  
18 occurring -- let's just take a theoretical aspect,  
19 let's just say there is somehow the solar project is  
20 injurious to the bald eagle, for example, that's a  
21 U.S. Fish and Wildlife issue. The county isn't going  
22 to step into that. We may call U.S. Fish and Wildlife  
23 and say here's an issue, can you deal with it and it's  
24 up to them to deal with it. We don't have the staff

1 or enforcement ability really to even go in and  
2 enforce a fish and wildlife issue. That is a  
3 territory for Fish and Wildlife Service or IDNR. We  
4 don't have IDNR staff here, right, that's the state.  
5 So if there's an issue that arises from that kind of  
6 thing, phone call's probably going to be to the Fish  
7 and Wildlife Service or IDNR and just let them deal  
8 with it as opposed to us stepping into that territory.  
9 We require a study. They have to come to us with a  
10 study, but that's the extent of what we require. What  
11 we require if there is some sort of impact then  
12 there's mitigation efforts that can take place, and to  
13 do that they then have to follow the recommendation of  
14 IDNR and the Fish and Wildlife Service.

15 So what I would -- at the end of the day, I  
16 would not suggest having an additional condition  
17 dealing just with studying the quarry. Now, that's up  
18 to you though. If you guys want to include something  
19 I'll have to try and craft something up.

20 MR. ELMORE: No.

21 MR. KEYT: We have some no's, some  
22 unsure. So but it's up to -- you know, the other  
23 aspect to keep in mind is ultimately the County Board  
24 has final control of what the final conditions are.

1 So if you always say, if that's a condition the County  
2 Board wants to address they can address it.

3 MR. PUZEY: Can the County Board add  
4 additional conditions?

5 MR. KEYT: Yeah.

6 MR. PUZEY: They can.

7 MR. KEYT: The conditions entirely are  
8 up to the County Board. They can say we don't want  
9 any conditions or we only want to do 1 through 15 or  
10 we want to add more or we want to revise how it's  
11 worded. You're merely recommending what the  
12 conditions would be.

13 MR. PUZEY: Okay.

14 MR. FOUREZ: It's a tough bean to shed  
15 on. I think what bothers me the most and I hesitate  
16 to say this, but based on the testimony that we heard  
17 it seemed like the developer was actively trying to  
18 discount whatever may or may not be in that habitat in  
19 the quarry, not -- not just simply overlooking it but  
20 actively trying to ignore it, and that bothers me, but  
21 I'll leave it at that.

22 MR. ELMORE: Yeah.

23 MR. GREENWELL: Yeah.

24 MR. ELMORE: Well, he went to lengths to

1 discuss, you know, how he went beyond the footprint of  
2 the project to look for, you know, endangered species  
3 and research and so forth and then like had his back  
4 to the quarry, you know, talking about it, so, but...

5 MR. FOUREZ: Yeah, to me when you look  
6 at a footprint they're on the west side of it, they're  
7 on the east side of it, to me it's in the middle of  
8 the footprint.

9 MR. ELMORE: It is. But we can't  
10 pretend that modern agriculture doesn't disturb it.

11 MR. KEYT: Okay. So on the wildlife on  
12 the additional study issue is there a preference on  
13 whether you want to recommend such a condition. It  
14 sounds like the prevailing thought is maybe not let  
15 the County Board decide it.

16 MR. GREENWELL: There will be County  
17 Board members that bring it up I'm sure, yeah.

18 MR. KEYT: And they'll get something  
19 from me saying this was a topic discussed, you know,  
20 if they want to include it, but. So I think unless  
21 there's a strong desire to add it it sounds like we're  
22 on -- kind of on the side of let's just let the County  
23 Board deal with that specific issue.

24 MR. PUZEY: I don't think so. As long

1 as your notes in there that we discussed it.

2 MR. KEYT: Yes, it will be reflected.

3 It also will be in the record that they get. P.

4 Okay. With that, I think we've adjusted some  
5 of the conditions that were in there.

6 It would be appropriate for someone to make a  
7 motion to recommend the conditions as reviewed and  
8 discussed here and I'll add the additional language  
9 that we talked about. But if there is such a motion,  
10 now would be a good time to make that.

11 MR. PUZEY: So moved.

12 MR. ELMORE: I'll second.

13 MR. FOUREZ: So the motion is to?

14 MR. KEYT: To recommend the conditions  
15 as discussed.

16 MR. FOUREZ: Okay.

17 MR. KEYT: And drafted. And then you  
18 just need a role call vote. I can call the role call  
19 if you prefer.

20 MR. FOUREZ: Please.

21 MR. KEYT: Okay. Puzey.

22 MR. PUZEY: Yes.

23 MR. KEYT: Greenwell.

24 MR. GREENWELL: Yes.

1 MR. KEYT: Elmore.

2 MR. ELMORE: Yes.

3 MR. KEYT: Crawford.

4 MR. CRAWFORD: I abstain cause I wasn't  
5 here for previous hearings.

6 MR. KEYT: Okay. Fourez.

7 MR. FOUREZ: Yes.

8 MR. KEYT: Motion carries four to zero.

9 Okay. Now we're at the portion of making a  
10 recommendation to the County Board. So we've  
11 discussed the findings, those findings have been  
12 largely set. We've discussed the conditions. There's  
13 a recommendation on those conditions and now we're to  
14 the point of a recommendation to the County Board on  
15 whether to approve, deny or approve subject to  
16 conditions. Again, the only comment I make is that if  
17 you're going to make a motion -- if you're going to  
18 make a motion to approve I would strongly suggest  
19 adding the conditions.

20 With that, is there a motion to recommend and  
21 what that recommendation would be.

22 MR. PUZEY: I'm recommending approval  
23 subject to conditions previously approved.

24 MR. KEYT: Okay.

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MR. ELMORE: I'll second.

MR. KEYT: Second by Mr. Elmore. Is there any further discussion on the topic?

MR. FOUREZ: Any further discussion, guys?

MR. KEYT: Okay. Hearing none. We'll role call. Mr. Puzey.

MR. PUZEY: Yes.

MR. KEYT: Greenwell.

MR. GREENWELL: Yes. Yes.

MR. KEYT: Elmore.

MR. ELMORE: Yep.

MR. KEYT: Fourez.

MR. FOUREZ: No.

MR. KEYT: And, Mr. Crawford.

MR. CRAWFORD: Abstain.

MR. KEYT: Okay. The motion carries 3 to 1. That concludes this portion of the Mural Energy project. This thing goes to the County Board. The County Board has the final say on whether to approve, deny or approve subject to conditions or send it back to the Committee for more evidence.

I think on our agenda --

MR. KAINS: The next item on the

1 agenda -- thank you, Mr. Keyt.

2 The next item on the agenda is public comment  
3 unrelated to this particular project.

4 Is there any public comment that anyone  
5 wishes to make to the Vermilion County Wind and Solar  
6 Committee not related to the Mural Energy Project?

7 Mr. Cronkhite, you may step forward.

8 MR. CRONKHITE: Well, I am curious, so I  
9 think I've got, oh, we just did it?

10 MR. KAINS: We've already -- sir, thank  
11 you for that question. We've already had public  
12 comment on this project. So the only public comment  
13 that we are taking now is unrelated to the Mural  
14 Energy Project. All right. Thank you, sir.

15 All right. Then, Mr. Chairman, the final  
16 item on the agenda is adjournment.

17 MR. FOUREZ: Seeing that we've fulfilled  
18 everything on the agenda for this meeting, without  
19 objection then we stand adjourned.

20 MR. KAINS: We're adjourned. Thank you.

21 (Cause adjourned.)

22 WHICH WERE ALL THE PROCEEDINGS MADE OF RECORD IN THIS  
23 CAUSE ON SAID DAY.

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C E R T I F I C A T E

I, Jamie S. Atkinson, Official Court Reporter  
in and for the County of Vermilion, State of Illinois,  
do hereby certify that the foregoing to be a true and  
accurate transcript of the proceedings had in the  
before-entitled cause on said day.

Dated this 15th day of May, 2024.

Jamie S. Atkinson

Jamie S. Atkinson, CSR  
Official Court Reporter  
License No. 084-004156